

Town of Fairfield

Land Use Ordinance

1999

Amended:

November 10, 1999

December 13, 2000

July 10, 2002

March 9, 2005

June 22, 2005

July 6, 2005

October 26, 2005

April 12, 2006

May 10, 2006

August 9, 2006

Amendment

Page 28

November 10, 1999

6.50 Dimensional Standards

Street Frontage

150' I and C should have a 3 notation which states:

- 3 May be reduced to 75' if public sewer is available.

Amendment
Page 28, 29, 30
November 10, 1999
Industrial District Only

Change Side and Rear Setback to: 50' ** 4

4 Twenty-five (25) foot set back with Industrial property abutting an Industrial property.

**Additional buffer required; See Section 7.30

7.30 Buffering and Screening

B. Screening of Adjacent Properties

1 OK

A, B, C, ok add d

d. If no natural or landscaped buffer is obtainable between residential and industrial property a visual and or sound barrier must be erected and will require a conditional use permit.

2 OK

3 OK

4 In Industrial Only: Screening of Adjacent Properties abutting a Residential zone or property will abide by 7.30.b.1. Screening of Adjacent Properties abutting an Industrial zone or property will abide by 7.31.

7.31 Industrial Zone Side and Rear Setback Requirement

twenty-five (25) foot set back abutting an Industrial zone with a minimum of twenty (20) foot maintenance route around building with a base substantial to hold heavy fire and maintenance equipment.

Amendment

December 13, 2000

- 1 Amend the Land Use Ordinance, Page 26, changing open parks, parking lots, and cemeteries from Permitted Use in all zones to a Conditional Use Permit required in all zones.
- 2 Amend the Land Use Ordinance, Page 29, Article 7.1 Access to Lots. Add after the wording deeded right-of-way "or access strip".
- 3 Amend the Land Use Ordinance Map. Change a portion of Tax Map 2, Lot 6 and lots 8, 8A, 8B, and 9 from Residential to Rural Residential.

Amendment

Page 32

July 10, 2002

7.8 Noise

db level of 75 on : Friday 12 p.m. until 6:00 p.m.

Saturday 9:30 a.m. until 6:30 p.m.

Sunday 9:30 a.m. until 6:30 p.m.

**March 9, 2005
Council Meeting
Amendment to Land Use Ordinance 8.3 Signs B.2.b
Page 45**

No portion of any free-standing sign shall extend more than 20 feet above ground level, or above the level of the public street, whichever is higher. **Free-standing signs over 20 feet require Planning Board review and permitting for safety, view, and compatibility with the neighborhood. Height not to exceed 35 feet.**

June 22, 2005
Council Meeting
Amendment to Section 7.1

Page 29

No permit required under this Ordinance shall be issued to erect any structure on a lot without frontage on a street unless a private road has been constructed within a deeded right-of-way or access strip of at least 24 feet in width, **except that any private road serving three or more dwelling units shall be constructed within a deeded right-of-way or access strip at least 60 feet in width.** The private road shall be constructed to a minimum width of twelve (12) feet if serving one dwelling unit, and fifteen (15) feet if serving two or **more** units. It shall contain a minimum depth of fifteen (15) inches of bank-run gravel, **approved by a licensed civil engineer**, with drainage ditches and culverts in locations recommended by the **licensed civil engineer.** **This paragraph does not displace or reduce the requirements that apply to developments subject to review under the Town of Fairfield Subdivision Ordinance. No private road shall be accepted by the Town unless the road has been brought up to the Town's standards for the public roads.**

On July 06, 2005 the Town Council took the following action:

Amendment to Land Use Ordinance Page 26

Allowing multi-family homes and apartments in Rural Residential as a Conditional Use (Planning Board) Permit. The parcel must be at least ten (10) acres with four (4) unit maximum on ten (10) acres and a minimum set back of five hundred (500) feet from the road.

On October 26, 2005 the town Council took the following action:

To repeal the action taken of July 06,2005 amending the Land Use Ordinance page 26 regarding multi-family homes and apartments.

On October 26, 2005 the Town Council took the following action:

Amendment

Article 4

Page 20

4.2 Procedure (C). Strike everything after "within thirty (30) calendar days of receiving the Planning Board recommendation for an amendment, the Town Council shall hold a public hearing", and replace with "Notice of the public hearing shall be approved as required by Main Statutes Title 30-A, Section 4352, paragraphs 9 and 10, or any successor of state law.

AMENDMENT

April 12, 2006

At the Town Council Meeting of April 12, 2006 the Council took the following action:

Approved an amendment to the Land Use Ordinance Map changing the zoning on Map 2, Lot 6 and 6- 3 from Rural Residential to Residential.

Amendment

May 10, 2006

At the Town Council Meeting of May 10, 2006 the Council took the following action:

Voted to amend the Land Use Ordinance Map changing the zoning on Map 25, Lot 125 from Urban Residential to Commercial.

Amendment

August 9, 2006

At the Town Council Meeting of August 9, 2006 the Council took the following action:

Amended the Land Use Ordinance Building Fees as attached, effective October 1, 2006.

Town of Fairfield

BUILDING FEES

Adopted August 9, 2006
Effective October 1, 2006

1) Residential Accessory Structures

Non-attached under 250 sq. ft.	\$.10/ sq. ft.	\$10.00 Minimum
Non-attached> 251 sq. ft.	\$.15/ sq. ft.	
Attached less than 500 sq. ft.	\$.15/ sq. ft.	\$25.00 Minimum
Attached> 501 sq. ft.	\$.20/ sq. ft.	

(Accessory shall mean decks, porches, sheds, out buildings used for storage, garages, barns, and any other use that is accessory to the primary use of the property. Excepting only small decks and porches that are less than 50 square feet in size, and ramps that are less than 100 square feet in size and are used exclusively for residential access to entrance and exit doors.)

Permits are required whenever a structure is structurally altered.

2) Residential Structures:

All Residential Structures	\$.20/ Sq. Ft.	\$100.00 Minimum
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3) Commercial/Industrial	\$.25/ sq. ft.	\$250.00 Minimum
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4) Commercial/Industrial Accessory Structures:

Non-attached under 250 sq. ft.	\$.15/ sq. ft.	\$25.00 Minimum
Non-attached>251 sq. ft.	\$.20/ sq. ft.	

Attached less than 500 sq. ft.	\$.20/ sq. ft.	\$50.00 Minimum
Attached> 251 sq. ft.	\$.25/ sq. ft.	

(Accessory shall mean decks, porches, sheds, out buildings used for storage, garages, barns, and any other use that is accessory to the primary use of the property.)

Permits are required whenever a structure is structurally altered.

Conversion Permit Fees are for whatever the structure or portion of the structure that is being converted and will only be charged for the square footage of the directly affected area.

Permit fees for additions shall be for the square footage affected and not the entire structure.

Resolution concerning Application Fees for Land Use Permits:

Pursuant to Section 3.6D of the Land Use Ordinance, the following fees are established per order of the Fairfield Town Council, April 14, 1999:

New Permits:

Building Permit: \$10.00 per application

Development Permit: \$35.00 per application

Conditional Use Permit: Base fee is \$100.00, plus

For Buildings: \$10.00 per 1,000 square feet of building (footprint) or portion thereof;

For non-building development-- \$10.00 per 10,000 square feet of developed area of portion thereof,

plus

For Technical Review Assistance: An amount equal to three (3) times the amount of the above-calculated permit application fee, the sum to be deposited in an escrow account, drawn upon for the stated purpose, and returned to the applicant in part or full within seven (7) days of completion to the application process.

Renewal Permits:

Issued in the event that the original permit has lapsed (no construction started within 12 months)

Building Permit/Development Permit: \$10.00 per application

Conditional Use Permit: \$50.00 per application

Board of Appeals (Variance or Administrative Review):

Fee: \$35.00, or actual costs of advertising and notice of public hearing, which ever is greater.....

Ordinance Amendment (includes map change)

Fee: Actual cost of advertising and notification for public hearing.

1999 Fairfield Land Use Ordinance

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ARTICLE 1: General Provisions

1.1 Authority

The regulations contained in this Land Use Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and other specific authority, pursuant to the Fairfield Comprehensive Plan, as revised in 1996.

1.2 Short Title

This ordinance and the Official Land Use Map hereby incorporated, shall be known and may be cited as the "Land Use Ordinance of the Town of Fairfield."

1.3 Purpose

This ordinance is enacted for the general purpose of promoting the health, safety, and general welfare of the citizens of the Town of Fairfield, and for other, specific purposes, including:

- provision of adequate and cost-effective public facilities and services;
- conservation of valuable natural resources;
- promotion of local economic development and property values;
- preservation of safety and convenience on public roads;
- revitalization of the town's downtown commercial area;
- protecting the rural character of certain portions of the town; and
- maintaining in all cases clean, safe, and comfortable neighborhoods for inhabitants of the town

1.4 Jurisdiction

The provision of this ordinance shall govern the use of all land and structures within the Town of Fairfield and, more specifically, the location and development of residential, commercial, industrial and public property within the Town.

1.5 Application of Terms and Requirements

In interpreting and applying the provisions of this ordinance, said provisions shall be deemed to be the minimum required to protect the health, safety, and general welfare of the public. Captions and headings contained in this ordinance are considered an integral part of the ordinance, and shall be used to help determine applicability of sections to which they apply.

1.6 Conflict with Other Laws

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 provision imposing the greater

restriction upon the use of land, buildings, or structures shall control.

1.7 Severability.

Should any section or part of a section or any provision of this Ordinance be declared by a court of jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the affected part.

1.8 Repeal of Prior Ordinance

The prior Land Use Ordinance of the Town of Fairfield, together with all amendments currently in force, is hereby repealed and replaced, as of the effective date of this ordinance.

1.9 Effective Date.

This ordinance shall take effect and be in force from the date of its adoption.

ARTICLE 2: Definition of Terms Used in this Ordinance

2.1 Construction of Language

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have their ordinarily accepted meaning, except to the extent that another meaning is clearly implied by their context in this Ordinance. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

The word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity. The words "he", "(s)he," or "they" when used shall refer to the person or persons so designated regardless of gender.

If clearly implied by the context in which they appear, the present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.

the words "shall" and "will" are mandatory, the word "may" is permissive.

The word "lot" includes the words "plot" and "parcel".

The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The words "town" or "municipality" mean the Town of Fairfield, Maine.

2.2 Definitions

In this Ordinance the following terms shall have the following meanings:

Accessory use or structure: A use or structure which is customarily and in fact both incidental and subordinate to the principle use of the structure. The term "incidental" in reference to the principle use or structure shall mean subordinate and minor in significance to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot.

Acre: A measurement of area equivalent to 43,560 square feet.

Administrative Review: The process by which the Board of Appeals is authorized to hear and appeal of a decision of the Code Enforcement Officer. An Administrative Review shall be only conducted through the procedures described in Section 3.10.D of this ordinance.

Adult Businesses: Any commercial enterprise, including but not limited to bookstores, amusement centers, and theaters, which as a substantial or significant portion of its enterprise rents, sells, or keeps for display books, videos, motion pictures or any other form of representation of sexually

explicit material or activities. "Sexually explicit" means the depiction or display of human sex organs.

Agriculture (Agricultural Operation): The production, keeping, or maintenance for sale or lease, of plants, animals, or products thereof, including ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

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.

Authorized Agent: Any person having written authorization to act in behalf of a property owner, signed by the property owner.

Automobile Graveyard: The term as defined in 30-A M.R.S.A. sec. 3752, as amended.

Base Flood: Means the flood having a one percent chance of being equaled or exceeded in any given year, alternately referred to as the 100 year flood.

Basement: The enclosed area underneath a structure, typically having a masonry floor and walls which comprise the structure's foundation. The clear height up to joists supporting the floor directly above is three feet or greater.

Body of Water: Shall mean a free flowing river or stream, with a defined channel lacking terrestrial vegetation, and flowing water for more than three months during the year, or a pond with no less than 20,000 square feet of water surface.

Building: Any structure having a roof supported by columns, walls, or other framework intended for the housing or enclosure of persons, animals or personal property.

Building Height: The vertical distance measured between the average finished grade of the ground at the front of a building and the highest point of the roof, not including chimneys, spires, towers, or similar auxiliary structures.

Business or Personal Services: A commercial enterprise which provides services but not goods, including but not limited to: beauty shops, secretarial services, real estate brokers, and janitorial services. The term shall not be interpreted to include motor vehicle sales and services but may include certain professional offices.

Campground: Any area or tract of land to accommodate temporary living quarters, including, but not limited to tents, recreational vehicles, or other shelters for which a fee is charged.

Change of Use: A change from one category in the land use table, as found in Section 6.4, to another or the addition of a new category of use to an existing use.

Child Care Center: An establishment, including a private residence, where three or more children under the age of six (6) are cared for in return for compensation. Child care centers are considered to be "personal Services" when they do not qualify as home occupation.

Club: Any association or persons organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests including fraternities, sororities, and social organizations.

Code Enforcement Officer (CEO): A person appointed by the Town of Fairfield to administer and enforce this ordinance. Reference to functions ordinarily performed by the Code Enforcement Officer may be construed to include those of Building Inspector, Plumbing Inspector, Electrical Inspector, and the like where applicable.

Communication Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, and monopoles, for the purpose of transmitting or relaying radio frequency signals, including, but not limited to, radio, television, cellular, and personal communication service frequencies. Towers established for personal use purposes, such as citizen band and ham radio operations, and which are less than 50 feet in height, shall not be included in this definition.

Conditional Use: A use that is likely to have significant effects on neighboring land uses or public services and is therefore subject to review and approval by the planning board, which will ensure that all performance standards and other requirements of this ordinance are met.

Congregate Housing: A multi-family development with central dining facilities serving functionally impaired persons.

Constructed: Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, paving, drainage, and the like, shall be considered as part of construction.

Critical Natural Area: Any area identified and listed by the Natural Areas Program of the Maine Department of Conservation as containing rare or unique botanical features or habitat for rare, threatened, or endangered plant species or rare and unique natural communities.

Deck: An uncovered structure with a floor, elevated above ground level.

Dimensional Standards: Numerical standards relating to spatial relationships including but not limited to setback, lot coverage, lot area, frontage, and height.

District: A specified portion of the Town of Fairfield, delineated on the Official Land Use Map, within which certain regulations apply under the provisions of this Ordinance.

Dwelling: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters. The term shall include mobile homes, but not recreational vehicles.

Single-Family Dwelling: A building containing only one (1) dwelling unit.

Two-Family Dwelling: A building containing only two (2) dwelling units.

Multi-Family Dwelling: A building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more households; with the number of households not exceeding the number of dwelling units.

Dwelling Unit: A room or suite of rooms which contains independent living, cooking, sleeping, bathing and sanitary facilities designed for use by a single household or family.

Eating or Drinking Establishment: An establishment where food and/or beverages are prepared and served to the general public for immediate consumption in exchange for compensation. The sale of pre-package meal items or preparation of food intended exclusively for consumption off the premises (delivery or take-out) are considered retail sales and are not to be included within this definition.

Expansion: In relation to a building, expansion shall mean: enlargement of floor area, or enlargement of building enclosure. In relation to a use: the addition of weeks or months to a business operating season; the addition of hours to a business day; the use of more floor area or ground area; or the provision of additional seating capacity.

Flood Map: The official map on which the Dept. of Housing and Urban Development or the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town.

Floodplain: The lands adjacent to a body of water which have been or may be covered by the 100-year flood.

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

Floor Area, Gross: The sum, in square feet of the floor areas of all roofed portions of a building, as measured from the exterior faces of the exterior walls.

Forest Operations: The planting, thinning, cutting or removal of trees from their growing site, including the operation of mechanical chippers or portable sawmills associated with such operations, but not to include the clearing of land for approved construction.

Foundation: The supporting structure of a building or other structure including but not limited to basements, slabs, sills, posts or frost walls.

Historic or Archeological Resource: Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archeological resource as well as areas identified in the Town of Fairfield Comprehensive Plan.

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; 2) which employs no more than two (2) persons other than family members residing in the home, and 3) occupies no more than 25 percent of the gross floor area of all buildings on the lot.

Hospital: An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, and staff offices.

Junkyard: A yard, field or other area used as place for storage for:

- A. Discarded, worn-out, junked plumbing, heating supplies, household appliances, and furniture;
- B. Discarded, scrap, and junk lumber;
- C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, plastic debris, waste, and scrap iron, steel, and other scrap ferrous or non-ferrous material, and
- D. Garbage dumps, waste dumps, and sanitary landfills.

Kennels: Any place, building, tract of land, abode, enclosure, or vehicle where three or more dogs or three or more cats, owned singly or jointly are kept for a commercial purpose, including but not limited to breeding, hunting, show, field trials or exhibition, or where one or more dogs or other pets are kept for their owners in return for a fee. Dogs or cats under the age of six months shall not be counted for the purpose of this definition.

Level of Service: A term used by traffic engineers, indicating a scale of "A" to "F", measuring the volume of vehicular traffic in relation to the capacity of an intersection or road segment. Levels of Service "E" or "F" describe road situations with severe problems attributable to traffic congestion.

Lot: A parcel of land occupied or capable of being occupied by buildings or uses, including required setbacks, and requiring frontage upon a public street, right-of-way or private way.

Lot, Corner: A lot with at least two contiguous sides abutting upon a street or right of way.

Lot, Interior: Any lot other than a corner lot.

Lot Area: The area of land enclosed within the boundary lines of a lot, not including land below the normal high-water line of a water body or upland edge of a wetland and areas within road right-of-way.

Lot Coverage: The percentage of the lot covered by all buildings.

Lot Lines: The lines bounding a lot, as defined below:

Front Lot Line: On an interior lot the line separating the lot from the street or right of way. On a corner lot, the line separating the lot from the street along the longest frontage distance.

Side Lot Line: Any lot line other than the front lot line.

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file in the Somerset County Registry of Deeds.

Manufactured Housing Unit (also Mobile Home): Structures, transportable in one or two sections, which are constructed in a manufacturing facility and transported to a building site, and which are designed to be used as dwellings when connected to suitable electrical, water supply, and sewage facilities.

Manufacturing: The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations. A manufacturing activity includes warehousing, power generation, waste disposal and other functions directly associated with the activity.

Mobile Home Park: A lot of land designed and/or used to accommodate two (2) or more manufactured housing units.

Motor Vehicle Sales and Service: An establishment which engages in the sale, rental, leasing, or repair of motor vehicles, including but not limited to automobiles, truck, recreational vehicles, and boats. This term shall not include sales of manufactured housing units, sales of gasoline, diesel or other fuel without associated service facilities. Or small engine repair shops.

Non-Conforming Use: Use of buildings, structures, premises, land or parts thereof which is not permitted in the District in which it is situated or which does not meet the performance standards prescribe for it by this Ordinance, but which is allowed to remain solely because it was lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-Conforming Structure: A structure which does not meet any one or more of the following dimensional requirements; setback, height, 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 Lot of Record: A lot shown on a plan or deed recorded prior to the effective date of this Ordinance or amendment which, does not meet the area or frontage requirements of the District in which it is located.

Nursing Home: Any facility which provided meals, lodging and nursing care for compensation.

Open Space Subdivision: A subdivision reviewed and approved under the provisions of the Town of Fairfield Subdivision Ordinance in which at least fifty (50) percent of the total area is reserved for open space use.

Open Space Use: A use not involving a structure, an earth-moving activity, or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

Overnight Accommodation: A building or buildings in which lodging or meals and lodging are offered to the general public for compensation and in which there are no separate kitchen facilities other than associated with common eating areas or owner's quarters. The term includes establishments commonly referred to as hotels, motels, inns, bed and breakfast, and guest houses, but does not include housekeeping units.

Principal Structure: The building enclosing or serving the principal use of the premises.

Principal Use: The use which fulfills the primary purpose of the person in possession of the premises.

Private Road: A private way meeting the road construction standards as specified in the Town's Subdivision Ordinance.

Professional Offices: The place of business for professional service providers except for medical, dental, veterinary or chiropractic providers.

Professional Service Provider: A person who practices a profession subject to licensing and regulation under the authority of the Maine Department of Professional and Financial Regulation.

Recreational Facility: A publicly or private owned commercial enterprise designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, or the viewing thereof.

Recreational Vehicle (RV): A vehicle or an attachment to a vehicle, 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 **or** must be currently registered with the State Division of Motor Vehicles.

Residential Use: Any land use which includes a dwelling unit.

Restaurant: see **Eating or Drinking Establishment.**

River: The Kennebec River, together with its associated floodplain and wetlands.

Satellite Receiving Dish: An antenna designed to receive signals from satellites. A free-standing Satellite Receiving Dish is considered a structure under the terms in this ordinance.

school: An institution for education or instruction where any branch or branches of knowledge is imparted and which satisfies either of the following requirements:

Public or Private School: A school which is not operated for a profit or a gainful business; or which teaches courses of study which are sufficient to qualify attendance there as in compliance with State compulsory education requirements.

Commercial School: A school which is commercial or profit-oriented. Examples thereof are dancing, music, correspondence, driving, beauty, or business schools.

Setback: The horizontal distance from a lot line to the nearest part of a structure, road, parking space, or other regulated object or area.

Sight Distance: The visible distance available to a motorist at an access point to a public road, sufficient to allow a vehicle to enter the road without inhibiting the progress of other vehicles. For the purpose of calculation, sight distance is measured from the height of a hypothetical driver 3 and 1/2 feet above the driveway at a point 15 feet behind the street line, to an object 4 and 1/2 feet above the street.

Sign: An advertising message, graphic illustration, or insignia erected or inscribed for public view for the purpose of promoting the interests of the occupant of the premises or owner of the sign.

Sign Area: The surface area of that portion of the sign containing the advertising matter. Signs which have no separate sign surface shall be measured by taking the smallest area of a rectangle or circle which encloses the advertising matter. For two-sided signs, only one side of the sign shall be counted towards sign area.

Site Plan: A scale drawing depicting the geographical area of the lot together with an accurate representation of existing and prospective structure, roads, parking area, utilities, and other elements of a development.

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 edition of the United States Geological Survey 7.5 minute series topographic map, or if not available, a 15 minute series topographic map, to the point where the body of water becomes a river, or flows to another water body or wetland within a shoreland zone.

Street: An existing state, county, or town way; a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the County Registry of Deeds; or a street dedicated for public use and shown on a plan duly recorded in the County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term "street" shall not include those ways which have been discontinued or abandoned.

Street Frontage: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the front lot line.

Structure: Anything built for the support, shelter or enclosure of persons, animals, or property, constructed or erected with a fixed location on or in the ground. The term includes structures temporarily or permanently located, such as decks, tents, and satellite dishes, but does not include sidewalks, patios, driveways, or parking lots.

Substantial Expansion: Floor space increase of 25% or new materials or processes not normally associated with the existing use.

Subdivision: The term as defined by the Town of Fairfield Subdivision Ordinance.

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 Title 38 MRSA Section 414, any surface wastewater disposal system licensed under Title 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 Title 38 MRSA Chapter 13, subchapter 1.

Trailer, Utility: A vehicle without motive power, designed to be towed by a passenger automobile but not designed for human occupancy and which may include a flatbed, boat trailer, horse trailer or snowmobile trailer.

Undue Hardship: The condition necessary for the granting of a variance, which shall include:

- A. That the land in question cannot yield a reasonable return unless a variance is granted.
- B. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.
- C. That the granting of a variance will not alter the essential character of the locality; and
- D. That the hardship is not the result of action taken by the applicant or prior owner.

Variance: A variance is a relaxation of the terms of this Ordinance. Variances permissible under this Ordinance are limited to dimensional standards. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted on nonconformities in the immediate or adjacent areas.

Veterinary Hospital or Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight stays. The overnight boarding of healthy animals shall be considered a kennel.

Warehousing: The use of structures for the purpose of providing space for secure storage of household or business goods, including freight terminals, and moving and transfer companies, as well as that portion of structures established for long-term storage of inventory or business-related items. "Self-storage" or "mini-warehouse" uses in which all spaces are available to the public for rent or lease shall be classified as "business services."

Waste and Scrap Storage/Processing Facility: A business in which the principal activity is the storage or processing for reuse, waste or scrap materials including, but not limited to glass, plastic, metal, tires, white goods, wood waste, or chemical compounds.

Wetland: An area which is inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soils and which is not part of a river, stream, or pond.

Yard: The area between a structure and the property boundary.

Article 3: Permitting, Enforcement, and Appeals

3.1 Permit Requirements

A permit is required prior to commencement of development activities, as follows:

- A. **Building Permit:** This permit is required for the erection, alteration, rebuilding, enlargement, or relocation of any proposed or existing building, except as provided below, and shall be obtained from the Code Enforcement Officer.
- B. **Development Permit:** This permit is required for development activities which by their nature involve uses with potentially significant impacts on neighboring land uses, and for which performance standards have been established, and shall be obtained from the Code Enforcement Officer.
- C. **Conditional Use Permit:** This permit is required for development activities which by nature involve uses with significant impacts on neighboring land uses, and which have unusual characteristics which must be evaluated on a case-by-case basis. A Conditional Use Permit shall be issued by the Planning Board.

Activities which require one of the above permits are listed in the table in Section 6.4 of this Ordinance. No permits shall be required for repairs, replacement, and/or normal maintenance not requiring structural elements, decorative changes in existing structures or buildings, landscaping, or the ordinary conduct of agricultural and forest operations.

3.2 Building Permit Procedure

- A. Every applicant for a building permit shall submit a written application to the Code Enforcement Officer, on forms established by the Town, and including the following information:
 - 1. The name and address of the applicant, land owner (if different), and applicant's agent (if different).
 - 2. The street address, and map and lot number of the property.
 - 3. A site plan showing, at a minimum, the location of existing and proposed structure(s) with respect to lot lines, water bodies, water supply, and sewage disposal facilities.
 - 4. An HHE-200, or subsequent revision, if a subsurface wastewater treatment system will be used.
 - 5. Specification of the dimensions of the proposed structure(s), including length, width, height, and (if property subject to flooding) elevation of the lowest floor.
 - 6. A statement as to whether the proposed structure(s) is located on land subject to the Town's Shoreland Zoning Ordinance, or Floodplain Management Ordinance.
 - 7. The proposed use of the structure(s).
 - 8. An estimate of the probable market value of the structure(s) upon completion. If the market value of the project will exceed \$80,000, a copy of plans and specifications for its construction shall be required.
- B. The code Enforcement Officer shall receive the written Building Permit Application during normal office hours, and shall determine whether all required elements of the application have been submitted. Upon determining that a complete application has been submitted, the CEO shall approve or deny the application

issue the permit, if approved, within three (3) working days. The basis for the decision of the Coe shall be whether the application meets the requirements of this ordinance and other ordinances of the Town of Fairfield.

- C. An appeal from the decision of the Code Enforcement Officer may be made to the Board of Appeals, in accordance with section 3.10 of this ordinance, and must be filed within thirty (30) days of the decision.

3.3 Development Permit procedure

- A. Every applicant for a development permit shall submit a written application to the Code Enforcement Officer, on forms established by the Town, and including the following information:
 - 1. All items required for a Building Permit, under Section 3.2.A.
 - 2. The site plan, in addition to the elements required in Section 3.2.A.3, shall show existing topographic contour and proposed grading at contour intervals of not greater than five (5) feet. The site plan shall show the location and essential features of site improvements, including, but not limited to, pedestrian and vehicle travel ways and parking areas, landscaping and buffer areas, storm water and erosion control structures, water, sewer, and power lines, and outside installations of any machinery or materials.
 - 3. An estimate of the traffic to be generated by the development, and any modifications to public roads which may be necessary to absorb the traffic.
 - 4. A statement from the Town Fire Chief that suitable provisions for fire protection have been included.
 - 5. An estimate of the value of all public improvements associated with the development. If any alterations or improvements to public facilities are proposed, a financial performance guarantee, in accordance with Section 3.9, must be submitted prior to permit issuance.
 - 6. All applications shall be dated, and the Code Enforcement Officer shall note upon each application the date and time of its receipt at their office.
- B. Upon receipt of an application the Code Enforcement Officer shall decide whether the information in the application is sufficient to determine whether, under this Ordinance, the permit should be issued, or if the application is inadequate. If the ((s)he finds the application is insufficient or inadequate, ((s)he shall within five (5) working days, notify the applicant in writing, indicating what information is required to complete the application. Incomplete applications shall not be considered for approval.
- C. Upon determination that an application is complete, the Code Enforcement Officer shall, within ten (10) working days approve or deny the application, except that the CEO may, upon finding that by nature of its size, location, or activities to be conducted the development poses an unusual risk of impact on the neighborhood, in which case (s)he is entitled to seek an advisory consultation from the Planning Board. Such consultation shall be placed on the agenda of the next regularly-scheduled Board meeting, and the public shall be given an opportunity to speak.
- D. The basis for the Code Enforcement Officer's decision to approve or deny a development permit application shall be whether the proposed development meets all the requirements, and in particular the Performance Standards of this Ordinance and other local ordinances. In approving the application, the CEO may impose conditions and restrictions on the development to bring it into conformance with ordinance requirements.
- E. An appeal from the final decision of the Code Enforcement Officer may be made to the Board of Appeals, in accordance with section 3.10 of this ordinance, and must be filed within thirty (30) days of the decision.

3.4 Conditional Use Permit

- A. Every applicant for a conditional use permit shall submit nine (9) copies of all written application materials to The Code Enforcement Officer, including the following information:
1. All items for a Development Permit, as provided in Section 3.3.A.
 2. A list of names and addresses of all landowners within 200' of the property boundaries.
 3. If the development is estimated to generate more than 50 vehicles per hour at its peak hour of usage, an analysis of traffic impacts and the need for traffic control devices, prepared by a qualified registered professional engineer, together with a statement from the Town's Public Works Director that any proposed improvements to public roads are adequate and acceptable.
 4. An analysis of potential environmental impacts, including effects on surface and ground water bodies, air quality, and wildlife resources, together with a proposal for mitigating any negative impacts.
 5. An estimate of demand on public water supply and sewage disposal systems, together with statements from the General Manager of the Kennebec Water District and Superintendent of the Kennebec Sanitary Treatment District, concerning the ability of their respective systems to accommodate the development.
 6. An erosion control plan prepared by a registered professional engineer.
 7. A storm water management plan prepared by a registered professional engineer.
 8. A statement regarding the use, storage, or disposal of any dangerous, toxic, special, or hazardous wastes, whether solid, liquid, or gaseous, and special measures available to deal with them appropriate fashion.
- B. Upon receipt of a permit application the Code Enforcement Officer shall decide whether the information in the application is provided as required. If the CEO finds the application is insufficient or incomplete, ((s)he shall within five (5) working days, notify the applicant in writing, indicating what necessary information is required to complete the application. The CEO shall take no action on an incomplete application.
- C. Upon determination that an application is complete, the Code Enforcement Officer shall distribute the application materials for consideration by the Planning Board. If there is sufficient time for advertisement and notification, the Board shall schedule the public hearing required under subsection D, below, for the next regular meeting. From the date of the public hearing, the Board shall have thirty-five (35) calendar days in which to act on the application, unless said time period is continued by mutual consent if the Board and the applicant.
- D. A public hearing shall be held on all Conditional Use Permit applications.
1. The application shall cause to be placed a notice of the public hearing in a newspaper of general circulation within the Town of Fairfield at least seven (7) days prior to the date of the hearing. Notice shall also be posted in the Town Office at least seven (7) days prior to the hearing.
 2. The applicant shall notify by certified mail all landowners within 200 feet of the boundaries of the parcel to be developed, to be postmark at least seven (7) days prior to the hearing. Notice shall be sent to the address provided on tax assessment records. The applicant shall make the certified mail receipts available to the Board. Failure of property owners to receive notice in a timely manner shall not invalidate a decision of the Board.
 3. The public hearing shall be conducted in accordance with established rules of parliamentary procedure for hearings. All parties shall be granted an opportunity to speak. All comments and evidence shall be directed through the Chair of the Board.

- E. The Board may, at its discretion, retain expert independent technical assistance to supplement the evidence presented by the applicant and public hearing. The cost of such expertise shall be borne by the applicant in accordance with the terms of the escrow account set up at the time of application as provided in section 3.6.D.
- F. The Board shall prepare findings of fact and shall act to approve or deny the conditional use permit application. The following criteria shall be used in considering whether to approve the application:
 1. The development will not create unsafe or unhealthful conditions within the neighborhood in which it is located, and shall not create or exacerbate effects upon neighboring properties.
 2. The development will not create or add to traffic congestion at or below Level of Service "D", as defined, and will not create unsafe traffic movements on public roads.
 3. The development will not result in undue reduction of air or water quality or wildlife habitat, and will not cause undue flooding or soil erosion.
 4. The development will to the greatest extent feasible, preserve historic, prehistoric, or archeological resources.
 5. The development will not cause an undue strain on public facilities or services, including public roads, water supply, sewage disposal, solid waste systems, fire, police, educational, or other services.
 6. The applicant has sufficient financial and technical capacity to complete the development.
 7. The development is consistent with the Fairfield Comprehensive Plan, and in compliance with state and federal law, as well as all ordinances, rules, and regulations of the Town, including the performance standards of this ordinance, unless the Board acts to waive said standard.
- G. In approving the application, the Board may attach any conditions which it feels are necessary to meet the criteria of this ordinance. All conditions shall become a part of the permit, and any violation or failure to adhere to the condition shall be considered a violation of this ordinance. Any financial performance guarantee imposed as a condition of approval shall be in place before the Code Enforcement Officer may issue the permit.
- H. An appeal from the decision of the Board may be made to the Somerset County Superior Court pursuant to Rule 80-b of the Maine Rules of Civil Procedure, and must be filed with thirty (30) days of the date of issuance of the decision.
- I. No substantial change shall be made in any approved Conditional Use without approval of the change by the Board. Any change which would result in an increase in either building area or developed area of more than ten (10) percent shall be reviewed as a new permit application.

3.5 Waiver Provisions

- A. Waiver of submission requirements. The Code Enforcement Officer is authorized to waive the submission of items required for a Development Permit (section 3.3A) or a Conditional Use Permit (section 3.4A) upon a showing by the applicant that the item requested has no bearing on the application. A written record of the request for and granting of the waiver must be appended to the application materials.

- B. Waiver of design and performance standards. The Board is authorized in its review of applications for a conditional use permit to waive requirements of Articles 7, 8, and 9 of this Ordinance. Waivers shall only be granted upon a showing by the applicant that the intent of the standard can be met with alternative designs or approaches. Any waiver granted shall be listed as a condition of approval in writing on the site plan.

3.6 Permit Administration

- A. All time periods, including those for appeals for issuance or denial of a permit, shall be counted from the date of written notification of the decision.
- B. If no substantial start is made on construction within twelve (12) months of the date of the permit, it shall lapse and become void. Thereafter no further work on such construction can be made until a new application has been made and approved as aforesaid. The fee for such permit shall be charged as a renewal fee.
- C. Any permit issued which is found by the Board of Appeals or a Court of Jurisdiction to be in conformity with the provisions of this Ordinance confers no right and is void.
- D. The Council shall set and may, from time to time amend, a fee structure for permits required under this ordinance. The fees shall be sufficient to pay for the Town's direct expenses incurred in processing the application. The council shall also set a structure for collecting from applicants for conditional use permits a sum sufficient to cover anticipated technical review assistance, said sum to be deposited in an escrow account, with balance remaining to be returned to the applicant following completion of the review.

3.7 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, ((s)he shall immediately notify, in writing, the person responsible for such violations, indicating the nature of the violations and the action necessary to correct it. (((S)he is authorized to order immediate cessation of a construction activity, pending action of the Town Council, as provided in Section 3.8.A, below.
- B. The Code Enforcement Officer shall maintain a current file of all pertinent Federal, State and local statutes, ordinances, regulations, codes, and plans relating to land-use regulation including local subdivision plans.
- C. The Code Enforcement Officer shall conduct on-site inspections including a final inspection upon completion of a project to insure compliance with all applicable laws and conditions attached to approval. The Code Enforcement Officer may enter any property at reasonable hours, and enter any structure with the consent of the property owner, occupant, or agent, to inspect the property or structure for compliance with this ordinance. If consent is denied, the Coe may enter the property only after consulting with the Town Manager regarding legal due process. The CEO may revoke a permit after proper notification and a public hearing if it was issued in error or based on erroneous information.
- D. The CEO shall have the authority to designate an assistant or agent.

3.8 Legal Action and Violations

- A. When any violation of any provision of this Ordinance shall be found to exist, the Town Council, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, require the removal of illegal buildings, structures, additions or work being done, or any other action to insure compliance with, or to prevent violation of, this Ordinance in the name of the Town.
- B. Any person, firm or corporation being the owner, contractor or having control or use of any structure or premises who violates any of the provisions of this Ordinance shall upon conviction be fined in accordance with provisions of 30-A MRSA S.4452. Each day such a violation is permitted to exist after notification by the Code Enforcement Officer shall constitute a separate offense. Fines shall be payable to the Town.

3.9 Performance Guarantees

- A. Performance guarantees, when required, shall be tendered for all improvements to public facilities required under this Ordinance, including but not limited to, sidewalks, drainage facilities, traffic control devices, roadway and curbing within the public right-of-way, street lights, and water and sewer facilities.
- B. At the time of approval of the permit application, the applicant shall tender either a certified check payable to the Town, an irrevocable letter of credit from a lending institution, or a performance bond payable to the Town issued by a surety company in an amount adequate to cover the total costs of all required improvements and municipal inspection thereof, taking into account the time-span of the bond and the effects of inflation upon costs. The conditions and amount of the certified check or performance bond shall be determined by the planning board with advice from the town staff.
- C. Prior to the release of any part of the performance guarantee, the CEO shall determine that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested. The cost of inspections shall be deducted from the amount to be returned. Any interest accumulated by the performance guarantee shall be returned to the developer.
- D. The Code Enforcement Officer may retain the services of a qualified individual or firm to inspect the construction of the required improvements. If the Appointed inspector finds, upon inspection of the improvements performed before release of the guarantee, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the applicant, ((s)he shall so report to the Code Enforcement Officer. The CEO shall then notify the applicant, and, if necessary, the bonding company or lending institution, and take all necessary steps to preserve the town's rights under the guarantee.

3.10 Board of Appeals

A. Establishment and Organization

1. A Board of Appeals for the Town of Fairfield shall consist of five (5) regular members and two (2) associate members. When a regular member of the Board is unable to act because of interest, physical incapacity, or absence, an associate member shall act in their stead.
2. The term of office of a member or associate is five (5) years, staggered so that one term expires each calendar year. Members of the Board of Appeals shall be appointed by the municipal officers. A municipal officer or their spouse may not be a member or associate member of the Board of Appeals.

When there is a permanent vacancy, the municipal officers shall appoint a new member to serve for the remainder of the unexpired term.

3. Members of the Board of Appeals may be removed from office by the municipal officers for cause upon written charges and after public hearing.
4. The Board of Appeals shall elect a chairperson and secretary from its own membership.

B. Proceeding of the Board of Appeals.

The Board of Appeals shall adopt rules necessary to the conduct of its affairs, in keeping with the provisions of this Ordinance and Title 30-A, MRSA, section 2691. Meetings shall be held at the call of the chairperson and when requested by a majority of the members, or by order of the Town Council. The chairperson shall preside at all meetings and be the official spokesperson of the Board of Appeals. All meetings shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote or absence of each member upon each question, and shall keep records of its official actions, all of which shall be a public record and be files in the town offices. A quorum shall consist of three members.

C. Powers and Duties of the Board of Appeals

The Board OF Appeals shall have the following powers:

1. Administrative Review: To hear and decide appeals where it is alleged there is a violation or error in any order, requirement, decision, or determination made by the Code Enforcement Officer in the enforcement of this ordinance, or any appeal designated an administrative appeal in this ordinance.
2. Variances: To authorize relief from dimensional standards upon appeal in specific cases of hardship, within the limitations set forth in this ordinance.
 - a. Variances may be obtainable only for height, minimum lot size, frontage, lot coverage, setbacks, and open space requirements. Variances cannot, under any circumstances, be obtainable for establishment or prohibited use.
 - b. The Board shall not grant a variance unless it makes a finding of undue hardship as defined by this ordinance. Mere inconvenience to the property owner, financial hardship, or pleading that a greater value may be realized from the applicant's property were a variance granted shall not be sufficient evidence of undue hardship.
 - c. The variance granted shall be the minimum necessary to make possible the use of the property and will preserve the terms of the ordinance as much as possible. The Board of Appeals may impose such conditions to a variance as it deems necessary, to this end.

D. Appeal Procedure

1. An appeal may be taken to the Board of Appeals by an aggrieved person from any decision of the Code Enforcement Officer. Such appeal shall be filed within thirty (30) days of the decision appealed from.
2. Such appeal shall be made by filing with the Town Clerk a written notice of appeal, specifying ordinance

section being appealed and the grounds for such appeal. For a variance appeal the appellant shall submit:

- a. A sketch drawn to scale showing lot lines, location of existing building, and other physical features pertinent to the variance request.
 - b. A concise written statement stating what variance is requested and why it should be granted.
3. Each appeal shall be accompanied by a fee of \$35 (thirty-five dollars) to cover advertising and administrative costs. If the actual cost of advertising and notification exceeds the fee paid, the appellant shall pay the balance.
4. The Board of Appeals shall hold a public hearing on the appeal within twenty-five (25) days of the filing of the appeal with the Town Clerk. Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board all records of the decision being appealed. At least fifteen (15) days prior to the date of the hearing, the Town Clerk shall cause to be published in one issue in a newspaper of general circulation in the town a notice which includes:
- a. The name of the person appealing.
 - b. A brief description of the property involved.
 - c. A brief description of the decision appealed from, or the nature of a variance appeal.
 - d. The time and place of the Board's hearing.
- At least ten (10) days prior to the date set for hearing, the Town Clerk shall also give similar written notice to:
- a. All property owners of record whose properties lie within 200 feet of the affected property.
 - b. The person making the appeal, and
 - c. The Code Enforcement Officer, and any other parties of record.

E. Hearing Procedure

1. All proceedings of the Board of Appeals shall be conducted in accordance with the procedures specified in state law, title 30-A M.R.S.A. section 2691, subsection 3.
2. The Code Enforcement Officer or their designated assistant shall attend all hearing and may present to the Board of Appeals all plans, photographs, or other material ((s)he deems appropriate for an understanding of the appeal.

F. Decisions of the Board of Appeals

1. The concurring vote of at least three (3) members of the Board of Appeals present at the public hearing shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Officer, or to decide in favor of the applicant on any matter related to this ordinance, or to affect any variation in the application of this ordinance.
2. The Board shall decide all appeals within thirty (30) days after the hearing, and shall issue a written decision on all appeals.
3. 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 therefore, upon all the material issues of fact, law or discretion presented, and the appropriate order, relief, or denial thereof. Notice of any decision shall be mailed or hand

delivered to appellant, their representative or agent, the Planning Board, the Code Enforcement Officer, and the Town Manager within seven (7) days of the decision date.

4. Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately take such action as is in accordance with the conditions of the decision, unless the applicant needs a Conditional Use Permit.
5. Further appeal may be taken as permitted by 30-A M.R.S.A. section 2691(3)(G) from any decision of the Board of Appeals to the Somerset County Superior Court.

G. Stay of Proceedings

An appeal stays all legal proceedings related to the action appealed from unless the Code Enforcement Officer certifies to the Board of Appeals, after the notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause irreparable harm to property or create a threat to the life or health of any person including the appellant. In such case, the Code Enforcement Officer, if legally authorized by State law or local ordinance, may seek injunctive relief or refer the matter to the Town Council for prosecution.

Article 4: Amendments

4.1 Initiation

A proposal for an amendment to this Ordinance may be initiated by:

The Planning Board, by majority vote to the Board;

The Town Council, by majority vote;

An individual, through request to the Planning Board; or

A written petition of a number of voters equal to at least ten percent (10%) of the voters in the last gubernatorial election.

4.2 Procedure

- A. When initiated by an individual, a proposal for an amendment shall be presented to the Planning Board in writing stating the specific changes requested. When a change in district boundaries is proposed, the application shall state the nature, extent, and location of the boundary change proposal, and shall be accompanied by a scale drawing showing the areas to be changed, with dimensions. A fee shall accompany the proposal to cover the costs of hearings and advertisements. The Planning Board shall make a written recommendation regarding passage to the Town Council prior to any action on the amendment by the Council.
- B. When initiated by petition or by Council action, the Board shall review the request and shall make a written recommendation regarding passage to the Council prior to any Council action on the amendment.
- C. Within thirty (30) calendar days of receiving the Planning Board recommendation for an amendment, the Town Council shall hold a public hearing. Notice of the public hearing shall be provided as follows:
Amendment: Oct. 26, 2005 **Strike everything after "within thirty (30) calendar days or receiving the Planning Board recommendation for an amendment, the Town Council shall hold a public hearing", and replace with "Notice of the public hearing shall be provided as required by Maine Statutes Title 30-A, Section 4352, paragraphs 9 and 10, or any successor of state law.**
Also see page 20A and 20B.
1. The notice shall contain the time, date, and place of hearing, and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the Town Clerk's office shall be adequate notice.
 2. The notice shall be posted in the Town Office at least fourteen (14) days prior to the hearing.
 3. The notice shall be published in a newspaper with general circulation within the Town. The date of the first publication shall be at least fourteen (14) days prior to the hearing; the date of the second publication shall be at least seven (7) days prior to the hearing.
 4. In the case of a request to change district boundaries or the status of permitted or prohibited uses within a district, notice shall be sent by certified mail to all persons owning property within the area proposed to be affected, or within 200 feet of the property proposed to be affected. Notice shall include a map illustrating the proposed change. Notice shall be mailed at least fourteen (14) days prior to the hearing.

4.3 Adoption

Any amendment to this Ordinance shall be adopted by the Town Council.

9. Notice: general requirements. Before adopting a new zoning ordinance or map or amending an existing ordinance or map, including ordinances or amendments adopted under the laws governing growth management contained in chapter 187, subchapter II or the laws governing shoreland zoning contained in Title 38, chapter 3, subchapter 1, article 2-B, the municipal reviewing authority must post and publish notice of the public hearing required under subsection 1 in accordance with the following provisions.

A. The notice must be posted in the municipal office at least thirteen (13) days before the public hearing.

B. The notice must be published at least two (2) times in a newspaper that complies with Title 1, section 601 and that has a general circulation in the municipality. The date of the first publication must be at least twelve (12) days before the hearing and the date of the second publication must be at least seven (7) days before the hearing. That notice must be written in plain English, understandable by the average citizen.

C,D. Repealed.

E. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains its source water protection area.

10. Additional notice; limited areas. Notice must be given in accordance with this subsection and subsection 9 when a municipality has proposed an amendment to an existing zoning ordinance or map that, within a geographically specific portion of the municipality, has the effect of either prohibiting all industrial, commercial or retail uses where any of these uses is permitted or permitting any industrial, commercial or retail uses where any of these uses is prohibited.

A. The notice must contain a copy of a map indicating the portion of the municipality affected by the proposed amendment.

B. For each parcel within the municipality that is in or abutting the portion of the municipality affected by the proposed amendment the notice must be mailed by first class mail at least thirteen (13) days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. Notice also must be sent to public drinking water supplier if the area to be rezoned is within its source water protection area. The municipal officers shall prepare and file with the municipal clerk a written certificate indicating those persons to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate. Notice is not required under this paragraph for any type of zoning ordinance adopted under laws governing growth management contained in chapter 187, subchapter II or the laws governing shoreland zoning contained in Title 38, chapter 3, subchapter 1, article 2-B.

Any action challenging the validity of an amendment to a zoning ordinance or map based on a municipality's failure to comply with paragraph B must be brought in Superior Court within thirty (30) days after the adoption of the amended ordinance or map. The Superior Court may invalidate an amended ordinance or map if the appellant demonstrates that the appellant was entitled to receive notice under paragraph B, that the municipality failed to send the notice as required, that the appellant had no knowledge of the proposed amendment to the ordinance or map and that the appellant was materially prejudiced by the lack of knowledge. Nothing in this subsection alters the right of a person to challenge the validity of any ordinance based on the failure of the municipality to provide notice as required in paragraph A and subsection 9.

Article 5: Non-Conformance

5.1 Purpose:

it is the intent of this Ordinance to promote land use conformities, except than 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.

5.2 General 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, moved, or altered and no new lot shall be created unless in conformity with all of the regulations herein specified for the district in which it is located.

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.

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.

5.3 Non-Conforming Structures

A. A non-conforming structure may be repaired, maintained, and improved, but shall not be added to or expanded except as follows:

1. The expansion does not itself exceed the maximum building height; and
2. The expansion or accessory structure does not increase the existing, non-conforming lot coverage; and
3. The expansion or accessory structure does not increase non-conformance of an existing setback.

B. The placement of a foundation below an existing non-conforming structure shall not constitute an expansion of the structure provided that the foundation does not extend beyond the existing structure's footprint. The addition of uncovered, outside stairs or handicapped access facilities shall not constitute an expansion of the structure.

C. A non-conforming structure damaged or destroyed by fire or act of god, may be rebuilt provided that construction is completed within 24 months from the date of loss. The structure may not be enlarged in volume or area except in conformity with this Ordinance.

5.4 Non-conforming Uses

The use of land, buildings or structure, lawful at the time of adoption of this Ordinance, or of subsequent amendments of this ordinance, may continue although such use does not conform to the provision of this Ordinance, except as provided in the following paragraphs below.

- A. A non-conforming use which is discontinued for a period of twenty-four (24) consecutive months may not be resumed. The uses of the land, building, or structure shall thereafter conform to the provisions of this Ordinance.
- B. Whenever a non-conforming use is changed to allow use, the property shall thereafter conform to the provisions of this Ordinance, and the non-conforming use may not be resumed.
- C. A non-conforming use may be changed to another non-conforming use through the Administrative Review process. The Board of Appeals must find that the proposed use is equally or more appropriate to the district than the existing non-conforming use, and the impact on adjacent properties is no more adverse than the impact of the former use.
 - 1. In determining whether the impact if the proposed non-conforming use is no more adverse, the Board of Appeals shall consider changes in traffic, parking, noise, potential of nuisances likely to result from such change in use. The applicable standards and requirements of this ordinance shall apply to any request for a new non-conforming use.
- D. Expansions of non-conforming uses are limited to no more than a 25% increase in area or volume of the structure and/or land and shall require Administrative Review. The Board of Appeals may approve the expansion request when it finds that the proposed expansion will not create a nuisance or negative impact upon adjacent properties that is greater than the existing non-conforming use.

5.5 Non-conforming Lots

- A. A non-conforming lot of record may be built upon provided that such lot is not contiguous with another lot in the same ownership, and all the provisions of this ordinance except lot size and frontage can be met, or a variance obtained.
- B. If two or more adjacent, non-conforming lots are in the same ownership of record, and if one or more of the lots contain no principle structure, the lots shall be combined to the extent necessary to meet the dimensional standards.
- C. If two or more adjacent, non-conforming lots are in the same ownership of record, and if a principle use or structure exist on each lot, the non-conforming lots may be conveyed separately or together, provided that lots that are not served by municipal sewer shall conform to the minimum Lot Size Law (12 M.R.S.A. s.4807) and the State of Maine Subsurface Waste Water Disposal Rules.
- D. If two or more uses or structures exist on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the State Minimum Lot Size Law and Subsurface Waste Water Disposal Rules are followed. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

Article 6: Land Use Districts

6.1 Official Map

Districts are located and bounded as shown on the Official Map which is a made part of this Ordinance. Detail Maps "A" and "B" are hereby incorporated as visual aids in interpretation of the Official Map.

A. Certification of Map

The Official Map is certified by the attested signature of the Town Clerk under the following words: "This is the Official Map of the Land Use Ordinance of the Town of Fairfield", together with the date of the adoption of this Ordinance. The official copy shall be located in the office of the Town Clerk.

B. Changes to the Official Map

If changes are made in the district boundaries, or other matter portrayed on the Official Map, such changes shall be made on the Official Map within 14 days after the amendment has been adopted together with an entry on the Official Map as follows:

"On (date), the Town Council enacted the following change: (insert brief description of the nature of change)."

Immediately beneath the entry the Town Clerk shall place his or her signature.

C. Replacement of Official Map

In the event that the Official Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions the Town Council shall adopt a new Official Map.

6.2 Establishment of Districts

A. Rules Governing District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Map the following rules shall apply.

1. Boundaries indicated as approximately following the center lines of streets, highways, rivers, or streams, or defined in terms of their distance from said center lines, shall be construed to precisely reference such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines. In cases where a lot line shifts due to boundary line adjustments, the district boundary will shift accordingly.
3. Boundaries indicated as approximately following Town limits shall be construed to follow such limits.

- 4 Boundaries indicated as following shorelines shall be construed to following such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
- 5 Sources for the exact delineation of the Special Flood Hazard areas shall be the Town of Fairfield Flood Insurance Map.
- 6 Distances not specifically indicated on the Official Map shall be determined by the scale of the map.
- B. Lots Divided by District Boundaries

When a lot divided by a district boundary, is two acres or less in area, the requirements of either district may be used, but shall apply to all portions of the lot. On lots larger than two acres, the district regulations shall be followed in each portion of the lot.

- C. Where physical or cultural features existing on the ground vary from those shown on the Official Map, or other circumstances not covered by 6.2.A., the Board of Appeals shall interpret the district boundaries.
- D. Designation of District

The following Land Use Districts are hereby established and are designated as follows:

- RU = Rural District
- R = Residential District
- RR = Rural Residential District
- UR = Urban Residential District
- V = Village District
- MS = Main Street District
- C = Commercial District
- I = Industrial District
- SPCCO = Special Purpose Commercial Contract Overlay District**

6.3 Purpose of Districts

Each Land Use District designated in this ordinance is intended to further and promote the purpose of the Comprehensive Plan and the health, safety, and general welfare of its occupants.

A. Rural District (RU)

The purpose of the Rural District is to provide for a healthy agriculture, forest, and resource base for the town, while accommodating low density residential habitation and appropriate economic opportunity. Development activities in the district are intended to provide an outlet for local resources, and housing, employment, and service opportunities for residents of the District.

B. Residential District ®

The Purpose if the Residential District is to provide a substantial portion to the town devoted to

accommodate medium-density residential development based on the potential for public water and sewer, as well as associated commercial development on collector roads.

C. Rural Residential District (RR)

The purpose of the Rural Residential District is to provide an area of prime development land suitable for low-density residential development. Commercial development in the area will be accommodated because of available land, but should be limited to that which will not impact the need for public facilities, the development capability of the land, or suitability of neighboring properties for residential use.

D. Urban Residential District (UR)

The purpose of the Urban Residential District is to preserve the quality and integrity of the Town's older residential neighborhoods and permit higher-density housing in the area closest to the town's public facilities and services, and within walking distance of our principle commercial area.

E. Village District (V)

The purpose of the Village District is to promote small-scale, mixed-use development characteristic of the town's three existing village neighborhoods. A healthy mix of locally-oriented commercial development and medium-density housing (or high-density where public water and sewer are available) is encouraged.

F. Main Street District (MS)

The purpose of the Main Street District is to promote commercial development of a density and location to serve local residence in the most central location and with efficient delivery of public services. The Main Street District should be considered a variation of the Commercial District, with flexible standards suited to the highly-developed, small-lot and mixed use character of the Town's existing downtown blocks. Infill and redevelopment to preserve the viability of the downtown is to be encouraged.

G. Commercial District (C)

The purpose of the Commercial District is to provide a generous public facility and land base on which to build on regional economic development opportunities. This district provides the necessary encouragements for locations of all forms of commercial and industrial development oriented to broadly based employment and services, including proximity to the Interstate and public water and sewer service.

H. Industrial District (I)

The Industrial District is a specialized commercial district intended to provide for a variety of employment uses without adverse on adjacent neighborhoods and with an attractive industrial environment including access to arterials roads and public water and sewer systems.

I. **Special Purpose Commercial Contract Overlay District (SPCCO)**

The purpose of the SPCCO is to provide a two hundred (200) foot buffer between the Residential, Rural Residential, and Village zones with Commercial and Industrial. Only limited use commercial to be allowed.

6 Land Use Activities Permitted by Districts

A Table 1 is intended to designate the land use activities which will be permitted, and what level of permitting is required within each district. The Code Enforcement Officer shall determine which listed category a proposed activity falls within. **The North American Industry Classification System** (SIC codes) shall be used as a guide in the event of uncertainty. Any use not listed is presumed to be Not Permitted. Appeals shall be classified as Administrative Review.

The Ordinance is intended to be sensitive to the size, scale, and impact of land use activities. Some uses listed below are subdivided by size of structure as a means of gauging impact. The general performance standards, Section 7 and 8, intend to regulate the impact rather than the existence of uses which might otherwise have been prohibited within the district.

The letters appearing within the table indicate the level of permitting required, as follows:

- A = Allowed without any local permitting
- B = Building Permit Required (CEO)
- C = Conditional Use (Planning Board) Permit Required
- D = Development Permit Required (CEO)
- S = Subdivision Review Required under separate Ordinance
- X = Not permitted in this District

See Amendment: Dec. 13, 2000, July 6, 2005 & Oct. 26, 2005

Land Use Activity	MS	V	UR	R	RR	C	I	RU	SPCCO
Open Space & Resource Uses									
open parks, parking lots,	A	A	A	A	A	A	A	A	C
cemeteries	above level "A" was changed to level "C"								
recreational facilities	D	D	C	C	C	C	D	D	C
farmstand, nursery, greenhouse	B	A	X	D	B	B	C	A	B
mining and gravel extraction	X	X	X	C	C	D	X	C	X
agriculture and forestry operations	X	A	X	A	A	A	A	A	A
campground	X	X	X	D	D	D	X	D	X
Residential uses									
one- and two-family homes	B	B	B	B	B	C	C	B	B
multi-family homes and apartments	S	S	S	S	X*	C	C	S	S
mobile homes	* See Amendment July 6, 2005 & Oct. 26, 2005								
mobile home parks	D*	D*	D*	B	B	C	C	B	D*
home occupations	X	S	X	S	S	S	S	X	X
home occupations	D	A	D	D	D	C	C	A	A

Land Use Activity	MS	V	UR	R	RR	C	I	RU	SPCCO
Commercial Uses									
retail & wholesale business, by size:									
under 10,000 s.f. building area	B	B	X	C	C	B	B	C	C
10,000-20,000 s.f. bldg. area	C	C	X	C	X	D	D	C	X
20,000 s.f. & larger bldg area	C	X	X	X	X	C	C	X	X
banking services	D	D	X	C	X	C	C	C	C
medical, dental & prof. office	B	D	C**	C	C	C	C	C	C
business offices & services	D	D	X	C	C	C	C	C	C
adult business	X	X	X	X	X	C	X	X	X
waste/scrap storage/proc facil.	X	X	X	X	X	C	C	D	X
motor vehicle sales & service	C	C	X	X	X	D	C	C	X
junkyard. auto graveyard	X	X	X	X	X	C	X	C	X
manufacturing by size:									
under 25,000 s.f. bldg area	C	C	X	X	X	D	D	C	X
25,000 s.f. & larger bldg area	X	X	X	X	X	X	C	X	X
warehousing	X	X	X	X	X	B	B	C	X
eating & drinking establishment	D	C	X	C	X	C	C	C	
bed & breakfast	B	B	C	D	D	B	C	D	
overnight accommodations	C	C	X	C	X	B	C	X	
public utility structures	B	B	X	B	B	B	B	B	
communication towers	X	X	X	X	C	D	C	C	
Institutional uses									
public & private educat. Facilities	D	D	C	C	C	C	C	C	
religious & fraternal facilities	D	D	C	C	C	C	C	C	
governmental facilities	D	D	D	D	D	C	C	C	
essential facilities	D	D	C	D	D	C	C	D	

* see additional restrictions in Section 9.10

** see additional restrictions in Section 9.12

B. Accessory Uses

1. An activity which is incidental and directly related to the principle use of the property shall be considered a part of the principle use for the permitting requirements. Examples of such relation include farm stands as part of an agricultural operation or waste processing facilities as part of a manufacturing operation.
2. An activity which meets the definition of accessory use, but which has no direct relation to the principal use of the lot shall be subject to permitting requirements as if it were an unrelated use. Examples might be an auto repair shop on residential property, or a clothing store in a sawmill.

C. Expansions of Existing Uses.

Unless the use is non-conforming, the expansion of an activity already existing at the effective date of this ordinance, or previously permitted under this ordinance, which would require a development permit or conditional use permit, will require only a building permit if all of the following conditions are met:

- i. The expansion does not increase the developed area or building area by more than fifty (50) percent in any twelve (12) month period, and
- ii. the expansion does not require substantial demand for public water, sewer and other services, and
- iii. the expansion does not constitute a change of use.

6.5 Dimensional Standards

The table in this section contains dimensional requirements for each designated district. These standards shall be considered minimums, except where noted. Relief from standards herein may be obtained only through the granting of a variance from the Board of Appeals.

STANDARD:	MS	I	C	V	UR	R	RR	RU
Lot area, Principle Structure	5,000	none	none	20,000	7,500	30,000	80,000	varies*
				1		2		
Lot area, add per add'l dwelling unit or principle struc.	5,000	none	none	1,000	5,000	20,000	40,000	not allowed
Lot coverage, maximum	none	25%	25%	25%	25%	10%	10%	10%
		3*	3*					
Street frontage	50'	150'	150'	100'	75'	150'	200'	250'
Front setback	15'	25'	25'	15'	15'	25'	50'	50'
		6						
Side & Rear Setback	5'	50**	10**	10'	10'	10'	20'	20'
Building Height, maximum	75'	85'	75'	35'	35'	35'	35'	35'

* Flexible Standard, see Section 7.10.a

** Additional buffer area required; See Section 7.3

1 limited to six dwelling units per building

2 May be reduced to 10,000 sq.ft. per unit if public sewer is available

3* May be reduced to 75' if public sewer is available Amendment Nov. 10, 1999

6 25' set back within Industrial property abutting an Industrial property** Amendment Nov 10, 1999

Article 7: Environmental and Neighborhood Protection

7.1 Access to lots

No permit required under this Ordinance shall be issued to erect any structure on a lot without frontage on a street unless a private road has been constructed within a deeded right-of-way ("**or access strip**" amended **Dec. 13, 2000**) of at least 24 feet in width, (**amended June 22, 2005**) **except that any private road serving three or more dwelling units shall be constructed within a deeded right-of-way or access strip of at least sixty (60) feet in width.** The private road shall be constructed to a minimum width of twelve (12) feet if serving one dwelling unit, and fifteen (15) feet if serving two **or more** dwelling units. It shall contain a minimum depth of fifteen (15) inches of bank-run gravel, **approved by a licensed civil engineer,** with drainage ditches and culverts in locations recommended by the Public Works Commissioner (**changed to licensed civil engineer**). **This paragraph does not displace or reduce the requirements that apply to developments subject to review under** (Any private road serving three or more dwelling units shall meet the construction standards in (**was illimated**)) the Town of Fairfield Subdivision Ordinance. **No private road shall be accepted by the Town unless the road has been brought up to the Town's standards for public roads.**

7.2 Air Pollution

- A. No emissions of dust, ash, smoke or other particulate matter which can cause damage to human or animal health, vegetation, or property by reason of concentration or toxicity, which can cause soiling beyond the property boundaries is permitted. This shall not be construed to include the airborne by-products of conventional agricultural practices. Evidence that relevant state and federal regulatory requirements have been met shall be considered sufficient to meet this standard.
- B. The emission of smoke from any chimney, vent, stack, opening, or combustion process shall not exceed a density of Ringlemann #1.
- C. Vibration inherently and recurrently generated, and heat, shall be imperceptible without instruments at property boundaries.

7.30 Buffering and Screening

A. Buffering of Parking Lots

Multi-family and Commercial activities are subject to the following requirements for parking lot buffering:

1. Within the Residential (R) and all Commercial © districts, any parking lot that is within the required front setback shall be buffered with a combination of distance and screening, as follows:
 - a. A minimum buffer width of fifteen (15) feet is required if the width consists of a landscaped mixture of deciduous and evergreen vegetation, selected for adaptability to roadside conditions, and continuously maintained.
 - b. A minimum buffer width of ten (10) feet is required, if the buffer consists of entirely non-deciduous vegetation, (selected for adaptability to roadside conditions, and continuously maintained), or if the buffer area is bermed to a height of at least two (2) feet or if a decorative-style fence is installed.

2. Within the Urban Residential (UR) District, subsections 7.3.A.1(a) and (b) shall apply to all parking lots except those located entirely to the rear of the building.

In cases where a parking lot exceeds one hundred (100) spaces, additional buffering shall be required in the interior of the lot. The buffering shall be sufficient to divide the lot into two (2) or more smaller cells of no more than 100 spaces each. The buffering shall consist of fifteen (15) feet of vegetative width (landscaped mixture of deciduous and evergreen vegetation, selected for adaptability to roadside conditions and continuously maintained) except that a pedestrian walkway may be placed within the area, provided that it occupies no more than one-half the width.

B. Screening of Adjacent Properties

The following standards shall apply in all cases where a proposed commercial use abuts a residential district or use, and may also be applied in the case of Conditional Use Permits where the Planning Board determines that adjacent commercial uses may be incompatible.

1. A natural or landscaped buffer strip may be required to visually screen the uses. Where no natural vegetation can be maintained, or due to varying site conditions, the landscaping may consist of fences, walls, berms or combinations thereof. The buffering shall be sufficient to minimize the impacts of large buildings, loading and unloading operations, outdoor storage areas, parking lots, mineral extraction, waste storage and related commercial activity. The buffer areas shall be maintained and vegetation replaced to insure continuous year round screening. The following dimensional standards shall serve as a guideline:
 - a. No landscaping shall be necessary if the distance between the development and the property line is one hundred (100) feet.
 - b. A forty (40) foot buffer width shall be sufficient if the width will consist of natural deciduous woodland or change in elevation of at least ten (10) feet.
 - c. A twenty-five (25) foot buffer shall be required if the width will consist of natural coniferous vegetation, or if a planted vegetative screen is installed and maintained.
 - d. **If no natural or landscaped buffer is obtainable between residential and industrial property a visual and or sound barrier must be erected and will require a conditional use permit.** **Amendment: Nov. 10, 1999**
2. Exposed storage areas, exposed machinery, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other article of salvage or refuse, shall be opaquely shielded to a height of eight (8) feet from abutting road or residential uses, regardless of distance.
3. Where a potential safety hazard to children is evident, physical barriers sufficient to deter small children from entering the premises shall be provided and maintained in good condition.
4. **In Industrial Only: Screening of adjacent properties abutting a residential zone or property will abide by 7.30 b. 1. Screening of adjacent properties abutting an industrial zone or property will abide by 7.31.** **Amendment: Nov. 10, 1999**

7.31 Industrial Zone Side and Rear Setback Requirement **Amendment: Nov 10, 1999**
A twenty-five (25) foot set back abutting an industrial zone with a minimum of twenty (20) maintenance route around building with a base substantial to hold heavy fire and maintenance equipment.

7.4 Erosion and Sedimentation Control

Soil Erosion during development shall be minimized through implementation of erosion control management practices. **Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices** (1991. or as revised) produced by Maine Deep and the Cumberland County SWCD shall be used as a guideline. In addition, the following practices shall be followed:

1. The stripping of vegetation, removal of soil, regarding, or other development of the site shall be accomplished by limiting the duration of exposure and area of the site to be disturbed. Dust control methods shall be employed during dry conditions.
2. Permanent vegetation and/or other erosion control measures should be installed prior to, or no later than six months following, completion of the construction.
3. The top or bottom of a cut or fill shall not be closer than ten (10) feet to a property line unless otherwise mutually agreed to by the affected landowner and town. In no instance shall said cut or fill exceed a 3:1 slope.

7.5 Glare from Outside Lighting

Lighting may be used which serves security, safety, and operational needs but which does not impair the vision of a vehicle operator or adjacent streets. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Intensity should not exceed one (1) footcandle at the property line, and under no circumstances be sufficient to create a nuisance to abutting residential properties.

7.6 Historic and Archaeological Resources

If any portion of the site has been identified, or is found to contain historic or archaeological resources, the development shall include appropriate measures for protecting these resources, including, but not limited to, modification of the proposed building and site layout and design.

7.7 Natural resource Protection

A. Natural Features

Site development shall minimize, insofar as possible, disturbance of natural features. This shall be done through limiting tree removal, disturbance and compaction of soil, and grading and filling. No development shall disturb natural features shown outside of the clearing limits designated on the site plan.

B. Habitat Protection

1. If any portion of the parcel has been identified as a critical natural area, or as containing threatened or endangered species of plants or animals, that area shall not be developed. In addition, areas within 250' of these resources shall only be developed in a manner consistent with protection of these resources. The Planning Board may require a mitigation or management plan to be reviewed by the Natural Areas Program of the Department of Conservation prior to approval.
2. If any portion of the area to be developed includes areas mapped by the Maine Department of Inland Fisheries and Wildlife as Deer Wintering Areas, the developer shall consult with the Department or a qualified wildlife biologist on means to limit the impact of the development on the habitat, and incorporate those recommendations into his plan insofar as practicable.

3. If any portion of the development contains a wetland, as determined by the Town of Fairfield, the Maine DEP, or a certified soil scientist, the developer shall avoid, minimize, or mitigate impacts on the wetland both during and after construction.

C. Groundwater Protection

1. Any development which will generate a demand of 2,000 gallons per day or greater provided by groundwater supplies shall demonstrate that groundwater availability beyond the boundaries of the property will not be noticeably diminished in quantity or quality as a result of the project.
2. Within the area identified as Significant Sand and Gravel Aquifer by the Maine Geological Survey, no activity involving the production, use, or storage of hazardous or toxic chemicals or petroleum products shall be conducted except in accordance with a Spill Prevention and Management Plan developed at the time of application and approved by the Town of Fairfield Fire Chief.

7.8 Noise

- A. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any activity shall be limited by the time period and receiving district listed below.

	Sound Pressure Level Limits (Measured in dB)	
	7 a.m. - 9:30 p.m.	9:30 p.m. - 7 a.m.
All Residential and Rural Districts	55	65 45
All Commercial and Village Districts	60	50
Recreational Facility	75	75
Amendment: July 10, 2002	Friday 12:00 p.m. until 6:00 p.m.	
	Saturday 9:30 a.m. until 6:30 p.m.	
	Sunday 9:30 a.m. until 6:30 p.m.	

- B. The level specified may be exceeded by 10dB for no more than 15 minutes per day. Noise shall be measure by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1.4-1961) "Specification for General Purpose Sound Level Meters". Sound levels shall be measured at least 4 feet above ground at the property boundary.
- C. No person shall engage in construction activities on a site abutting any residential use between the hours of 9:30 p.m. and 7 a.m.
- D. The Planning Board, in reviewing Conditional Use applications for commercial activities abutting or within Residential Districts, may require additional measures for noise suppression.
- E. The following activities shall be exempt from these standards:
 1. Sounds emanating from construction and maintenance activities conducted between 7 a.m. and 9:30 p.m.
 2. Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency or public safety devices.

7.9 Outside Storage of Materials

All materials stored outdoors shall be isolated in such a manner as to prevent the breeding and harboring of insects, rats, or other vermin. This shall be accomplished by enclosures in containers, raising materials above ground, separation of material, prevention of stagnant water, extermination procedures, or other means. A plan for establishment and maintenance of appropriate measures shall be part of any required permit application.

7.10 Rural District

The requirements of this section are application only to property located within the Rural (Ru) District, and are intended to further the preservation of a working landscape, environmental quality, and a low intensity of development.

A. New Lots Created in the Rural District

This standard is established to avoid the potential for conflicts between adjacent land uses, while reducing consumption of potentially productive rural lands and directing new lot creation to parcels already too small for productive resource use. The minimum size for new lots in the Rural District will be based on other features of the lot which could reduce this potential conflict, including street frontage, setbacks, buffers, and the parent lot size and use.

1. Variable Setback Standard

The mandatory setbacks in the Rural District are fifty (50) feet in front yard and twenty (20) feet side and rear yards. A person who creates a new lot may adjust the minimum lot size by increasing the setbacks, in ten (10) foot increments, as follows:

Increase all Setbacks by:	Required lot size is:
0	10 acres
10 feet	8 acres
20 feet	6 acres
30 feet	4 acres
40 feet	2 acres

Setbacks shall be established by plat or deed restriction at the time of lot creation.

2. Wooded Buffer Standard

This standard may be used in place of the variable setback standard when the new lot consists of existing natural woodland. The new lot size may be adjusted based on the width of the natural woodland between the building site and the street, as follows:

If the street frontage of the new lot is between 250 and 349.99 feet,

and the wooded buffer is:	the required lot size is:
none	10 acres
20 feet	8 acres
40 feet	6 acres
60 feet	4 acres
80 feet or more	2 acres

If the street frontage of the new lot is 350 feet or more or if the new lot fronts entirely on a private road,

and the wooded buffer is:	the required lot size is:
none	8 acres
20 feet	6 acres
40 feet	4 acres
60 feet or more	2 acres

The buffer must be an area of undisturbed forest land, deed-restricted to prohibit its destruction by subsequent owners.

3 Alternative Standard for Parcels under 20 Acres

A parcel consisting of less than twenty (20) acres existing as of the effective date of this ordinance, may be subdivided into no more than five (5) lots over the life of this Ordinance, provided that each lot will conform to Minimum Lot Size Law (12 M.R.S.A. S.4807) and the State of Maine Subsurface Wastewater Disposal Standards, and that subdivision approval is granted, if applicable.

4 Alternative Standard for Retention of Open Space through Deed Restriction

- a. The owner of a parcel actively used for agricultural or forest operations may create new lots no smaller than 40,000 square feet, provided that for each new lot created, nine (9) acres of remaining acreage be voluntarily entered into a deed restriction or conservation easement prohibiting development for residential purposes. There is no limit to the number of lots that may be created under this provision.
- b. Within an Open Space Subdivision, as defined, there may be established an overall density of one dwelling per eight (8) acres, provided that common open space is established and managed according to section 11.8 Dedication and Maintenance of Common Open Space of the Town of Fairfield Subdivision Ordinance. The open space acreage shall be included in the density calculation.

B. Commercial Development in the Rural District

Just as commercial use is promoted in the Commercial (C), Village (v) and Main Street (MS) districts of the town, it is discouraged in the Rural (RU) district. Notwithstanding other standards established in this Ordinance, Rural (RU) District commercial uses are subject to the following conditions:

1. **Setback and Buffer.** A minimum of fifty (50) feet shall be maintained between the area or structure used for commercial purposes and any parcel boundary. A minimum of twenty-five (25) feet shall be in the form of a natural or planted buffer as described in Sec. 7.3.
2. **Size.** No new commercial structure may exceed 10,000 square feet, except in such cases where the applicant can demonstrate that traffic generated by the development will not exceed ten (10) percent of the existing Average Daily Traffic (ADT) of the road used for access. The total impervious surface used for commercial purposes shall not exceed ten (10) percent of the gross area of the parcel on which it is established.
 - a. The Planning Board may waive this standard only in the case where the commercial use is primarily related to and dependent on locally-produced farm or forest products, or gravel or other earth products mined on site.
3. **Traffic Impact.** The Planning Board or a qualified traffic engineer shall estimate the amount of traffic to be generated by the use. Except for uses described in sec. B.2.a, above, no uses will be permitted which generate more than 300 vehicle trips per day onto Route 139, Route 201, or Route 104, nor more than 200 vehicle trips per day onto any other road in the district.
4. **Access Points.** All access points shall be designed and constructed at a point with a minimum of five hundred (500) feet sight distance in each direction along the public road. All driveways shall be paved for a distance of at least fifty (50) feet from the edge of the pavement of the public road.
5. **Signs.** Only one free-standing sign shall be permitted per parcel. The maximum size of the free-standing sign shall be thirty-two (32) square feet.

7.11 Storm Water Management

- A. All new construction shall be designed to reduce water runoff, as nearly as possible, to pre-development conditions in terms of volume, velocity, and location of runoff. Where possible, existing natural runoff control features, such as swales, terraces, and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of storm water.
- B. All Conditional Uses must prepare a Storm Water Control Plan. Storm water control plans should show how the development will limit peak discharges from the site to predevelopment levels through a system of engineering structures and best management practices equivalent to those described in **Stormwater Management for Maine: Best Management Practices**, published by the Maine Department of Environmental Protection, 1995. A Storm Water Control Plan that is prepared according to the requirements of DEP Regulation, **Chapter 500, Storm water Management** and **Chapter 502, Direct watersheds of Water Bodies most at risk from New Development** shall be deemed to be a suitable equivalent to these standards.
 1. Peak discharge rates shall be calculated on 2-year, 10-year, and 25-year frequency, 24- hour

duration storm.

- C. Storm water runoff systems should be designed to facilitate aquifer recharge when it is advantageous to compensate for groundwater withdrawals or reduction in infiltration. Conversely, designs should avoid recharge where groundwater effects might be harmful.

7.12 Water Quality

- A. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous, or solid materials so as to contaminate, pollute, or harm any surface or ground water resources or cause nuisances, such as floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant or aquatic life. Evidence that State and Federal regulatory requirements have been met shall be considered sufficient to meet this standard.
- B. All above ground storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, shall be located on impervious material, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a 25-year storm, so that liquid shall not be able to spill onto or seep into the ground surrounding the storage area. In addition, such facilities shall be located at least 75 ft. from any lot line, or 40 ft. for underground storage. All materials shall be stored in a manner and location which is in compliance with appropriate regulations of the Maine Department of Public Safety and other Federal, State, and local regulations. Storage tanks for "home heating oil" and diesel fuel, not exceeding 330 gallons in size, may be exempted from this requirement. Evidence that State and Federal regulatory requirements have been met shall be considered sufficient to meet this standard.

7.17 Amendment June 22, 2005

No permit required under this Ordinance shall be issued to erect any structure on a lot without frontage on a street unless a private road has been constructed within a deeded right-of-way or access strip of at least twenty-four (24) feet in width, **except that any private road serving three or more dwelling units shall be constructed within a deeded right-of-way or access strip of at least sixty (60) feet in width.** The private road shall be constructed to a minimum of twelve (12) feet if serving one dwelling unit, and fifteen (15) feet if serving two **or more** dwelling units. It shall contain a minimum depth of fifteen (15) inches of bank-run gravel, **approved by a licensed civil engineer**, with drainage ditches and culverts in locations recommended by the **licensed civil engineer**. **This paragraph does not displace or reduce the requirements that apply to developments to subject to review under the Town of Fairfield Subdivision Ordinance. No private road shall be accepted by the Town unless the road has been brought up to the Town's standards for the public roads.**

Article 8: Site Design and Public Facilities Impact

8.1 Access to Public Roads

- A. Provisions shall be made for vehicular access to the development and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and within the development, to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the development. More specifically, access points shall conform to the following standards and design criteria.
1. The number of access points shall be minimized consistent with the need to attain safe and proper vehicular access to the site. Commercial access points shall avoid local residential streets wherever possible.
 2. Where a commercial lot has frontage on two or more street, access to the lot shall be provided from the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
 3. The street giving access to the lot and neighboring streets which can be expected to carry traffic to and from the development shall have existing capacity or be improved to accommodate the amount and types of traffic to be generated by the proposed use. No development shall increase the volume of traffic to a level exceeding eighty (80) percent of the street's capacity nor reduce the street's Level of Service to "D" or below.
 4. Where necessary to safeguard against hazards to traffic and pedestrians or to avoid traffic congestion, the developer may be required to install turning lanes, traffic directional islands, frontage roads, or traffic controls within public streets. The Public Works Director or Maine DOT shall be consulted on suitable locations and design.
 5. Access points shall be design and have sufficient capacity so that vehicles entering from the public street will not impede or interfere with through traffic.
 6. Provisions shall be made for interconnecting driveway links to adjoining lots when such driveway would enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.
 7. All driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above level within a triangular area defined by legs of 25 feet measured along the driveway and street lines in order to provide adequate vehicle sight lines.

B. Design of Access Points

Driveway design shall be based on the estimate volume as follows:

Low Volume Driveway: Peak hour volume of ten (10) or fewer vehicles.

Medium Volume Driveway: Any driveway that is not a low volume or high volume driveway.

High Volume Driveway: Peak hour volume of two hundred (200) or more vehicles.

1 Sight Distances: Driveways shall be designed and located to provide adequate sight distance in each direction. Sight distance shall be provided as follows.

a. The table below shall apply only to driveways accessing Route 201 or Route 139.

Posted Speed (mph)	Sight Distance	
	High-Volume Driveway	Low- or Medium Volume Driveway
25	300	250
35	480	350
45	700	450
55	990	550

b. On all other roads, a sight distance of ten (10) feet for each mile per hour of posted speed limit shall be provided. On unposted roads, the minimum sight distance is two hundred fifty (250) feet.

2 Low Volume Driveway Design

a. Angle of Entry. Low volume driveways shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 75 degrees on arterials, or 60 degrees on all other roads.

b. Curb Radius. The curb radius shall be between 5 feet and 15 feet, with a preferred radius of 10 feet.

c. Driveway Width. The width of the driveway shall be between 12 feet and 20 feet.

d. Slope. From the street line, the driveway should slope at 2 percent or less for a distance of 25 feet, followed by a slope of 6 percent or less for at least 50 feet.

3 Medium Volume Driveway Design

a. Angle of Entry. Medium volume driveways shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 75 degrees.

b. Curb Radius. Curb radii will vary with one-way or two-way operation. On a two-way driveway the curb radii shall be between 24 feet and 32 feet. On one-way driveways, the curb radii shall be 30 feet on the turning side and 5 feet on the off side.

c. Width. On a two-way driveway the width shall be between 24 and 26 feet; however where truck traffic is a major element, the width may be increased to 30 feet. On a one-way driveway the width shall be between 16 and 20 feet.

d. Slope. From the street line, the driveway should slope at 2 percent or less for a distance

of 25 feet, followed by a slope of 4 percent or less for at least 50 feet.

4 High Volume Driveway Design

- a. Angle of Entry. High volume driveways shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 75 degrees.
- b. Entering and exiting driveways shall be separated by a raised median which shall be between 6 feet and 10 feet in width. The median shall define a throat length of adequate dimensions based on the traffic study, but in no case less than 60 feet.
- c. Width. Driveway widths shall be between 20 feet and 26 feet on each side of the median. "Right turn only" lanes established by a channelization island shall be between 16 feet and 20 feet.
- d. Curb Radius. Without channelization islands for right-turn movements into and out of the site the curb radii shall be between 30 feet and 50 feet. With channelization islands, the curb radii shall be between 75 feet and 100 feet.
- e. Slope. From the street line, the driveway should slope no more than 2 percent for a minimum of 100 feet.
- f. Appropriate traffic control signage shall be erected at the intersection of the driveway and the street and on medians and islands.

5 Limited Access Driveways: Limited access driveways are one-way or two-way drives serving medium or high volume uses on streets where the development is situated too close to an intersection to provide adequate separation, or where a raised median or other impediment to left-turning traffic exists. These driveways are usually located along the approaches to major signalized intersections where a raised median may be provided to protect left-turning vehicles and separate opposing traffic flows.

Driveways of this type shall be designated according to their volume classification, except that the Angle of Entry may be reduced to 45 degrees for one-Way-In or One-Way-Out operation.

C. Access Location and Spacing

1. Street Intersections: Separation of driveway from street intersections should be the maximum practicable, based on site constraints. Recommended separation distances are listed below based upon driveway volume and intersection type. Distances shall be measured from the point of tangency (PT) of the intersection curb radius to the point of tangency of the driveway curb.

Separation from Street Intersection (feet)		
Driveway Type	Signalized Intersection	Unsignalized Intersection
Low Volume	100	50
Medium Volume	150	50
High Volume	500	250

Separation from Street Intersection (feet) (continued)		
Driveway Type	Signalized Intersection	Unsignalized Intersection
Limited Access:		
Right turn in only	50	50
Right turn out only	100	50

Where the minimum standards for a full access drive cannot be met, only a limited access driveway shall be permitted. If based on the above criteria, full access to the site cannot be provided from any adjoining streets, the Planning Board may place further limitations on access to the site. Construction of a shared access drive with an adjacent parcel may be considered.

2. Driveway Separation (Numbered State Highways Only)

The minimum distance between driveways served by a state-numbered highway shall be measured from the centerline of the driveways at the point of intersection with the right-of-way line, and shall be a function of highway speed according to the following table:

Posted Speed Limit	Minimum Separation Distance
25 mph or below	85 feet
30-35 mph	100 feet
40-45 mph	150 feet
50 mph and above	200 feet

D. Number of Access Points

The following criteria shall limit the number of access points independent of frontage length.

1. Developments estimated to generate less than ten (10) vehicle trips at the peak hour or 100 vehicle trips per day shall be limited to one two-way driveway onto a single roadway.
2. All other developments shall; be permitted no more than two (2) two-way driveways of three driveways in total onto a single roadway.

E. Construction Materials/Paving

1. All driveways entering a curbed street shall be curbed with materials matching the street curbing. Curbing shall be placed around all raised islands or medians.
2. All driveways shall be paved with bituminous concrete pavement within the street right-of-way. All commercial driveways regardless of driveway volume shall be paved with bituminous concrete pavement within 30 feet of the street right-of-way.

8.2 Off-Street Parking

A. General

No use shall be permitted, and no structure shall be constructed or enlarged, unless parking is provided on

the lot without necessity for vehicular parking on the street, in accordance with the following requirements.

B. Parking Lot Design Criteria

1. Access Restrictions

- a. Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.
- b. Vehicle access points shall be designed in conformance with section 8.1, above.
- c. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line, unless more is required for buffer yards.
- d. Required parking spaces will not be located within the right-of-way of the public street.

2. Interior Vehicular Circulation

- a. Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement, with particular reference to the necessity of avoiding slowing vehicles on the public road. Access to parking stall should not be from major interior travel lanes.
- b. Islands made up of guardrails, curbs, fences, walls, or landscaping, should be used to identify circulation patterns of parking areas and restrict driving movements diagonally across parking aisles, but shall be designed and placed so as not impede views of oncoming pedestrians and vehicles.
- c. All spaces shall be immediately accessible from an aisle without the necessity of moving other vehicles.
- d. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.
- e. Any layout that utilizes vehicular access service ("drive-up") windows shall provide a minimum of five car lengths of queuing space on the incoming side of the initial stopping point. The required queuing space shall be designed so that it shall not interfere with parking and circulation on the remainder of the site.

3. Layout of Parking Stalls and Aisles

- a. Parking stalls shall be a minimum of nine (9) feet in width by eighteen (18) feet in length for conventional arrangement. Stalls designated for handicapped use shall be a minimum of twelve (12) feet in width by eighteen (18) feet in length and marked appropriately. Stalls may be angled, provided aisles are designated one-way, and each stall contains the minimum rectangular dimensions. Stalls for parallel parking shall be no less than nine (9) feet in width by twenty-two (22) feet in length.
- b. In paved parking areas painted stripes shall be used to delineate parking stalls. Stripes

should be a min. of 4" in width. Where double lines are used, they should be separated a min. of 10" on center.

- c. Two-way aisles shall be a minimum of twenty-two (22) feet in width. One-way aisles shall be a minimum of eighteen (18) feet in width.
- d. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.
- e. The provision of oversize spaces shall be permitted for activities that ordinarily serve oversize vehicles, such as Recreational vehicles, Travel trailers, delivery trucks or tractor-trailer trucks.

4. Paving Required

All parking areas, driveways, and other areas serving ten (10) or more vehicles shall be paved with hot bituminous concrete or an equivalent surfacing over a gravel sub-base at least eighteen (18) inches in thickness, and shall have appropriate bumper or wheel guards where needed.

C. Standards for Number of Parking Spaces

1. Basic Requirements for Parking Space

Adequate of-street parking shall be provided by the developer. The table below shall be interpreted as a guide, subject to adjustments in Subsection 2, following. At least one space, plus one additional space for every twenty-five (25) required, shall be designated as available for handicapped persons:

# of Spaces	Land Use Activity
Places of Residence or Accommodation--spaces per room or dwelling unit	
1 / 3	Dedicated Retirement Home, Nursing Care Facility
1	Hotel, Motel, Bed & Breakfast, College Residence Hall
2	Multifamily buildings
Places of Public Assembly--spaces per seat based on maximum seating capacity	
1 / 4	Theater, with fixed seating
1 / 3	Church
1 / 2	Restaurant, Convention Center, Meeting Hall, Grange, Bottle Club
Places of Commerce and Industry--spaces per 1,000 sq.ft. of gross floor area	
1	Warehousing, Inside sales of motor vehicles

# of Spaces	Land Use Activity
1 1/2	Industrial and Manufacturing Facilities, wholesaling
3	Grocery stores over 5,000 sq.ft., Offices, professional, and personal services, except as noted.
4	Retail sales except as noted
5	Banks, Medical & Dental Offices, Fitness Clubs, Child Care
Public and Institutional Facilities--spaces per 1,000 sq.ft. of gross floor area	
2	Elementary Schools
4	Secondary School, Residence College, Library, Museum, Art Center, Municipal Office.
6	Commuter College, Hospital
Miscellaneous--criteria as specified	
1 per 1,000 sf	Indoor Sports Facility (Tennis, Soccer etc.)--no spectators
1 per 4 seat, based on max seating capacity	Stadiums, Arenas, Racetracks, and other spectator sport venues
30 per acre	Mini-golf, Go-Carts, and Outdoor Amusements
5 per lane	Bowling Alley
3 per service bay + 1 per 10 vehicles displayed	Motor Vehicle Sales & Service

2. Conditional Modification of Requirements: The Planning Board is permitted to modify these standards as minimum requirements, under the following circumstances:
 - a. By up to 10 percent, based upon a showing that similar uses under similar circumstances generate greater or less demand.
 - b. In the Main Street District only, the Planning Board may permit any use to provide up to 100 percent of its parking requirement through the cooperative development and maintenance of a municipal or public parking lot or structure. Alternatively, the Board may reduce the required parking by up to 30 percent, upon the condition that provided off-street parking not be restricted to patrons/tenants of the development.
 - c. The following listed uses may satisfy up to 50 percent of their parking requirement through a shared-use agreement with a non-listed use: Churches, fraternal meeting halls, Eating & Drinking Establishments, Theaters, Fitness Clubs, Bowling Alleys.
 - d. A development may include as a portion of its parking requirement the provision of

parking spaces not locate on the same lot provides a) that the spaces are located within 200 feet of the property line, b) that a written agreement is in place for long-term use of the spaces, and c) that the spaces would not be among the minimum required for a pre-existing or already-permitted use.

- e. The provision of spaces for vehicles owned or operated by the business, such as construction vehicles, tractor-trailers, and vehicles displayed for sale, shall not be included in the above calculations.
- 3. Impact on Physical and Environmental Resources. Parking lots shall not be excessively large, or contain an area more than 25 percent greater than that required by these standards.
- 4. Mixed Uses: Any Portion of an activity or use which is listed separately on the table above shall be considered as a separate use for the purpose of calculating spaces if it exceeds in area or seating capacity 25 percent of the overall area of the building or development. If a mixed use consists of any residential use combined with any commercial use, no parking shall be required of the residential use unless it consists of more than 67 percent of the total development area.

D. Standards for Loading Bays

- 1. Areas for loading and unloading goods shall be located entirely on the same lots as the building or use to be served so that trucks, trailers, and containers for loading or storage shall not be located upon any town way. No loading bays shall be on the side of the building facing the principle street frontage, except within approved industrial subdivisions in the Industrial (I) District.
- 2. The following minimum off-street loading bays or berths shall be provided and maintained in the case of new construction, alterations, and changes of use for the purpose of retail, office, services wholesale, warehouse and industrial operations.

5,0001 to 20,000 sq.ft.	1 bay
20,001 to 80,000 sq. ft.	2 bays
80,001 to 130,000 sq. ft.	3 bays
1302,001 to 190,000 sq.ft.	4 bays

Each 100,000 square feet over 190,000 square feet requires one (1) additional bay.

- 3. Loading bays shall be a minimum dimension of twelve (12) feet by fifty-five (55) feet and be designs and delineated so as not to interfere with traffic flow or other parking spaces.

8.3 Signs Amendment: March 9, 2005

This section provides restrictions on sign location, size, and placement in addition to those of the Maine Traveler Information Services Act, 23 M.R.S.A. section 1901 et seq.

A. In the RU, RR, and UR Districts, only the following sign shall be permitted.

- 1. Signs may be used to convey the inhabitants' names, the property name, and safety and caution messages. Such signs shall not be placed on the roof of the building.

2. Rental vacancies may be advertised with a non-illuminated sign no larger than two square feet. Such signs shall be erected only during such times as the rental property is vacant.
3. The sale of real estate may be advertised by a single, non-illuminated temporary sign, no larger than six square feet in area.
4. Educational, religious, and other institutional uses may display one non-illuminated sign for each building. No such sign shall be larger than twenty square feet in area./
5. Commercial uses may display one sign, which shall be limited in square footage to 1/20 (5 percent) of the linear street frontage of the property.
6. In the UR District only, no sign shall be directly or internally illuminated.

B. In the R, I, and C Districts, the following restrictions shall apply.

1. Signs shall relate to the premises on which they are located and shall only be identify the occupant of the premises or advertise the service available within the premises. Signs shall be permanently affixes to the land or building except as provided in section 8.3.E., below. The total area of signage in square feet shall not exceed 1/3 (33 percent) of the linear street frontage of the property. On corner lots, the longest street frontage may be used.
2. Free-standing signs (not building-mounted) shall be subject to the following requirements:
 - a. Signs shall be placed no closed than 10 feet from the edge of the street right-of-way. No sign shall be placed in or on the sidewalk.
 - b. No portion of any free-standing sign shall extend more than 20 feet above ground level, or above the level of the public street, whichever is higher.

Amendment Mar. 9, 2005: Free-standing signs over twenty (20) feet require Planning Board review and permitting for safety, view, and compatibility with the neighborhood. Height not to exceed thirty-five (35) feet.

- c. No single free-standing sign shall exceed 50 percent of the allowable sign area for the lot.
 - d. No more than two free-standing signs shall be permitted per lot or business.
 - e. Within an approved commercial subdivision, property owners may pool their permissible sign area to erect one free-standing sign at the entrance to the development.
3. Building-mounted signs shall be subject of the following requirements:
 - a. There shall be no more than three building-mounted signs permitted, except in the case where there are multiple lessees of a building, in which case, there shall be permitted no more than one sign per lessee.
 - b. If mounted on the building in such a way as to overhang a pedestrian walkway or public sidewalk, no portion of the sign shall extend beyond five (5) feet of the building face to which attached, nor within ten (10) feet vertical distance of the sidewalk.
 - c. If the proposed sign is to be "flush-mounted", it shall not extend or project more than

twelve (12) inches from the building wall. Cut out letters should not project more than six (6) inches from the building wall.

- d. No portion of a sign structure shall be permitted on the roof nor above the cornice line of any building.
- e. Signs permanently mounted within a window shall not cover more than 30% of the window area.

C. In the V and MS Districts, special provision must apply to accommodate existing development and higher development densities. In general, the provisions of Section 8.3.B shall apply, except as follows:

- 1. The total area signage in square feet shall not exceed 1/2 (50 percent) of the linear street frontage of the property.
- 2. No free-standing sign shall be placed in the public right-of-way or sidewalk, except that temporary "sandwich board" signs may be placed on sidewalks during normal business hours.

D. Illumination of Signs

No sign shall be illuminated with flashing, moving, or animated-type lights. All illumination shall be designed and install so as to minimize glare.

E. Temporary signs

Signs and banners for special events may be posted in any district upon written notification to the Code Enforcement Officer. A temporary sign shall be posted for a period of not more than twenty (20) days within any ninety (90) day period. The owner shall remove said signs upon termination of the event. No temporary sign or banner shall be placed in or above the right-of-way of a public street, except by written permission of the Town Manager.

F. The following are not considered signs subject to these provisions:

- 1. Flags and insignia of any government.
- 2. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
- 3. Integral decorative or architectural features of building except letters, trade marks, moving parts, or moving or flashing lights.
- 4. Sign placed for the purpose of guiding traffic and parking on private property.

G. Existing, non-conforming signs may be maintained but not be replaced except by conforming signs. Upon change of ownership of a business premises, all non-conforming signs must be removed or replaced by conforming signs.

8.4 Solid and Liquid Wastes

- A. The development shall provide for the disposal of all solid wastes on a timely basis and in an environmentally safe manner. The Town shall not be responsible for pickup or transfer of wastes.
- B. Sanitary and Liquid Wastes
 - 1. When not serviced by the public sewerage system, the approval of a permit shall be subject to presentation of a completed site evaluation form (HHE-200) which evidences adequate soil conditions for wastewater disposal.
 - 2. Industrial or commercial waste waters may be discharged to public sewers only and in such quantities and/or qualities as to be compatible with operations of the Kennebec Sanitary Treatment District. Wash water or other process water carrying stone dust, stone particles, silt or other mineral matter will not be accepted. Wastes may require pretreatment at the industrial or commercial site in order to achieve this standard. The Planning Board shall consider the impact of particular industrial or chemical wastes or by-products upon the system's facilities (in terms of volume, flammability, or toxicity) and may require the development to dispose of such wastes elsewhere, in conformance with applicable State and Federal regulations. The Board may require the applicant to specify the amount and exact nature of all industrial and chemical wastes to be generated by the proposed operation.

This standard shall not apply to facilities that treat their own wastewater requiring an Effluent Discharge Permit from the Maine Department of Environmental Protection.

8.5 Utilities

Public utility lines feeding commercial structures shall be placed underground wherever practicable.

Article 9: Design Standards Applicable to Specific Activities

9.1 Adult Businesses

The purpose of this section is to permit the establishment of adult businesses, as defined, in such manner and location as will protect the general welfare and preserve the community standard.

- A. Physical Separation: In districts where permitted, adult businesses shall not be located within 250 feet of a residential district boundary, nor within 500 feet of an existing residential, educational, or religious use, nor within 500 feet of any other adult business.
- B. Signs: In addition to the provisions of Section 8.3 of this ordinance, signs for adult business shall not depict the human figure in any unclothed or suggestive manner. No sexually explicit message, materials, or activity shall be visible outside the building.

9.2 Automobile Graveyards and Junkyards

Automobile graveyards and junkyards shall be subject to the provisions of 30-A MRSA, sec. 3751-3760, as amended "Automobile Graveyards and Junkyards", including separate licensing provisions. In addition, they shall meet the following standards:

- A. No motor vehicles or stored materials shall be located on a sand and gravel aquifer, or on an aquifer recharge area, as mapped by the Maine Geological Survey, or a qualified hydro geologist.
- B. No motor vehicles or store materials shall be located within the 100 year floodplain, as it appears on Federal Flood Insurance Rate Maps on file at the Town Office.
- C. no motor vehicles of store materials shall be located within 500 feet of neighboring residences, private wells, schools, church, cemetery, public playground, public beach, or public park or within ordinary view of one of these facilities.
- D. There will be no disposal or release to the environment of any solid, special, or hazardous wastes. There will be no open burning of any substances. All major dismantling of motor vehicles shall take place within a building, and shall be don between the hours of 7 a.m. to 4 p.m. Mondays through Saturdays.

9.3 Campgrounds and Tenting Grounds.

A. General

- 1. A campground must be constructed on a lot containing a minimum of ten (10) acres. All RV or trailer sites and all structures shall be located at least one hundred (100) feet from any property line.
- 2. Campsites shall be laid out and screened in such a manner that none are within view from public roads, neighboring residences, or approved subdivision lots. Any combination of evergreen

planting, landscaping earthen berms, or solid fencing may be used to screen this activity, when sites would otherwise be visible from the locations described above.

3. No trailers other than recreational or utility trailers, shall be permitted within any campground, temporary or otherwise.
4. Tent sites and sites for trailers and RVs shall be laid out so that the overall density does not exceed the standards below:

	Non-shoreland	Shoreland District
Tent sites	14 per acre	8 per acre
Trailer/RV sites	11 per acre	7 per acres

5. The minimum setback from the normal high-water mark shall be 100 feet for all recreational vehicles, tents, or other temporary or permanent structure.
6. No campsite shall be located within a Resource Protection District or within the 100 year floodplain.

B. Parking and Circulation

1. Adequate parking plus maneuvering space shall be provided for each RV, tent, or shelter site. Individual spaces shall be laid out so that there shall be a minimum of 75 feet between RV sites and all public roads located inside the boundaries of the campground.
2. Vehicular access shall be provided onto a hard-surfaced road adequate for the volume and type of traffic likely to be generated. All roads shall be constructed to the standards for a private right-of-way as per the Town of Fairfield Subdivision Ordinance. No vehicle parking shall be permitted on the roadway.

C. Health and Safety

1. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table and trash receptacle. The park management shall dispose of refuse from said containers at least once every three days.
2. A campground shall provide water and sewage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Wastewater Disposal Rules. At least one toilet, one shower, and one lavatory shall be provided for each sex for every ten (10) campsites. All RV and trailer sites shall be equipped with water and sewage hook-ups, and connected to approved distribution or disposal systems.
3. Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations. Twenty-Four (24) hour emergency service (e.g. telephones) shall be provided.

D. Planning and Review

1. Campgrounds are subject to review under the Town of Fairfield Subdivision Ordinance, with particular attention to the requirements for habitat protection and retention of natural vegetation.

9.4 Communication Towers

A. Location

1. Communication Towers are prohibited in the MS, V, UR, and R Districts.
2. Consideration shall be given to serving new communication service demands by use of existing towers (co-location) whenever practicable. Applicants for permits for new facilities shall state why location on an existing tower is not feasible.

B. Design and Construction

1. No tower shall exceed 195 feet in height, as measured from the tip to the ground surface.
2. New towers shall be designed in such a way as to facilitate co-location.
3. A new or expanded tower shall be placed on a lot owned by the operator of the facility or leased for a period of not less than ten (10) years, and shall be set back from the lot line a minimum horizontal distance equivalent to the height of the tower, but in no case less than required setbacks for the district in which it is located.
4. New towers shall be constructed with materials and colors that match or blend in with the surrounding natural or built environment to the maximum extent practicable.
5. All towers and supporting structures must comply with structural standards established by the Electronic Industries Association/Telecommunication Industries association. Compliance with these standards shall be certified by a registered professional engineer.
6. Any communication tower that is unused or out of service for a period of eighteen (18) continuous months shall be considered abandoned and shall be removed as soon as possible. The Town of Fairfield is hereby authorized to contract for removal of the tower and assess the cost of said removal as a lien against the property.

9.5 Eating and Drinking Establishments

- A. All permit applications shall state the maximum seating capacity of the establishment. Any expansion or enlargement over the stated capacity shall require a new permit.
- B. Any establishment located within 500 feet of an existing public sewer line shall connect with the sewer system at the expense of the owners. When subsurface wastewater disposal is proposed, completed soil evaluation forms (HHE-200) shall be submitted. All proposed subsurface disposal systems shall meet the Maine State Subsurface Wastewater Disposal rules.

C. Separate restroom facilities for male and female patrons shall be provided on the premises.

9.6 Extractive or Filling Operations

A. Scope and Exclusions> Except for the exclusions listed below, the removal or placement of topsoil, rock sand, gravel, and other earth materials is prohibited in the UR, V, and MS Districts and is a Conditional use in all other districts:

1. The removal, placement or transfer, of less than one hundred (100) cubic yards of material from or onto any lot in any twelve (12) month period.
2. The removal, placement or transfer, of material incidental to construction, alteration, or repair or a building or in the grading and landscaping incidental thereto; and
3. The grading or shifting of material incidental to construction, alteration, or repair of a public or private way or essential service.

B. Submission Requirements

1. All applications shall be prepared according to the performance standards herein, in compliance with applicable State Laws, and accompanied by all required State Permits or Licenses and the following information:
 - a. A site plan with topography indicating not greater than five (5) foot contour intervals, related to US Geodetic Survey data; the location and slope of the grades, existing and as proposed upon completion of the extraction operation; and detailing proposed fencing, buffer strips, signs, lighting, parking and loading areas, entrances and exits; together with a written statement of the proposed operating procedure and working hours.
 - b. A plan for reclamation of the site upon completion of the operation.
 - c. Evidence of adequate insurance against liability arising from the proposed operations, to be maintained throughout the period of operation.
2. The Board may require the additional submission of a hydro geologic study to determine the effects of the proposed activity on groundwater movement and quality within the area.

C. Performance Standards

1. No part of any excavation shall be permitted within 150 feet of any property or street line, except for drainage ways. Natural vegetation shall be left and maintained on the undisturbed land.
2. If any standing water accumulates, the site shall be fenced in a manner adequate to keep children out. Measures shall be taken to prevent or halt the breeding of insects.
3. No slopes steeper than three (3) feet horizontal to one (1) foot vertical (3:1) shall be permitted at any site unless a fence at least six (6) feet in height is erected to limit access to such locations.

4. Topsoil and subsoil suitable for purposes of revegetation shall, to the extent required for restoration, be stockpiled for use in restoring the location after an extraction operation has ceased. Stockpiles shall be protected from erosion, according to the erosion prevention performance standards of this ordinance.
5. The sides and bottom of cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to published Best Management Practices.
6. Lagoons shall be designed to avoid creation of fish trap conditions. The applicant shall submit written approval from the Maine Department of Environmental Protection, and/or the Department of Inland Fisheries and Wildlife, as applicable prior to consideration by the Planning Board.
7. The hours of operations at any site shall be limited as the Planning Board deems advisable to ensure compatibility with neighboring residences.
8. Loaded vehicles shall be suitably covered to prevent dust and contents from spilling or blowing from the load, and all trucking routes and methods shall be subject to approval by the Public Works Director. No mud, soil, sand, or other materials shall be allowed to accumulate on a public road from loading or hauling vehicles.
9. All access/egress roads leading to or from the site to public ways shall be treated with suitable materials to reduce dust and mud for a distance of at least one hundred (100) feet from such public ways.
10. No equipment debris, junk, or similar material shall be permitted on a site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith shall be removed within thirty (30) days following completion of active operation.
11. Within six (6) months of the completion of operations at any site of any one or more locations within any site, ground levels and grades shall be established in accordance with the submitted reclamation plans, including the following:
 - a. All debris, stumps, boulders, and similar materials shall be removed or disposed of in an approved location or, in the case of solid, non-organic, non-toxic matter, may be buried and covered with a minimum of two (2) feet of soil,
 - b. The extent and type of grading material shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.
 - c. Storm drainage and water courses shall leave the site at the original natural drainage points. The amount of drainage at any point will be significantly increased.
 - d. Sufficient topsoil or loam shall be retained or obtained to cover all disturbed areas to a depth of four (4) inches. Areas shall be reseeded and properly restored to a stable condition adequate to meet the provisions of the "Environmental Quality Handbook, Erosion and Sediment Control", as amended.
 - e. No slope greater than three (3) feet horizontal to one (1) foot vertical (3:1) shall be permitted.

D. Existing Operations

1. Any extraction operation in lawful operation at the time this Section becomes effective, may operate for a period of five (5) years from the effective date without a Conditional Use Permit. Within six (6) months of enactment of this ordinance, the Code Enforcement Officer shall notify, by certified mail, return receipt requested, the owners of all property which, to the best of their knowledge, contain existing operations, informing them of the requirements of this section.
2. Discontinuation of any existing operation shall result in the loss of pre-existing status for the operation. Discontinuation is defined as being the excavation, processing, or storage of less than one hundred (100) cubic yards of material, for any consecutive one-year period of time.

9.7 Ground Water and/or Spring Water Extraction and/or Storage

A. Permit Required. The removal of more than 1000 gallons per day of ground water or spring water for commercial purposes is a conditional use in all districts.

B. Submission Requirements. The application shall include the following information:

1. Statement of the quantity of ground water to be extracted, expressed as the annual total, the maximum monthly rate by month, and the maximum daily rate;
2. A letter from the Maine Department of Human Services approving the facility as proposed where the Department has jurisdiction over the proposal;
3. Where appropriate, letters from the Department of Environmental Protection when the Site Location Law is applicable or a discharge permit is required.
4. A hydro geologic report by a certified professional geologist or registered professional engineer. This report shall include a map of the aquifer feeding the spring(s), well(s), or excavation(s) from which water is to be extracted in sufficient detail to support a calculation of sustained yield during a drought with a probability of one in ten years, as well as an estimate of any potential interaction between this aquifer and adjacent aquifers. Impacts on the water table in the aquifer and wells within 1,000 feet of the proposed extraction facilities shall be assured.

C. Performance Standards

1. The quantity of water to be taken from water sources will not substantially lower the water table beyond the property lines, cause undesirable changes in ground water flow, or cause unacceptable ground subsidence, during a drought with a probability of occurrence of once in ten (10) years.
2. The proposed facility shall not cause water pollution or other diminution of the quality of the aquifer from which the water is to be extracted.
3. Safe and healthful conditions shall be maintained within and about the proposed use.
4. The operator shall make monthly operating records of the quantity of water extracted, stored, and

removed from the site, available to the Code Enforcement Officer or a designee.

5. Nothing in this procedure, and no decision by the Planning Board shall be deemed to create groundwater rights other than those rights which the applicant may have under state law.

9.8 Home Occupations

- A. The use of a dwelling unit or property for a home occupation shall be clearly incidental to and subordinate to the residential use of the property and surrounding residential uses.
- B. A home occupation may not alter the residential character of the structure, neighborhood, or change the character of the lot from its principal use as a residence.
- C. The home occupation shall be carried on wholly within the principal or accessory structures. Any outside storage or display of materials or products shall be screened from view from the abutting properties and street. The display for sale of motor vehicles or outside storage of vehicles awaiting repair is expressly prohibited as a home occupation.
- D. All parking shall be located to the rear of side of the principal structure, but not within the required yard setbacks.
- E. One non-illuminated sign, no larger than six (6) square feet may be erected on the premises.
- F. The sale of products shall be limited to those items which are crafted, assembled. Or substantially altered on the premises, to catalog items ordered off the premises by customers, and items which are accessory and incidental to a service which is provided on the premises.
- G. A home occupation shall not involve the use or storage of heavy commercial vehicles, including construction and delivery vehicles.
- H. A home occupation shall not create greater traffic than normal for the area in which it is located or generate more than forty (40) vehicle trips/day.

9.9 Kennels and Veterinary Clinics

- A. Structures or pens for housing or contain the animals shall be located not less than one hundred (100) feet from the property line.
- B. All pens, runs, kennels, and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties.
- C. The owner or operator shall maintain the premises in a clean, orderly, and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in a manner that they will not provide a breeding place for insects, vermin or rodents.

- D. Temporary storage containers for any wastes containing or including animal excrement shall be kept tightly covered at all times and emptied no less frequently than once every four days. Such containers shall be made of steel or plastic to facilitate cleaning, and shall be located in accordance with the setbacks required for outdoor runs.
- E. If outdoor animal "runs" are created, they shall be completely fenced in, and shall be paved with cement, asphalt or a similar material to provide for cleanliness and ease of maintenance.
- F. Incineration devices for burning excrement-soaked waste papers and/or animal organs or remains shall be located a minimum distance of four hundred (400) feet from any property line, and shall have a chimney vent not less than thirty-five (35) feet above the average ground elevation. Approval shall be obtained from the Maine Department of Environmental Protection for the proposed incinerator.

9.10 Mobile Homes in the MS, V and UR Districts

All new installations of Manufactured Housing Units in the Maine Street (MS), Village (V), and Urban Residential (UR) Districts shall conform to the following design standards:

- i. All units must be a minimum of fourteen (14) feet in width and contain at least seven hundred fifty (750) square feet of living space;
- ii. All units shall have a residential-style siding and roof pitch of at least three (3) in twelve (12);
- iii. All units shall have wheels and axles removed and placed upon a permanent foundation consisting of a frost wall, a paved pad with skirting, or a full basement.

9.1 Overnight Accommodations

A. Hotels, motels, rental cottages, and inns designed and constructed without individual kitchen facilities (except for Bed and Breakfast) are subject to the following requirements:

- 1. No part of any building shall be closer than sixty (60) feet to the front lot line, rear lot line. Or either side line of such lot. A green space, not less than twenty (20) feet wide, shall be maintained open and green with grass, bushes, flowers, or trees all along each side lot line, the rear lot line, the front line of such lot, except for entrance and exit driveways. The green space shall not be used for automobile parking.
- 2. Each rental unit shall contain not less than two hundred (200) feet of habitable floor area enclosed by walls and roof exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room shall not be less than twelve by fifteen (12X15) feet horizontal dimensions, exclusive of bath. Each rental unit shall include private bathroom facilities.
- 3. For each building or lot, one apartment may be provided for a resident owner, manager, or other responsible staff person.
- 4. Parking stall shall be designed to accommodate the traveling public by a minimum stall width of ten (10) feet and stall depth of twenty (20) feet for perpendicular stall. Angled parking stall width and depths shall be increased by 10% and 25% above the standards contained in this Ordinance.

Accommodations catering to truckers may increase stall dimensions appropriately.

5. All hotels in excess of ten (10) units shall be connected to the public sewer and water systems.
6. Each rental room shall be equipped with an approved, hardwired smoke detector.

B. Bed and Breakfast facilities shall comply with the following:

1. The application for permit shall include a scale drawing of the lot showing the location of: existing buildings, existing and proposed parking, and existing and proposed sewage disposal system.
2. In addition to parking required by section 8.2.D of this ordinance, two spaces shall be provided for the dwelling unit.
3. There shall be at least one (1) bathroom for the rental rooms, in addition to the bathroom for the dwelling unit.
4. Each rental room shall have not less than one hundred twenty (120) square feet.
5. Each room shall be equipped with an approved, hardwired smoke detector.

C. Hotel, motel or cottage units with self-contained kitchen and toilet facilities or otherwise designated as housekeeping accommodations are considered to be dwelling units and shall meet all applicable standards of this ordinance. In addition, the creation of three or more units may be subject to review under the Town of Fairfield Subdivision Ordinance.

9.12 Professional Offices in the Urban Residential (UR) District

Within the UR District, professional offices may be established, subject to the following standards:

- A. New professional offices shall be located only within existing building, in order to retain the essential character of the neighborhood. Exterior alterations shall be minimized and shall be similar to the original architectural style of the building. In special situations where a building is extremely dilapidated and structurally unsound, the Planning Board may approve plans to replace an existing residential building with a proposed new professional office building designed to be consistent in scale and appearance with other buildings in the neighborhood. The Board shall seek the recommendation of a recognized architectural authority before granting permission to demolish.
- B. Parking for professional offices shall be located to the side or rear of the building, and shall be screened from view from all streets and abutting residential properties.
- C. All outdoor lighting shall be directed in such a manner as to avoid "overspill" onto abutting residential properties, or glare into the street.
- D. The office shall be granted to generate no more than one hundred (100) vehicle trips per day.

9.13 Recreational Facilities

All public and private recreation facilities shall meet the standards below, as appropriate:

- A. There shall be provided adequate off-street parking for the anticipated maximum attendance at any event.
- B. Containers and facilities for rubbish collection and removal shall be provided.
- C. Adequate screening, buffer area, or landscape provisions shall be built, planted, or maintained, to protect adjacent residences from adverse noise, light, dust, smoke, and visual impact.
- D. The facility shall not create a traffic hazard. The Police Department shall review the location and access and provide its comments to the Planning Board prior to or at the public hearing.

9.14 Renting Rooms in Owner-occupied Dwellings

Notwithstanding the provisions of this ordinance regarding minimum lot size, a homeowner may add no more than one (1) accessory dwelling unit, subject to obtaining a Development Permit and complying with the following standards:

- A. The home shall have been constructed and occupied prior to the enactment of this ordinance. There shall be no new external construction to increase the size of the structure to accommodate the accessory use other than necessary to meet fire egress or handicapped accessibility codes.
- B. The water and sewage facilities meet all existing laws and codes for the increased demand.
- C. One "For Rent" sign, no larger than two (2) square feet in area may be posted on the premises, only during times when a vacancy exists.

9.15 Schools, Colleges, Churches, Fraternal Organizations, and Non-Profit Clubs

Public and private schools, colleges, churches, fraternal organizations, and non-profit clubs shall meet the provisions below.

- A. Buffering and screening shall be provided as if a commercial use in accordance with the provisions of Section 7.3 of this ordinance.
- B. No principle building shall be closer than fifty (50) feet from a property line.

9.16 Waste and Scrap Storage, and Processing

Waste, scrap storage, and processing facilities are subject to the provisions of 38 MRSA, chapter 13 Waste Management, including separate licensing provisions, and shall meet the following standards:

- A. Location

1. No waste scrap storage or processing facility shall be located in a sand and gravel aquifer or an aquifer recharge area, as mapped by the Maine Geological Survey or a qualified hydro geologist.
2. No waste, scrap storage, or processing facility shall be located within the on hundred (100) year floodplain, as it appears on federal Flood Insurance Rate Maps on file at the town office.

B. Submission Requirements

1. All application for a Conditional Use Permit shall;;, in addition to the basic submission requirements, be accompanied by all required state permits or licenses and the following information:
 - a. A written statement of the proposed operating procedure and working hours.
 - b. Evidence of adequate insurance liability arising from the proposed operations, to be maintained throughout the period of operation.
2. The board may require the additional submission of a hydro geologic study to determine the effects of the proposed activity on groundwater and quality within the area.

C. Performance Standards

1. The hours of operation shall be limited as the planning board deems advisable to ensure operational compatibility with nearby residences.
2. Storm drainage and water courses shall leave the location at the original natural drainage points and in a manner such that the amount of drainage at any point is not significantly increased.
3. Safe and healthful conditions shall be maintained within and about the proposed use.