

**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)

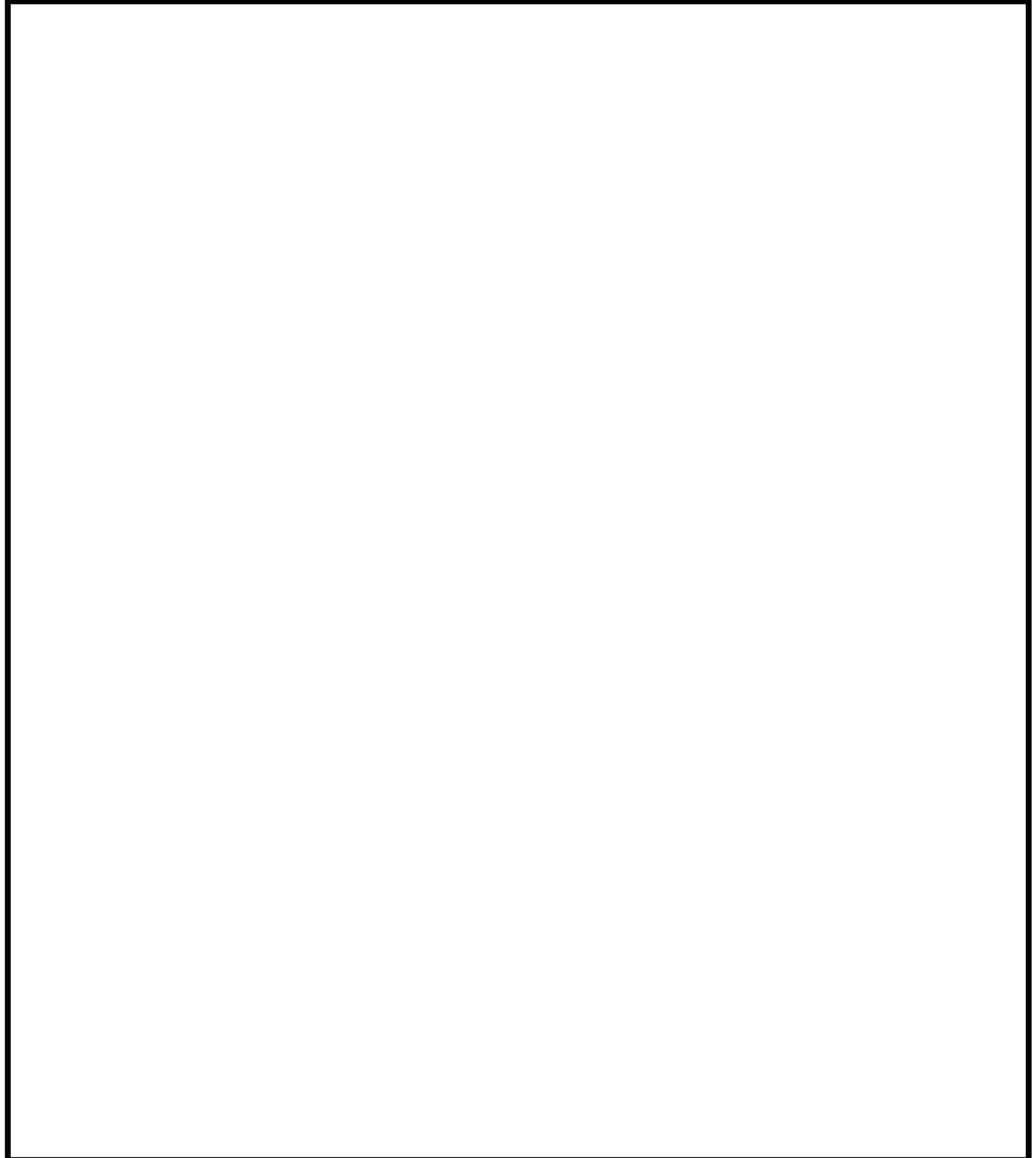
AGENT: _____
(Print) (Signature)

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.

A large, empty rectangular box with a black border, intended for the applicant to draw a detailed site or plot plan. The box is currently blank.

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.

6A.1 Compatibility Is the proposed use 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.

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

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.

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

Purpose. To establish minimum requirements for outdoor lighting that enhance visibility and public safety by preventing uncontrolled intrusion into adjacent properties and the natural environment. Voluntary best practices are recommended to promote energy conservation and preserve the Town's night sky which is an important part of the Town's character.

Lumen: A unit of source light. One Foot-Candle is one lumen per square foot. A 100 watt incandescent, 26 watt CFL (compact fluorescent) and 17 watt LED lamp produce up to 1800 lumens. (See manufacturer's lamp packaging for the lamp's published lumen output).

1. Standards. All public and private outdoor lighting installed in the Town of Mount Desert shall be in conformance with the standards established by this ordinance.

a. Full Cutoff.

- i. Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens shall not emit any direct light above a horizontal plane through the lowest direct light-emitting part of the luminaire.
 - ii. Any Floodlight or Spotlight luminaires with a lamp or lamps rated at a total of more than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire.
- b. **Light Trespass.** All light shall be installed so as to minimally illuminate adjacent properties (<0.1 FC or <1 LUX). Light from fixtures may be visible beyond the property line but brightness must be significantly attenuated to non-distracting levels by the use of shields, diffusers, indirect non-specular reflectors or other special optical designs. The images of lamps, arc tubes and LED dies shall not be directly visible.
- c. **Excessive Lighting.** Excessive lighting may not be used to direct attention away from existing business and community lighting.
 - i. 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 50 Foot-Candles.
 - ii. Light fixtures located on the ceilings of structural canopies shall be mounted so that the lens cover is recessed or flush with the ceiling of the canopy.

☐ N/A

☐ Applicable, Standard Met

☐ Applicable, Standard Not Met

6A. 7 **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. Special care needs to be taken on 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, or drain to a Town, State or Local roadway drainage system.

2. **Applicability.** In any district all new construction, development or other alteration of a lot must be designed to minimize stormwater runoff from the site in excess of the natural predevelopment conditions.
3. **Stormwater plan required.** For development on all lots the applicant shall submit a Stormwater Management Plan which demonstrates to the satisfaction of the Code Enforcement Officer that stormwater runoff has been minimized, and will not excessively exceed natural predevelopment conditions.

In the event that the proposed project includes on-site stormwater conveyance structures, evidence will be provided that insures that these structures have been sized properly and can handle anticipated flows. In the event that a development discharges storm flows into any off-site conveyance and/or control system, evidence will be provided that the off-site systems can handle the anticipated flows without resulting in any adverse conditions. (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.
10. **Maintenance.** Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

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

6A.8 Vegetation

1. **Clearing.** Clearing of trees or conversion to other vegetation is allowed for permitted construction provided that:
 1. Appropriate measures are taken, if necessary, to prevent erosion when activity is undertaken.
 2. The activity is in conformity with Section 6C.3, clearing or removal of vegetation for activities other than timber harvesting.
2. **Tree removal near town or state roads.** Removal of more than 25% of the trees within 25 feet of any town or state road in any 12 month period (except for those required to complete permitted construction) shall require a Conditional Use Approval of the Planning Board. Other woody plants must be retained or replaced with native species.
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 high-water mark of any waterbody, and in shoreland areas shall comply with the standards of Section 6C.3.
Slash shall be disposed of so that no part extends more than 4 feet above the ground.

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

6A.9 Dust, Fumes, Vapors, Odors and Gases

Emission of dust, fly ash, fumes, vapors, odors or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of the establishment creating that emission shall comply with applicable Federal and State regulations.

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

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

SECTION 6B

6B. 6 Driveway Construction.

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 width of right-of-way or strip of land used for access:	20 feet
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 upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board 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.

Section 3.4 Permitted, Conditional, and Excluded Uses by District

DISTRICTS:			SR 1							
LAND USE:	VR 1	R 1	SR 2	RW 2	VC	SC	C	RP	SP	VR3
	VR 2	R 2	SR 3	RW 3						
			SR 5							
Road & driveway construction	CEO	CEO	CEO	CEO	CEO	CEO	CEO	C ^{7, 8}	C ⁷	CEO

☐ 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 is allowed as specified in Section 3.4 of the Land Use Zoning Ordinance.

Section 3.4 Permitted, Conditional, and Excluded Uses by District

LAND USE:	Districts								
	VR 1 VR 2	R 1 R 2	SR 1 SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP	SP
Excavation or Filling < 50 cubic yards	P	P	CEO	P	P	CEO	CEO	C ⁸	C ⁴
Excavation or Filling of >50 to 150 cubic yards	CEO	CEO	CEO	CEO	CEO	CEO	CEO	C8	C4
Excavation or Filling of > 150 cubic yards	C	C	C	C	C	C	C	C8	C4

Appropriate measures shall be taken to prevent erosion during or after the filling or excavation, and the applicable standards of Section 6A.2 shall be complied with. 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:

- a. A setback of six (6) feet is maintained from roads, sidewalks, and right-of-ways. It does not obstruct highway visibility.
 - b. 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.9 Individual Private Campsites.

Section 3.4 Permitted, Conditional, and Excluded Uses by District

LAND USE:	Districts								
	VR 1 VR 2	R 1 R 2	SR 1 SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP	SP
RECREATIONAL (NON-COMMERCIAL)									
Individual Private Campsites	P	P	CEO	P	CEO	CEO	X	X	X

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

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
3. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
4. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

5. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
6. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
7. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

☐ 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;
 - c. 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.
 3. All goods sold on the home property must be produced on the home property.
 4. 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.

☐ N/A

☐ Applicable, Standard Met

☐ Applicable, Standard Not Met

6B.14 **Mobile Homes (temporary), Campers, Trailers and Recreational Vehicles**

No temporary or older mobile home, camper, trailer, or other recreational vehicle shall be used for human habitation unless it is in a campground or a trailer park which has been established in accord with provisions of this Ordinance. (This provision is not applicable to pre-fabricated modular homes.) Provided, however, that the Code Enforcement Officer may issue a permit authorizing temporary use of a trailer, temporary or older mobile home, camper, or recreational vehicle for residential purposes not exceeding ninety (90) days, only while a home is uninhabitable and under construction or renovation, and only on the same site as the home that is being constructed or renovated.

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

6B.16 **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.

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

6B.18 **Wireless Communication Facilities**

Amendments. Any change to proposed towers requires Conditional Use Approval. Once a tower as been erected and is operational, changes to the facility that do not increase the height of the facility shall not require Conditional Use Approval unless such changes exceed the design criteria and additional standards and criteria previously approved in the original Conditional Use Approval. If the height of the facility will not increase and the design standards and additional standards and criteria previously approved in the original Conditional Use Approval remain consistent, changes to the facility shall require a permit from the Code Enforcement Officer.

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

Section 6C Shoreland Zoning Standards

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

6C.1 Agriculture and Animal Husbandry

1. Manure spreading. All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

2. Manure storage. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

3. Conservation plan. Agricultural and Animal Husbandry activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.

4. New tilling. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

5. Livestock grazing areas. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

☐ N/A

☐ Applicable, Standard Met

☐ Applicable, Standard Not Met

6C.3 Clearing or Removal of Vegetation For Activities Other Than Timber Harvesting

2. **Buffer strip.** Except in areas as described in Section 6C.3.1, above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

1. **Cleared openings.** There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.
2. **Selective cutting.** Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a "well-distributed stand of trees" adjacent to a great pond or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

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

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

The following shall govern in applying this point system:

1. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
2. Each successive plot must be adjacent to, but not overlap a previous plot;
3. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
4. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
5. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

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

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

3. **Other vegetation.** In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 6C.3 paragraphs (2) and (2)(1) above.
5. **Replanting.** In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.
3. **Selective cutting outside the buffer.** At distances greater than one hundred (100) feet, horizontal distance, from a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.
4. **Cleared opening limit.** In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the Shoreland Commercial District.

7. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal.

1. Hazard trees in the shoreland zone may be removed without a permit **after consultation with the Code Enforcement Officer** if the following requirements are met:
 1. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

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

2. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

☐ N/A

☐ Applicable, Standard Met

☐ Applicable, Standard Not Met

6C.6 **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.8 **Stairways and similar structures.**

8. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S. Section 480-C); and that

that the applicant demonstrates that no reasonable access alternative exists on the property.

☐ N/A

☐ Applicable, Standard Met

☐ Applicable, Standard Not Met

6C.9 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:

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

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

(Roads/Subdivision Roads)

5.14 Street Design and Construction

5.14.1 Widths of rights-of way for road construction shall be not less than fifty (50) feet. The design and construction of all streets and roads shall be in accordance with the State Aid Road Specifications of the State of Maine Department of Transportation.

Where an access road from a public road or highway is required to serve 3 or more lots, said access road shall be in accordance with the standards given below:

Street Construction Standards:

Minimum Right of Way Width	50 ft
Minimum road Width	16 ft
Maximum Grade*	12%
Minimum Centerline Radius	150 ft
Minimum Tangent between Curves of reverse alignment	50 ft
Roadway Crown	1/4 in/ft
Minimum Angle of street intersection** (degrees)	75°
Maximum Grade within 75 ft of intersection	2%
Minimum curb radii at intersections	14 ft
Minimum width of shoulders (each side)	3 ft
Minimum thickness of material after compaction	18 in
Aggregate Sub-base Course	(Maximum Sized Stone 4 in)
Crushed Aggregate Base Course	3 in

* Maximum grade may be exceeded for a length of 100 feet or less, upon approval of the Planning Board.

** Street intersection angles shall be as close to 90 degrees as feasible but no less than the listed angle.

5.14.2 Dead End Streets In addition to the design standards above, dead end streets shall be constructed to provide cul-de-sac turn-around with the following minimum requirements for radii:

Property line	65 ft
Outer edge of road	50 ft
Inner edge of road	30 ft

Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. The Board may require the reservation of a twenty foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street.

The Board may also require the reservation of a fifty-foot easement in line with the street to provide continuation of the road where future subdivision is possible.

5.14.3 The approval by the Board of a subdivision plan shall not be deemed to constitute or be

evidence of any acceptance by the Town of Mount Desert of any street, road, or right-of-way.

☐ N/A

☐ Applicable, Standard Met

☐ Applicable, Standard Not Met

IN ORDER FOR THIS APPLICATION TO CONFORM TO THE ABOVE STANDARDS OF SECTIONS 6A, 6B, 6C & SUBDIVISION ORDINANCE 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, Findings of Fact and Conclusions of Laws to be completed and attached.

Code Enforcement Officer