

**TOWN OF MOUNT DESERT
CODE ENFORCEMENT OFFICER PERMIT APPLICATION**

PERMIT # _____

DATE APPLICATION RECEIVED _____

TAX MAP _____ LOT _____ ZONING DISTRICT _____ VILLAGE

PHYSICAL LOCATION:

OWNER: _____
(Print) (Signature)

MAILING ADDRESS: _____

PHONE: _____ FAX: _____
(Home) (Business)

APPLICANT:

_____ (Print) (Signature)

MAILING ADDRESS: _____

PHONE: _____ FAX: _____
(Home) (Business)

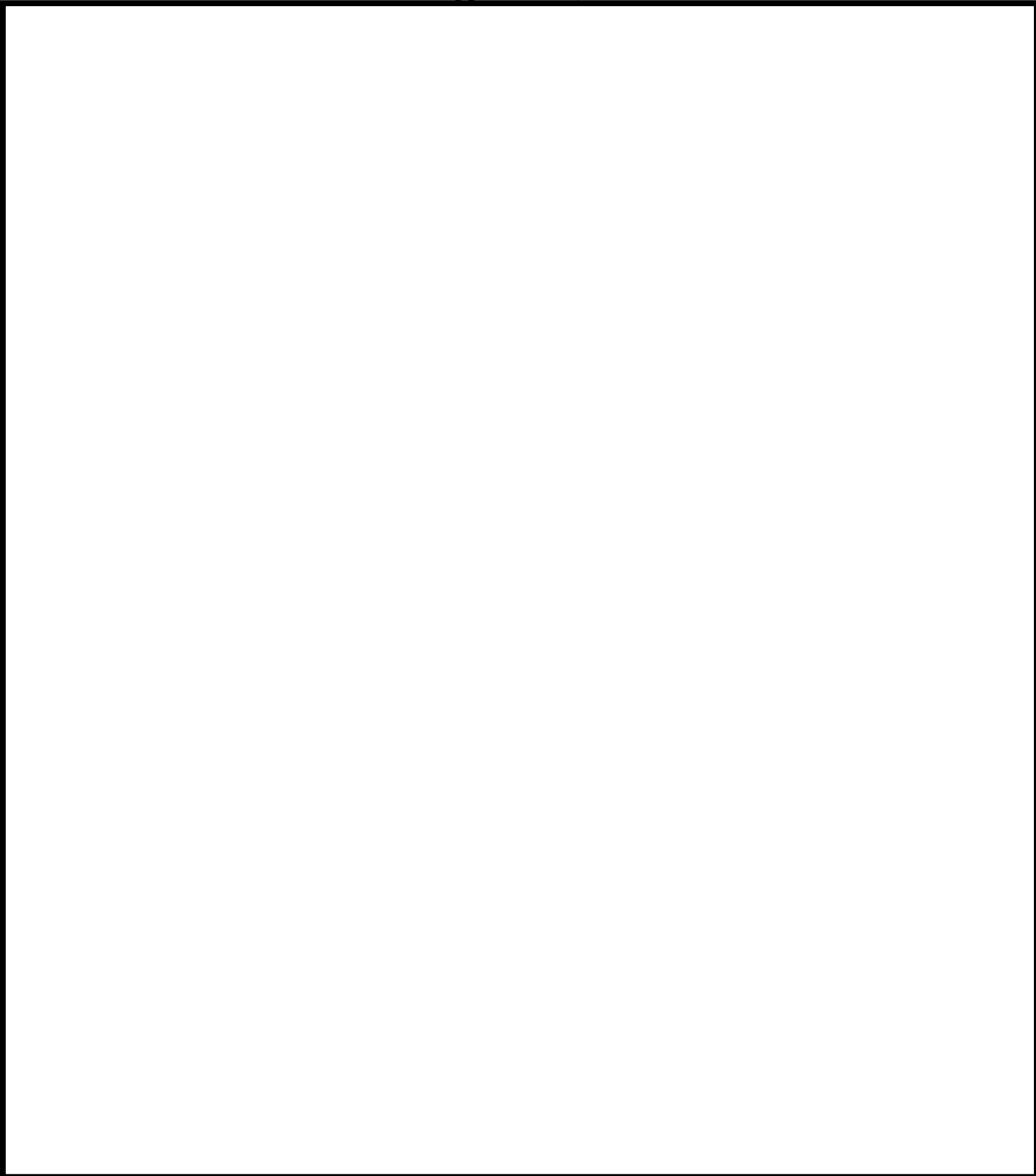
AGENT: _____ (Print) (Signature)

MAILING ADDRESS: _____

PHONE: _____ FAX: _____
(Home) (Business)

USE REQUESTED (*Applicant, explain what you want to do*) and SKETCH (scale approximate) TO BE ATTACHED SHOWING: **directions to property**, *proposed structures; location and elevation; setback from roads, shore and property lines; distance between buildings; and access road.*

DETAILED SITE OR PLOT PLAN --for applicant use, indicate north with arrow.



REMEMBER TO INCLUDE: street names, directions to property, proposed structures and/or activity; relevant dimensions; location and elevation; setback from roads, shore and property lines; distance between buildings; and access road.

SECTION 6 STANDARDS FOR USES, PERMITS AND APPROVALS

6A GENERAL PERFORMANCE STANDARDS

6A.1 Compatibility The proposed use shall be compatible with the permitted uses within the district in which it is located as measured in terms of its:

Physical Size:

Visual Impact:

Proximity to other structures:

Density of Development:

6A.2 Erosion Control

1. Filling, grading. Filling, grading shall be conducted in such a manner to prevent, to the maximum extent possible, erosion and sedimentation.

2. Removal of sand or gravel. Removal of sand or gravel from natural beaches or the disruption or removal of buffer strips that protect fragile land areas immediately behind a shoreline and on neighboring properties is prohibited.

- N/A Applicable, Standard Met Applicable, Standard Not Met

3. Tilling of soil. Where soil is tilled in a Conservation District, or where soil in excess of twenty thousand (20,000) square feet lying either wholly or partially within the area covered by this Ordinance is tilled in a Rural or Woodland District, such tillage shall be carried out in conformance with...

- N/A Applicable, Standard Met Applicable, Standard Not Met

6A. 3 Highway Safety The proposed use shall not cause unreasonable congestion on highways or public roads, or unsafe conditions with respect to the use of highways or public roads existing or proposed.

Sufficient off-street parking shall be available:

6A. 4 Impact on Town Services The proposed use shall not unduly burden the capacity of the Town's facilities, including public water and sewage, or the ability of the Town to provide essential public services (such as, but not limited to, schools, fire and police protection, refuse collection, and parking) to its residents and visitors.

6A. 5 Land Suitability All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water pollution, whether during or after construction ...

6A.6 Lighting – Outdoor

Requirements:

1. **Full cutoff.** All lights greater than *1800 lumens (a 100 watt incandescent light produces 1800 lumens) shall be shielded to direct all light towards the ground.
2. **Light trespass.** All light shall be directed away from adjacent properties. The light sources in flood and spot lights shall not be directly visible from adjacent properties. High intensity light sources shall not be directly visible to motorists on public roads.
3. **Excessive Lighting** may not be used to direct attention away from existing business and community lighting.
 1. The lighting of structural canopies such as gas station canopies shall not be used to attract attention to the business. Areas under structural canopies shall be illuminated so that the uniformity ratio (ratio of average to minimum illumination) shall be no greater than 5:1 with an average illumination level of not more than 30 footcandles.
 2. Light fixtures located on structural canopies shall be mounted so that the lens cover is recessed or flush with the ceiling of the canopy.

3. Recommended Best Practices:

1. Motion sensors. Use motion sensors to control flood and spot lights.
2. HPS lights. Use high pressure sodium (HPS) lights to minimize sky glow where color recognition is not needed.
3. Non-security parking lights. Turn off non-security parking lot lights after business hours to save energy and protect the night sky.
4. Minimum amount of lighting. Provide the minimum amount of light needed to achieve safe uniform lighting with lights that consume the lowest amount of power possible.
5. Shield or flush mount lights. Fully shield or horizontally flush mount all lights.
6. Signs and flags. Illuminate signs and flags from above and shield all sports lighting.

7. Guidelines for professional design. Request that professionals follow Illuminating Engineering Society guidelines for intensity and uniformity and not to exceed the minimum recommended values.

4. Definitions

Lumen: Approximately the amount of light measured one foot from a candle. 1 lumen is approximately 1 foot candle.

*A 100 watt incandescent light produces 1800 lumens.

N/A Applicable, Standard Met Applicable, Standard Not Met

6A. 7 Nuisances Notwithstanding any other standard in this section, the Planning Board shall not issue any Conditional Use Approval for any proposed use which if established would be obnoxious or offensive by reason of:

| | | | |
|-------------------------|------------------------------|---|---|
| <u>Odors;</u> | <input type="checkbox"/> N/A | <input type="checkbox"/> Applicable, Standard Met | <input type="checkbox"/> Applicable, Standard Not Met |
| <u>Dust;</u> | <input type="checkbox"/> N/A | <input type="checkbox"/> Applicable, Standard Met | <input type="checkbox"/> Applicable, Standard Not Met |
| <u>Smoke;</u> | <input type="checkbox"/> N/A | <input type="checkbox"/> Applicable, Standard Met | <input type="checkbox"/> Applicable, Standard Not Met |
| <u>Gas;</u> | <input type="checkbox"/> N/A | <input type="checkbox"/> Applicable, Standard Met | <input type="checkbox"/> Applicable, Standard Not Met |
| <u>Fumes;</u> | <input type="checkbox"/> N/A | <input type="checkbox"/> Applicable, Standard Met | <input type="checkbox"/> Applicable, Standard Not Met |
| <u>Vibration;</u> | <input type="checkbox"/> N/A | <input type="checkbox"/> Applicable, Standard Met | <input type="checkbox"/> Applicable, Standard Not Met |
| <u>Noise;</u> | <input type="checkbox"/> N/A | <input type="checkbox"/> Applicable, Standard Met | <input type="checkbox"/> Applicable, Standard Not Met |
| <u>Outdoor lighting</u> | <input type="checkbox"/> N/A | <input type="checkbox"/> Applicable, Standard Met | <input type="checkbox"/> Applicable, Standard Not Met |
| <u>Other</u> | <input type="checkbox"/> N/A | <input type="checkbox"/> Applicable, Standard Met | <input type="checkbox"/> Applicable, Standard Not Met |

... nor for any use which would prove injurious to the safety and welfare of the neighborhood.

6A. 8 Preserving the Town's Character The proposed use shall be consistent with protecting the general character of the Town, conserving the natural beauty of the area and shall not tend to change the historical or cultural character of the neighborhood. Such use shall be similar to a use specified as P, CEO or C in Section 3.4 and shall be in accord with the Comprehensive Plan.

6A.9 Stormwater

1. **Purpose.** The direct discharge of stormwater from ditches, swales and developed sites to streams and lakes can contribute to water pollution because stormwater can contain sediment, nutrients, hydrocarbons and other harmful substances. Stormwater can also damage roads, ditches, culverts and other drainage structures that are not designed or sized to accommodate storm flows. These problems can worsen when an undeveloped woody site is cleared for development since stormwater that was previously intercepted by vegetation and absorbed into the ground is allowed to flow more freely across and off of the site. The closer post-project stormwater flows are kept to pre-project conditions in terms of volume, rate, timing and pollutant load, the less likely that stormwater will damage the site or public or private property or cause harm to water bodies.
2. **Applicability.** For development on all lots that are within 75 feet of a water body and where drainage is towards the water body, or on slopes of 25% or greater, the applicant shall submit a site plan that demonstrates to the satisfaction of the Code Enforcement Officer that the project will comply with this stormwater standard.
3. **Stormwater plan required.** The applicant shall submit a Stormwater Management Plan prepared in conformance with the following requirements (see Code Enforcement Officer for example of stormwater plan):
 4. **Vegetated buffer.** The lot shall be developed to accommodate a vegetated buffer. The purpose of the buffer is to intercept and then spread out and soften the flow of water. Stormwater from the developed portion of the site shall be directed by sheet flow to the buffer. This buffer need be located only on the downslope side(s) of the lot. If, due to lot orientation, a driveway or other opening must be located within the buffer, it shall be sited so that drainage from the developed portion of the site, including the driveway, can still be directed by sheet flow into the buffer. The buffer requirement may be met as follows:
 - a. **Wooded buffer width.** If the buffer is presently wooded, it shall be at least 25 feet in width. Removal of trees and other vegetation within the buffer cannot result in any cleared openings or disturbance of the existing forest floor except for removal of dead trees and safety hazards.
 - b. **Non-wooded buffer width that revert to woods.** A minimum 25-foot wide non-wooded buffer may also be used if it is allowed to revert to woods or is planted with shrubs or similar landscaping which minimizes disturbance of ground vegetation and leaf litter.
 - c. **Non-wooded buffer width.** If a non-wooded buffer is to be maintained as a field, it shall be at least 50 feet in width and mowing limited to no more than twice per year.
 - d. **Buffer alternatives.** Berms, detention basins or other alternatives as approved by the Code Enforcement Officer may be used instead of vegetated buffers if they are designed to intercept and then spread out and soften the flow of stormwater without channeling it. The Code Enforcement Officer is authorized to request the review and endorsement of any such alternatives by the Hancock County Soil and Water Conservation District, the cost of which shall be borne by the Applicant.

5. **Natural drainage.** Existing swales or drainage courses that carry water through the site are to remain undisturbed to the maximum extent possible. Culverts, stream crossings and other alterations may be permitted if the flow of water is unimpeded as it leaves the property in a manner similar to pre-project conditions.

6. **Directing sheet flow to buffers.** All disturbed portions of the site, including buildings, lawns and driveways, are to be graded to direct sheet flow of drainage into the buffer areas and not into roadside ditches. Any drainage that must be directed to roadside ditches shall be minimized.

7. **Filling or grading to protect the shoreline and prevent erosion.** On slopes greater than twenty-five (25) percent, there shall be no grading or filling within one hundred (100) feet of the normal high water mark, except to protect the shoreline and prevent erosion.

8. **CEO Inspection.** Following completion of lot development, the Code Enforcement Officer or his/her designee shall inspect the lot to verify that the requirements of the Stormwater Standard have been met. Should the Code Enforcement Officer determine that the lot is not in compliance with the Stormwater Standard, he/she shall initiate enforcement action to bring the lot into compliance in accordance with the provisions of this Ordinance.

9. **Modifications.** The Code Enforcement Officer may approve modifications to the Stormwater Standard if the applicant can demonstrate that the intent of Stormwater Standard will be complied with. In making this determination, the Code Enforcement Officer may request the review and endorsement of the Hancock County Soil and Water Conservation District. The cost of such assistance shall be borne by the applicant.

N/A Applicable, Standard Met Applicable, Standard Not Met

6A.10 Vegetation

1. Clearing. Clearing of trees or conversion to other vegetation is allowed for permitted construction provided that:

Appropriate measures are taken, if necessary, to prevent erosion when activity is undertaken. The activity is in conformity with State Mandated Shoreland Zoning.

2. Tree removal near town roads. Removal of more than 25% of the trees within 25 feet of any town or state road in any 12 month period shall require a Conditional Use Approval of the Planning Board.

3. Slash. No accumulation of slash shall be left within 50 feet of any town or state road or within 50 feet of the normal highwater mark of any waterbody. Slash shall be disposed of so that no part extends more than 4 feet above the ground.

4. Shoreland zoning. Provisions of the State of Maine Shoreland Zoning Act shall apply in

the State Mandated Shoreland Zone for timber harvesting and clearing of vegetation, as per Title 38 MRSA § 439-A.5 and 439-A.6.

5. CEO Permit. A CEO Permit is required for cutting timber larger than 4 inches in diameter measured 4 ½ feet above ground when the total amount to be cut is greater than 10 cords but less than 50 cords in any one year period.
 6. Conditional Use Approval. Conditional Use Approval is required from the Planning Board for cutting timber larger than 4 inches in diameter measured 4 ½ feet above ground when the total amount to be cut is 50 cords or more in any one year period.
-
-
-

6B.6 Driveway Construction (See 6C.10 – Shoreland Zoning Standards)

1. **Primary access driveways.** Driveways that provide the primary access from a public or private way to a building shall meet the following construction standards:

| | |
|-------------------------------|-----------|
| Minimum travel surface width: | 12 feet |
| Minimum unobstructed width: | 14.5 feet |
| Minimum vertical clearance: | 14.5 feet |

2. **Continuation of compliance.** The minimum construction standards must be maintained at all times to provide adequate ingress and egress for emergency vehicles.

3. **Culverts.** Culverts with a minimum 15" diameter shall be installed at the end of driveways to provide for adequate drainage at the intersection with public or private ways where ditching exists.

4. **Stormwater flow from driveways.** Driveways shall be constructed and maintained to meet the following minimum standards:

1. No flow onto streets. The driveway shall be constructed to prevent water or runoff from the driveway from reaching the paved or traveled portion of a public or private street.
2. No flow increase on abutting property. Driveway construction shall not result in an increase in quantity or concentration of pre-construction stormwater flow from the property onto an abutting property.

5. **Compliance with stormwater standards.** Driveways shall comply with the stormwater standards of Section 6A.9, where applicable.

6. **Driveway setbacks from waterbodies and wetlands.** Driveways shall be set back at least seventy-five (75) feet from the normal high water line of a waterbody or edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board

upland

may reduce the driveway setback upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the waterbody. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts, and turnouts placed as to avoid sedimentation of the waterbody or wetland. In reducing the setback, the Planning Board shall maintain, to the greatest practical extent, the seventy-five (75) foot setback. This shall neither apply to approaches to water crossings, nor to driveways that provide access to permitted structures, and facilities located nearer to the shoreland due to an operational necessity.

- N/A Applicable, Standard Met Applicable, Standard Not Met

6B.7 Excavation or filling Excavation or filling shall be permitted in any district only to the extent such activities are essential or are incidental to any permitted, conditional, or other lawful use. Filling, dumping, or excavation of any matter of fifty (50) cubic yards or greater within a twelve (12) month period shall require a Code Enforcement Officer permit provided that there are no slopes in excess of 4:1 and the activity is more than one hundred (100) feet from the normal high water line of a waterbody. Excavation and filling, greater than fifty (50) cubic yards in a twelve (12) month period, with slopes greater than 4:1 or within one hundred (100) feet from the high water line of a waterbody shall require a Conditional Use Approval of the Planning Board. Appropriate measures shall be taken to prevent erosion during or after the filling or excavation. All fill permits are approved for a twelve (12) month period only and expire twelve (12) months from the date of approval. The Code Enforcement Officer may renew either the Code Enforcement Officer permit or the Conditional Use Approval for additional twelve (12) month periods.

- N/A Applicable, Standard Met Applicable, Standard Not Met

6B.8 Fences and walls

A solid fence (as opposed to a rail or similar fence) or wall, more than four (4) feet in height, measured vertically from the ground directly beneath the fence or wall, shall require either a Code Enforcement Officer Permit or Conditional Use Approval. Such fences or walls shall not unduly restrict scenic views. The structural side of the fence shall not face the public view.

1. **A Code Enforcement Officer Permit** may be issued for solid fences or walls up to six (6) feet in height provided that:
 1. A setback of six (6) feet is maintained from roads, sidewalks, and right-of-ways.
 2. It does not obstruct highway visibility.
 3. A plan for vegetative screening, in the six (6) foot setback area, is provided that produces a minimum of twenty (20) percent cover of the fence or wall area. The plan must be implemented and maintained.
2. **Fences or walls that do not meet** the above criteria shall require Conditional Use Approval of the Planning Board.

N/A

Applicable, Standard Met

Applicable, Standard Not Met

6B.10 Home occupations and home offices

Home occupations and home offices (except those of a temporary or casual nature) shall require a permit from the Code Enforcement Officer to insure compliance with the following standards:

1. **Home Occupation or Home Office.** An income producing activity which is conducted in a residential structure or on residential property and:
 1. is compatible with the residential use of the property and surrounding residential uses and;
 2. employs, in addition to the resident family member, either:
 - a. no more than three family members residing on the property, or
 - b. no more than two persons (family members or not) who do not reside on the property and;
 3. is conducted in a specified structure, existing at the time of the application. No additional structure shall be built or used to accommodate the occupation, without first being granted an amended Conditional Use Approval.
 4. All goods sold on the home property must be produced on the home property.
 5. Off-street parking may be required.

2. **Bed and breakfast.** Bed and Breakfast accommodations are permitted in the legal residence of the host/hostess who shall reside on the premises. There shall be not more than three (3) rooms devoted to guests nor more than eight (8) people accommodated. Off-street parking is required. Bed and Breakfast Home Occupation shall be excluded in Shoreland Residential districts.

N/A

Applicable, Standard Met

Applicable, Standard Not Met

6B.17 Sign Regulations

4. **Signs Permitted: Permanent Signs:**
 2. **Home occupation.** Signs announcing the name, address, and profession of a permitted home occupation or a lawfully existing non-conforming home occupation are allowed, providing such signs do not exceed two (2) square feet in display area.

6C.7 Parking Areas

1. **Setback from water.** Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that in the Shoreland Commercial District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in Districts other than the Shoreland Commercial District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
2. **Adequate size.** Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
3. **Determination of size.** In determining the appropriate size of proposed parking facilities, the following shall apply:
 1. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 2. Internal travel aisles: Approximately twenty (20) feet wide.

N/A

Applicable, Standard Met

Applicable, Standard Not Met

6C.10 Roads and Driveways

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

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

Steep slopes. On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 6C.10.1 does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 6C.10.1 except for that portion of the road or driveway necessary for direct access to the structure.

2. **Existing public roads.** Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.
3. **New roads, driveways, prohibited in RP and SP.** New roads and driveways are prohibited in Resource Protection and Stream Protection Districts except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the Resource Protection and Stream Protection Districts in accordance with Section 7.5.3. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. **Steepness.** Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 6C.5
5. **Grades.** Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
6. **Drainage to unscarified strip.** In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
7. **Ditch relief.** Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
 1. **Ditch relief culverts.** Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

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

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

N/A

Applicable, Standard Met

Applicable, Standard Not Met

IN ORDER FOR THIS APPLICATION TO CONFORM TO THE ABOVE STANDARDS OF SECTION 6A, THE FOLLOWING CONDITIONS ARE ATTACHED

The following material is attached hereto and made a part of this permit; should any of the conditions or material prove to be inaccurate or erroneous, the CEO PERMIT shall become null and void

____ DRAWING OR PLAN AS SUBMITTED BY: _____
 ____ BEST MANAGEMENT PRACTICES?

APPROVED _____ DATE _____
 DENIED _____ DATE _____ If denied, Finding of Fact and Reason to be completed and attached.

 Code Enforcement Officer