

TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA

TYPE OF MEETING: REMOTE

PLACE: ZOOM ONLINE MEETING

DATE: Tuesday, February 9, 2021

TIME: 7:00 P.M.

PLEASE NOTE: *IT IS THE POLICY OF THE PLANNING BOARD THAT THE APPLICANT OR AN AGENT OF THE APPLICANT MUST BE PRESENT IN ORDER FOR REVIEW OF THE APPLICATION TO TAKE PLACE.*

1) ROLL CALL

- a) Quorum, Alternate Members, Conflicts of Interest

2) PLEDGE OF ALLEGIANCE

3) MOMENT OF SILENCE

4) 10-MINUTE PUBLIC INPUT SESSION

5) REVIEW AND APPROVE MINUTES

- a) February 2, 2021 – if available

6) NOTICE OF DECISION

7) OLD BUSINESS

- a) **Review of Draft Ordinance Amendments**

1. Auto Graveyards, Auto Recycling Operations and Auto Hobbyists
2. Accessory Dwelling Units
3. Stormwater
4. Mobile Vendors

8) NEW BUSINESS

9) CORRESPONDENCE

10) SET AGENDA AND DATE FOR NEXT MEETING

- a) February 16, 2021

11) ADJOURN

To view a live remote meeting: (Instructions can also be found on the Planning Board webpage)

- a) Go to www.eliotme.org
- b) Click on "Meeting Videos" – Located in the second column, on the left-hand side of the screen.
- c) Click on the meeting under "Live Events" – The broadcasting of the meeting will start at 7:00 (Please note: streaming a remote meeting can be delayed up to a minute)

Instructions to join remote meeting:

- a) To participate please call into meeting 5 minutes in advance of meeting start time. Please note that Zoom does state that for some carriers this can be a toll call. You can verify by contacting your carrier.
- b) Please call **1-646-558-8656**
 - 1. When prompted enter meeting number: **982 8280 0924 #**
 - 2. When prompted to enter Attendee ID **press #**
 - 3. When prompted enter meeting password: **372895 #**
- c) Members of the Public calling in, will be first automatically be placed in a virtual waiting room until admitted by one of the members of the Planning Board. Members of the public will be unmuted one at time to allow for input. Please remember to state your name and address for the record.
- d) Press *9 to raise your virtual hand to speak

DRAFT

Denny Lentz – Chair

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas

Discussion DRAFT – February 9, 2021

Previous Planning Board reviews: Jan. 5, Jan. 12, Feb. 2, 2021

Article ___. Shall an ordinance entitled “[insert title]” dated 6/8/2021 be enacted?

Background and rationale [DRAFT]

State law requires that auto graveyards and auto recycling operations obtain local operating permits, but the Town Code doesn't have a permitting process for them. It also lacks specific land use standards for auto graveyards and has limited land use standards specific to auto recycling operations. To improve protections for neighboring properties and the environment, improve local waste disposal and recycling practices, and sync the Town Code with State law, these amendments add specific land use standards to Chapter 45, as well as operating requirements and a permitting procedure to Chapter 16, for auto graveyards and auto recycling operations.

The current zoning of these uses would not change. Auto graveyards are allowable only in the Rural zone, subject to Planning Board site plan review and approval. Auto recycling operations are allowable only in the Commercial-Industrial zone or, otherwise, on properties abutting Route 236, also subject to Planning Board site plan review and approval (“SPR use”). These amendments continue this zoning while adding environmental protections, screening requirements, and noise limits. Junkyards and auto junkyards are currently prohibited in all zoning districts, and these amendments would maintain that prohibition.

The amendments also sync Town Code (Section 1-2) language with State law to reduce confusion, ambiguity, and subjectivity. Like state law, the Town Code definition of “auto graveyard” refers to a yard, field, or other outdoor (or open) area used to store three or more motor vehicles of a certain condition and status. However, the descriptions of the condition and status of the vehicles differ between the two. Under state law, the vehicles must be either “unregistered or uninspected”, while the Town Code has language similar to older state law language that has since been replaced: “unregistered or unserviceable, discarded, worn-out, or junked motor vehicles, including all vehicles which cannot pass the state inspection test in their existing condition or are otherwise inoperable”. Many of these terms are vulnerable to subjective interpretation and argument over whether vehicles fit those descriptions. Another difference is that State law includes “parts of the vehicles” in its definition of auto graveyard but that is not explicitly clear in the current Town Code definition. By relying on State law, the Town can tighten restrictions on situations where vehicle parts are visibly strewn about on a property.

State law also has exceptions from the definition of an auto graveyard, including for an auto hobbyist. The amendments leverage this adding auto hobbyist definitions in the Town Code;

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

adding auto hobbyist storage area as an SPR use in the Rural and Suburban zoning districts; and establishing screening requirements and environmental protections. Under state law, auto hobbyists are limited to certain types of vintage, classic, or collector vehicles, and they can't be primarily engaged in the business of selling those vehicles.

As with auto graveyards, the amendments establish new land use standards and an operating permit process for auto recycling operations. Currently, the Town Code only has some land use standards for “limited” auto recycling operations, and these were placed in Section 1-2 definitions, rather than in Chapter 45. Full-scale auto recycling operations face no such regulations. The amendments place these land use standards in Chapter 45, revise them and sync them with state law, and apply them to all auto recycling operations.

Principal auto recycling operations would be defined as taking up more than 25 percent of the lot. Under these amendments, they must comply with the new land use standards in Section 45-468.2 and the permitting requirements in Article II of Chapter 16. The existing definition of “limited” auto recycling operations – incidental to an auto repair garage or auto service station – would be modified to also specify that they use no more than 25 percent of the lot. These limited uses would need to comply with applicable land use standards in Section 45-468.2 but would not be subject to the permitting requirements in Article II of Chapter 16.

If these amendments are approved, anyone wishing to operate an auto graveyard or auto recycling operation, principal, will first need to get Planning Board approval, and then get an operating permit from the Select Board. The amendments therefore continue the Town’s practice of providing an opportunity for these uses in some zones while significantly improving protections for neighboring properties and the environment.

(New text underlined in bold)

Deleted text in strikethrough

[This amendment pertains to only the Section 1-2 definitions shown below.]

Sec. 1-2. - Definitions and rules of construction.

In the construction of this Code, and of all ordinances, the following rules shall be observed:

[...]

Auto graveyard means an “automobile graveyard” as defined in 30-A M.R.S.A.

~~§3752(1), as may be amended.~~ a yard, field, or other open area used as a place of storage for three or more unregistered or unserviceable, discarded, worn out, or junked motor vehicles, including all vehicles which cannot pass the state inspection test in their existing condition or are otherwise inoperable.

Auto hobbyist means a person or household who stores, organizes, restores, or displays three or more antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles, street rods, or parts of these vehicles, as these vehicles are defined in 29-A M.R.S.A. §101, as may be amended, and who is not primarily engaged in the business of selling any of those vehicles or parts from those vehicles.

Auto hobbyist storage area means an area used by an auto hobbyist to store three or more vehicles, or parts of such vehicles, included in the definition of auto hobbyist.

[...]

Auto recycling operation means the dismantling of motor vehicles for the purpose of reselling the component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, when such activity uses more than 25 percent of the area of a lot.

Auto recycling operation, limited means the incidental dismantling of motor vehicles for the purpose of reselling the component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, when such activity is conducted incidental to an approved (state and/or local) auto repair garage or auto service station and uses no more than 25 percent of the area of the lot. subject to the following limitations:

- (1) Meets all state requirements for an auto recycling operation.
- (2) Conducted incidental to an approved (state and/or local) auto repair garage or auto service station.
- (3) No more than ten unregistered, unserviceable, discarded or worn out automobiles (or parts which take up the same area as ten assembled automobiles) per acre allowed on lot.
- (4) All recycling operations must take place within the boundaries of the recycling enclosure or inside buildings on the lot.

- (5) ~~Recycling enclosure must be a solid visual screen (fence, wall, etc.) at least six feet high which completely surrounds all outside recycling operations.~~
- (6) ~~No vehicles or parts of vehicles are to be stored outside the recycling enclosure except those within buildings on the lot.~~
- (7) ~~Size of the recycling enclosure is to be no larger than 25 percent of the lot size or 10,000 square feet, whichever is less.~~
- (8) ~~The perimeter of the recycling enclosure should be located as far from the lot lines as practical and shall comply with setback requirements specified for front yard, side yard and rear yard dimensions from principle structures in section 45-405, dimensional standards (see information below for setbacks).~~
- (9) ~~The recycling enclosure must be fitted with a visual screen gate, which is kept closed at all times except when entering or exiting with vehicles.~~
- (10) ~~No portable or fixed crushing machinery is allowed on lot.~~
- (11) ~~Application must identify how all fluids, batteries, tires and lubricants are going to be removed and/or stored in compliance with DEP requirements where applicable.~~
- (12) ~~Hours of operation shall be limited to 8:00 a.m. through 5:00 p.m., five days a week, Monday through Friday.~~
- (13) ~~Noise shall not exceed 50 dbA during hours of operation. Noise shall be measured at the property line, four feet above ground. Exemptions of section 45-407 of the Eliot Zoning Ordinance shall apply.~~
- (14) ~~Minimum lot size shall be two acres in those districts where allowed.~~

[...]

Junkyard (salvage yard) means a “junkyard” as defined in 30-A M.R.S.A. §3752(4), as may be amended. ~~yard, field, or other area exposed to the elements and used as a place of storage or disposition for:~~

- (1) ~~Discarded, worn out or junked plumbing, heating supplies household appliances and furniture.~~
- (2) ~~Discarded or scrap lumber.~~
- (3) ~~Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.~~

[...]

Sec. 1-25. - Fee schedule.

[note: this section may be further amended by other amendments]

CODE ENFORCEMENT			
PURPOSE	FEE		
Building permits (Sec. 45-125)	Foundation/slab only	\$100.00	
	Accessory structures	\$0.20/sq. ft.	
	Principal structures (new construction or additional living area)	Finished area	\$0.50/sq. ft.
		Unfinished area	\$0.25/sq. ft.
	Alterations/renovations	\$8.00 per \$1,000.00 of est. construction cost	
	Demolition (of structures 8' × 8' or more)	\$25.00 - Accessory structures	
		\$50.00 - Principal structures	
	Fence permit - any height or length (Sec. 45-423)	\$25.00	
	Swimming pool permit - any size, any type (excluding temporary/inflatable pools)	\$75.00	
Campsites license fees (Sec. 33-173)	Piers, docks, wharves, bridges or other structure extending over or below the high water line (Sec. 44-35(c))	Temporary	\$50.00
		Permanent - residential	\$100.00
		Permanent - commercial	\$150.00
Electrical permits (Sec. 45-132)	New campsites	\$150.00 application fee + \$10.00/campsite	
	Annual renewals	\$25.00 application fee + \$10.00/campsite	
	New dwelling units (fee includes electrical permit and 2 inspections)	Single-family dwellings	\$100.00
		All other dwelling units (ADUs, modular, manufactured, etc.)	\$75.00 each
	AMP service (fee includes permit and 1 inspection)	Temporary service	\$30.00
		100 & 200 AMP (panel & service)	\$50.00
		Subpanels, underground service wire, other	\$30.00 each

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

	Wiring (fee includes electrical permit and 1 inspection)	\$50.00
Alternative energy systems (fee includes permit and 1 inspection) (Sec. 45-461 & 462)	Solar energy systems	\$50.00
	Small wind energy systems	\$75.00
Swimming pools, hot tubs, saunas, spas, etc. (includes permit and 1 inspection)	\$30.00 each	
Signs (any illuminated)	\$30.00 each	
Generators (any size), transfer switches, transformers (permit + 1 inspection)	\$30.00 each	
Re-inspection fee (for any additional inspections)	\$50.00 each	
Flood hazard development permit (Sec. 25-58)	\$50.00	
Growth permit (Sec. 29-42(b))	\$500.00/dwelling unit (upon replacement with a building permit to construct a new dwelling unit, \$400.00/dwelling unit shall be credited toward building permit fees)	
Plumbing permits (Sec. 45-131)	External plumbing (subsurface wastewater disposal systems)	Engineered system \$300.00
		Non-engineered system \$250.00 + \$15.00 (state fee)
		Disposal field only \$150.00
		Treatment tank only \$125.00
		Holding tank \$150.00
		Other components (complete pump station, piping, etc.) \$50.00
		Primitive system (incl. 1 alternative toilet) \$150.00
		Alternative toilet \$50.00
		Seasonal conversion \$50.00
		Separated laundry system \$50.00
		1st time system variance \$50.00

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

	Internal plumbing	\$40.00 min. (includes 1—4 fixtures) + \$10.00 per additional fixture
	Re-inspection fee (for any additional inspections)	\$50.00 each
Tele- communication structures (Sec. 45-460)	Expansion of existing telecommunication structure	\$350.00
	Collocation of antenna on existing telecommunication structure	\$350.00
	New telecommunication structure (any height)	\$500.00
<u>Auto graveyards, auto recycling operations, and auto hobbyist storage area operating permits (Select Board)</u>	<u>Auto graveyard</u>	<u>\$175.00 application fee + \$50.00/permit</u>
	<u>Auto recycling operation, principal</u>	<u>\$175.00 application fee + \$250.00/permit</u>
	<u>Auto hobbyist storage area</u>	<u>\$175.00 application fee + \$25.00/permit</u>
Sign permit (Sec. 45-130)	Exterior signs for commercial establishments (new, permanent signs only)	\$50.00
	Home business signs or replacement signs for commercial establishments	\$25.00
After-the-fact permits		Permit fees doubled

PUBLIC WORKS/ROAD COMMISSIONER

PURPOSE	FEE
Stormwater management facilities - annual inspection of properties entered into a maintenance agreement with the Town (Sec. 35-4(b)(6))	\$100.00 - annual inspection fee
Excavation permit - for excavation of town ways (Sec. 37-55)	\$100.00
Driveway construction permit	\$50.00

PLANNING BOARD

PURPOSE	FEE
Site Plan Review (Sec. 33-128)	Rural, Suburban, Village, Commercial/Industrial Zoning Districts General site plan review application (non Shoreland zone) \$100.00 per acre up to 5 acres; \$50.00 each additional acre

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

<i>(Public hearing fees not included)</i>			(minimum fee \$100.00)
	Change of use (no site changes or major structural changes or additional square footage)	\$25.00	
	Home business; home occupation	\$25.00	
	Lodging businesses (bed & breakfasts, hotels, motels, boarding homes, inns, etc.)	\$25.00 per room for lodging businesses in lieu of acreage-based fee	
Shoreland Zoning Districts	General site plan review application	\$100.00/acre up to 5 acres. \$50.00 each additional acre (minimum fee \$100.00)	
	Piers, docks, wharves, bridges and other structures extending over or below the high-water line	\$50.00	
	Road & driveway construction permits	\$50.00	
	Non-conforming structures, uses and lots per Sec. 44-32	\$75.00	
	Revisions to final site plans after planning board approval (Sec. 33-140)	\$100.00	
Subdivisions (Sec. 41-142)	Subdivision application fee	\$200.00 per lot or dwelling unit	
	Mobile home park application fee	\$50.00 per unit	
	Final plan fee for subdivisions and mobile home parks (Sec. 41-171)	\$50.00	
	Revisions to final subdivision plans after approval (Sec. 41-182)	\$200.00 per lot or dwelling unit affected by change	

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Public hearing fees (includes abutter notification via certified mail and advertising in 2 local newspapers)	\$175.00
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BOARD OF APPEALS

PURPOSE	FEE
All Board of Appeals applications (variances, waivers, administrative appeals) (Sec. 45-50)	\$150.00 (includes application and all public hearing fees)

(T.M. of 11-4-03; T.M. of 3-20-04; T.M. of 6-11-2013(3); T.M. of 6-9-2015(2))

Chapter 16 - WASTE RECYCLING AND DISPOSAL

Place existing Sections 16-1 through 16-12 under the following header:

ARTICLE I. – SOLID WASTE RECYCLING AND DISPOSAL

Add a new article as follows:

ARTICLE II. – MOTOR VEHICLE RECYCLING AND DISPOSAL

Sec. 16-13. – Purpose

The purpose of this article is to provide operating requirements and a procedure for the granting, enforcement, renewal, and revocation of operating permits for auto graveyards; auto recycling operations, principal; and auto hobbyist storage areas.

Sec. 16-14. – Authority

This article is adopted pursuant to the authority granted by title 30-A M.R.S.A., chapter 183, subchapter 1 (section 3751 et seq.), as may be amended.

Sec. 16-15. – Goals

The goals of this article are to:

- (a) provide adequate controls to ensure that auto graveyards and auto recycling operations do not have a deleterious impact on the town's health and safety, general welfare, and property values;
- (b) prevent contamination of land, water, and air in town;
- (c) help ensure proper handling of waste and recycling of auto parts and materials;
- (d) advance the purpose of the state's "Junkyards and Automobile Graveyards" law (30-A M.R.S.A. § 3751 et seq.);
- (e) prevent nuisance conditions potentially affecting abutting landowners, travelers on roadways near auto graveyards and auto recycling operations, and others; and,
- (f) create a process for approval of auto hobbyist uses distinct from that of auto graveyards and auto recycling operations.

Sec. 16-16. – Applicability and prohibited activities

- (a) This article shall apply to any auto graveyard; auto recycling operation, principal; or auto hobbyist storage area, all or part of which is within the town. It shall not apply to auto recycling operation, limited, uses, as such is defined in Section 1-2. However, auto recycling operation, limited, uses shall comply with the applicable requirements of Section 45-468.2. Unless otherwise noted, any generic references to "auto recycling operation(s)" in this article are intended to apply only to auto recycling operation, principal, uses.

- (b) No auto graveyard, auto recycling operation, or auto hobbyist storage area shall be established or operated within the town without first receiving and then maintaining all approvals required under this Code, including, but not limited to, this chapter and chapter 45 in this Code.
- (c) Junkyards are prohibited within the town.

Sec. 16-17. – Permit required; fees.

- (a) No person shall establish, operate or maintain, and the owner of property shall not permit the establishment, operation or maintenance of, any auto graveyard, auto recycling operation, or auto hobbyist storage area without first obtaining a permit therefore in accordance with the provisions of this chapter and title 30-A M.R.S.A. section 3751 et seq.
- (b) All permits issued under this article shall be approved by the Select Board and issued by the Town Manager. The Town Manager may designate in writing another town staff member to serve as the point of contact for the permitting process. If so, all references to the Town Manager in this article apply to said designee.
- (c) All permits issued under this article for an auto graveyard or auto hobbyist storage area are valid until the first day of October of the year following the year in which the permit is issued.
- (d) All permits issued under this article for an auto recycling operation are valid for five years from the date of issuance provided that the permit holder furnishes a sworn statement, annually, on the anniversary date of the granting of the permit, that the facility complies with the standards of operation applicable at the time of issuance of the permit.
- (e) Any person seeking to operate an auto graveyard, auto recycling operation, or auto hobbyist storage area shall first receive Planning Board approval, after which they become eligible to apply for an operating permit under this article.
- (f) The application fee for the operating permit shall be paid with submittal of the application. The permit fee shall be due after Select Board approval and shall be paid by the applicant as a requirement for the permit to become active. Fee amounts are provided in Section 1-25.

State law reference – 30-A M.R.S.A. § 3753, 3756

Sec. 16-18. – Administration

- (a) *Conditions of approval.* All applicable land use standards and operating requirements in Section 16-19 are incorporated by reference as standard conditions of any permit granted under this article. The Select Board may impose additional special conditions of approval to further ensure compliance with the provisions of this article.
- (b) *Public hearing.* As required by title 30-A M.R.S.A. section 3754, the Select Board shall hold a public hearing before granting a permit to establish a new auto

graveyard or auto recycling operation and may hold public hearings annually regarding the relicensing of these facilities. At least seven and not more than 14 days before the hearing, a notice of the hearing shall be posted in at least two public places in the municipality and published in one newspaper having general circulation in the town. The Town Manager shall give written or electronic notice of an auto graveyard or auto recycling operation permit application to the automobile dealer licensing section of the department of the Secretary of State, Bureau of Motor Vehicles by mailing or emailing a copy of the application at least seven and not more than 30 days before the hearing. The Town Manager shall give written notice of the application to the public water supplier if the application is for an auto graveyard or auto recycling operation located within the supplier's source water supply area. The notice may be given by mailing a copy of the application at least seven and not more than 14 days before the hearing. The applicant shall be responsible for mailing notice of the application to all abutting property owners.

(c) *Contents of application.* All applications for permits under this article shall be filed with, and in a form satisfactory to, the Town Manager. Such application shall include, but is not limited to, the following:

- (1) Name, address, and contact information including a phone number of the applicant and all other persons having a legal interest in the property.
- (2) The location of the premises for which a permit is sought by identification of town tax map and lot numbers and street address.
- (3) The dimensions and acreage of the property.
- (4) For auto graveyards or auto recycling operations, an indication of whether the permit being sought is a regular or, based on paragraph (7)(b) below, a limited-term conditional permit.
- (5) An original and three copies of a site plan, drawn to a scale of 100 feet or less to the inch, that contains the following information:
 - a. The boundary lines of the property for which a permit is sought.
 - b. The contours of the property as determined by the U.S. Geological Survey Contour Map.
 - c. The location of all existing and proposed buildings and structures.
 - d. The location of all existing and proposed areas within which all vehicles or parts of vehicles will be stored, and where vehicles will be drained or dismantled.
 - e. The location of any aquifer, classified waterway, or other water body on the property or within 300 feet of the property lines.
 - f. The location of any public or private wells within 300 feet of the property.
 - g. The boundaries of any floodplain areas located on the property, including, but not limited to, the 100-year floodplain.
 - h. A map and descriptions of the soils existing on the property as determined by the soil conservation service soils survey map.
 - i. The location of any sand and gravel aquifer recharge areas.

- j. The location and characteristics of all existing and proposed natural objects, planting, or fences that are proposed to be maintained for required screening.
- k. The location and characteristics of all vehicular entrances and exits serving the property.
- l. The location of any residence or school within 500 feet of where the cars will be stored.
- m. The location of all roads within 600 feet of the proposed operation.
- (6) A plan for containment, storage, and disposal of fluids, refrigerant, lubricant, batteries, mercury switches, mercury-added lamps, and tires.
- (7) For auto graveyard and auto recycling operations only:
 - a. a notice of intent filed with the Department of Environmental Protection to comply with the general permit provisions for stormwater discharges; or, a determination from the Department of Environmental Protection that a stormwater discharge permit is not required.
 - b. a statement of compliance with all applicable provisions of the automobile dealer or recycler licensing provisions of title 29-A M.R.S.A. chapter 9, as may be amended, and a copy of the applicant's recycler license; or a statement that the applicant plans to seek only a limited-term operating permit under article II of chapter 16, conditioned upon the applicant's demonstrating compliance with the provisions of title 29-A M.R.S.A. chapter 9, as may be amended, within 90 calendar days of the issuance of the limited-term permit.
 - c. Proof that the applicant mailed a notice of the application to all abutting property owners.
- (8) If more than 1,320 gallons of oils, including gasoline, diesel, heating and waste oil, are proposed to be stored on-site, a spill prevention, control, and countermeasures plan.
- (9) Documentation of Planning Board approval.
- (10) A nonrefundable application fee in accordance with Section 1-25.

State law reference – 30-A M.R.S.A. § 3753, 3756

Sec. 16-19. – Operating requirements

- (a) *General:* The following operating requirements shall govern the issuance of permits under this article for an auto graveyard, auto recycling operation, or auto hobbyist storage area and the operation and maintenance of all permitted premises:
 - (1) *Display of license.* The current operating permit shall be displayed at all times in a conspicuous location within the permitted premises.
 - (2) *Location.* All permitted premises shall be in fixed, permanent locations.

- (3) *Compliance with other laws.* Auto graveyards, auto recycling operations, and auto hobbyist storage areas shall meet all operating and other requirements of state and local law and regulation. To the extent the state has adopted or adopts in the future any stricter law or regulation governing auto graveyards, auto recycling operations, or auto hobbyist storage areas, the stricter law or regulation shall control.
- (b) *Auto graveyard:* The following operating requirements shall govern the issuance of permits under this article for an auto graveyard and the operation and maintenance of all permitted premises:
- (1) All land use standards in Section 45-468.1 shall be met. Without limiting the generality of the foregoing, construction of the required screening shall be complete and inspected prior to a permit issued under this article becoming active. Screening shall be properly maintained as a requirement for the permit to remain active.
 - (2) No vehicle containing fluids, refrigerant, lubricants, batteries, mercury switches, or mercury-added lamps may be stored or dismantled:
 - a. within 100 feet of a body of water or freshwater wetland;
 - b. within a 100-year floodplain; or,
 - c. over a mapped sand and gravel aquifer.
 - (3) No vehicle may be stored:
 - a. within 100 feet of the right-of-way of any highway, street, town way, public way, or private right-of-way;
 - b. within 300 feet of a residence, public building, public park, public playground, public bathing beach, school, church, or cemetery if it would be within ordinary view from said facility; or,
 - c. within 300 feet of a well that serves as a public or private water supply, excluding a private well that serves only the auto graveyard or the owner or operator's abutting residence. This prohibition does not apply to wells installed after an auto graveyard has received Planning Board approval or an operating permit under this article.
 - (4) No vehicle may be stored or dismantled closer than 20 feet from any lot line, unless the operator has notarized written permission from the abutting property owner. This paragraph shall not supersede lot line setback standards in chapter 45.
 - (5) Dismantling of a vehicle must be performed in accordance with the following standards.
 - a. Batteries shall be removed.
 - b. All fluids, including but not limited to engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, shall be drained into watertight, covered containers and shall be recycled or disposed of in accordance with applicable federal and state laws, rules, and regulations.
 - c. Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.

- d. Storage, recycling, or disposal of all fluids, refrigerant, lubricants, batteries, mercury switches, and mercury-added lamps shall comply with all applicable federal and state laws, rules, and regulations.
 - e. A log shall be maintained of all motor vehicles handled that includes the date each vehicle was acquired, a copy of the vehicle's title or bill of sale, and the date or dates upon which all fluids, refrigerant, lubricants, batteries, mercury switches, and mercury-added lamps were removed.
 - f. All fluids, refrigerant, lubricants, batteries, mercury switches, and mercury-added lamps shall be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power within 180 days of acquisition. Fluids required to be removed under this subparagraph shall be removed to the greatest extent practicable.
 - g. All dismantling of motor vehicles with power tools shall take place within a building.
- (6) Junk, scrap metal, vehicles, or other solid wastes may not be placed or deposited, directly or indirectly, into the inland waters or tidal waters of the state or on the ice of inland waters or tidal waters or on the banks of inland waters or tidal waters in such a manner that they may fall or be washed into these waters.
- (7) All federal and state hazardous waste laws and regulations shall be satisfied.
- (8) Upon recommendation of the Town Manager, the Select Board may waive compliance with any of the above standards when the Select Board determines that strict compliance therewith is not necessary to accomplish the purposes of this article, and when such a waiver is not inconsistent with Planning Board approval.
- (9) Any auto graveyard in existence and for which a valid permit was in effect on the effective date of the ordinance from which this article derives may remain in operation in its present location, pending the expiration of such permit, so long as such use complies with the provisions of title 30 M.R.S.A. section 3751 et seq. Thereafter, such auto graveyard shall be required to comply with all the provisions of this article. Any expansion of such auto graveyard beyond the size which existed and for which a valid permit was in effect on the effective date of this article is subject to Planning Board approval and shall comply with all provisions of this article.
- (c) *Auto recycling operation:* The following operating requirements shall govern the issuance of permits under this article for an auto recycling operation and the operation and maintenance of all permitted premises:
- (1) All land use standards in Section 45-468.2 shall be met. Without limiting the generality of the foregoing, construction of the required screening shall be complete and inspected prior to a permit issued

- under this article becoming active. Screening shall be properly maintained as a requirement for the permit to remain active.
- (2) No vehicle containing fluids, refrigerant, lubricants, batteries, mercury switches, or mercury-added lamps may be stored or dismantled:
- a. within 100 feet of any body of water or freshwater wetland; or,
 - b. within the 100-year floodplain.
- (3) No vehicle may be dismantled or stored:
- a. within 500 feet of the lot line of a school, church, cemetery, or public playground or park that existed on the date the permit was issued;
 - b. over a sand and gravel aquifer or aquifer recharge area; or,
 - c. within 300 feet of a well that serves as a public or private water supply, excluding a private well that serves only the automobile recycling operation or the owner or operator's abutting residence. This prohibition does not apply to wells installed after an auto recycling operation has already received an operating permit under this article.
- (4) No vehicle may be stored or dismantled closer than 20 feet from any lot line, unless the operator has notarized written permission from the abutting property owner. This paragraph shall not supersede lot line setback standards in chapter 45.
- (5) Dismantling of a vehicle must be performed in accordance with the following standards.
- a. Batteries shall be removed.
 - b. All fluids, including but not limited to engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, shall be drained into watertight, covered containers and shall be recycled or disposed of in accordance with applicable federal and state laws, rules, and regulations.
 - c. Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.
 - d. Storage, recycling, or disposal of all fluids, refrigerant, lubricants, batteries, mercury switches, and mercury-added lamps shall comply with all applicable federal and state laws, rules, and regulations.
 - e. A log shall be maintained of all motor vehicles handled that includes the date each vehicle was acquired, a copy of the vehicle's title or bill of sale, and the date or dates upon which all fluids, refrigerant, lubricants, batteries, mercury switches, and mercury-added lamps were removed.
 - f. All fluids, refrigerant, lubricants, batteries, mercury switches, and mercury-added lamps shall be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power within 180

- days of acquisition. Fluids required to be removed under this subparagraph shall be removed to the greatest extent practicable.
- g. All dismantling of motor vehicles with power tools shall take place within a building.
- (6) No portable or fixed crushing machinery is allowed on the lot.
- (7) All federal and state hazardous waste laws and regulations shall be satisfied.
- (8) Hours of operation shall be limited to 8:00 a.m. through 5:00 p.m., five days a week, Monday through Friday.
- (9) Upon recommendation of the Town Manager, the Select Board may waive compliance with any of the above standards when the Select Board determines that strict compliance therewith is not necessary to accomplish the purposes of this article, and when such a waiver is not inconsistent with Planning Board approval.
- (10) Any auto recycling operation in existence and for which a valid permit was in effect on the effective date of the ordinance from which this article derives may remain in operation in its present location, pending the expiration of such permit, so long as such use complies with the provisions of title 30 M.R.S.A. section 3751 et seq. Thereafter, such auto recycling operation shall be required to comply with all the provisions of this article. Any expansion of such auto recycling operation beyond the size which existed and for which a valid permit was in effect on the effective date of this article is subject to Planning Board approval and shall comply with all provisions of this article.
- (d) *Auto hobbyist storage area.* The following operating requirements shall govern the issuance of permits under this article for an auto recycling operation and the operation and maintenance of all permitted premises:
- (1) All land use standards in Section 45-468.3 shall be met. Without limiting the generality of the foregoing, construction of the required screening shall be complete and inspected prior to a permit becoming active under this article. Screening shall be properly maintained as a requirement for the permit to remain active.
- (2) An auto hobbyist may not be primarily engaged in the business of selling any of the vehicles or parts from the vehicles that are included in the definition of auto hobbyist and that are subject to the permit issued under this article.
- (3) All fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, shall be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water.
- (4) No vehicle containing fluids may be stored or dismantled within 100 feet of any body of water or freshwater wetland.
- (5) Junk, scrap metal, vehicles, or other solid wastes may not be placed or deposited, directly or indirectly, into the inland waters or tidal waters of the state or on the ice of inland waters or tidal waters or on the

- banks of inland waters or tidal waters in such a manner that they may fall or be washed into these waters.
- (6) Upon recommendation of the Town Manager, the Select Board may waive compliance with any of the above standards when the Select Board determines that strict compliance therewith is not necessary to accomplish the purposes of this article, and when such a waiver is not inconsistent with Planning Board approval.

State law reference – 30-A M.R.S.A. 3753-3756

Sec. 16-19. – Transfer of ownership and change of location

- (a) Permits issued under this article are not transferable to a new owner.
- (b) Permits are limited to the location for which they are issued and shall not be transferable to a different location. A permittee who seeks to operate in a new location shall acquire a new permit for that location.

Sec. 16-20. – Appeals

Any appeals of decisions made under this article shall be filed with the state superior court.

Sec. 16-21. – Enforcement and violations

- (a) The operation of any auto graveyard, auto recycling operation, or auto hobbyist storage area without the required permit or in violation of the requirements of this article shall be a violation of this chapter.
- (b) Fines shall be set forth for violation of any of the provisions of this article; violators shall be punished by a civil penalty of not less than \$100.00 and not more than \$1,000.00 for each violation, plus attorneys' fees and costs, to be recovered on complaint, to the use of the town. Each day a violation is committed, or permitted to continue, shall constitute a separate violation and shall be fined as such.
- (c) The town may suspend or revoke a permit granted under this article based on three or more violations of the provisions of this article.
- (d) The suspension or revocation of a recycler license by the state under title 29-A M.R.S.A. section 1108, as may be amended, is grounds for the suspension or revocation of a permit granted under this article to an auto graveyard or auto recycling operation, as applicable.
- (e) *Right of entry.* Town officers or their designees may, to carry out the provisions of this article or to determine compliance with any laws, ordinances, permit approvals, decisions, or conditions:
 - (1) enter any auto graveyard, automobile recycling operation, or auto hobbyist storage area property and inspect all outside areas, equipment and activities at reasonable hours for compliance with the laws or ordinances set forth in accordance with this article

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

- (2) enter any building on the property with the consent of the owner, occupant, or agent to inspect the building and activities within the building for compliance with the laws or ordinances set forth in accordance with this article.
- (f) A town officer's or designee's entry onto property under this article is not a trespass.

DRAFT

Sec. 44-34. - Table of land uses.

All land use activities, as indicated in table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in section 44-33 and other applicable ordinances. The district designated for a particular site shall be determined from the official zoning map.

Key to table 1:

Yes	-	Allowed (no permit required but the use must comply with all applicable land use standards)
No	-	Prohibited
SPR	-	Allowed with site plan review and approval by the planning board
CEO	-	Allowed with permit issued by the code enforcement officer
LPI	-	Allowed with permit issued by the local plumbing inspector

Abbreviations:

RP	-	Resource protection
LR	-	Limited residential
LC	-	Limited commercial
GD	-	General development
SP	-	Stream protection

The following notes are applicable to the land uses table on the following page:

Note: The term "functionally water-dependent use" as defined, includes a very diverse group of uses ranging from large, industrial facilities that receive shipments by water or use water for cooling, to traditional commercial fishing enterprises, and public storefront parks.

Table 1. Land Uses in the Shoreland Zone

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

		Districts				
Land Uses		SP	RP	LR	LC	GD
Uses or Activities Without Structures						
(1)	Clearing of vegetation for activities other than timber harvesting	CEO	CEO ₁	CEO	CEO	CEO
(2)	>Emergency operations	yes	yes	yes	yes	yes
(3)	Fire prevention activities	yes	yes	yes	yes	yes
(4)	Forest management activities, except for timber harvesting and land management roads	yes	yes	yes	yes	yes
(5)	Mineral exploration	no	no	no	yes ²	yes ²
(6)	Mineral extraction, including sand and gravel extraction	no	no	no	SPR	SPR
(7)	Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
(8)	Nonintensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
(9)	Soil and water conservation practices	yes	yes	yes	yes	yes
(10)	Surveying and resource analysis	yes	yes	yes	yes	yes
(11)	Wildlife management practices	yes	yes	yes	yes	yes
Principal Structures or Uses						
(12)	Principal structures and uses:					
	a. One- and two-family residential	SPR ₄	SPR ₉	CEO	CEO	CEO

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

	b.	Multifamily dwelling	no	no	SPR	SPR	SPR
	c.	Commercial (not listed elsewhere)	no ¹³	no ¹³	no ¹³	SPR	SPR ₅
	d.	Industrial	no	no	no	no	SPR
	e.	Governmental and institutional	no	no	no	SPR	SPR
	f.	Small nonresidential facilities for educational, scientific or nature interpretation purposes	SPR ₄	SPR	CEO	CEO	CEO
(13)		Agriculture	CEO	SPR	CEO	CEO	CEO
(14)		Aquaculture	SPR ₁₀	SPR ₁₀	SPR ₁₀	SPR	Yes
(16)	<u>Auto graveyard</u>		<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>
(17)	<u>Auto hobbyist storage area</u>		<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>
(17)	<u>Auto junkyard</u>		<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>
(18)	<u>Auto recycling operation</u>		<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>
(19)	<u>Auto recycling operation, limited</u>		<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>	<u>no</u>
(15) [re#]		Bed and breakfast	no	no	SPR ₁₀	SPR ₁₀	SPR
(16)		Boardinghouse	no	no	SPR ₁₀	SPR	SPR
(17)		Campgrounds	no	no ⁷	no	no	SPR
(18)		Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

(19)	Fireworks sales	no ¹⁷				
(20)	Gambling Casino	no	no	no	no	no
(21)	Marinas					
	a. Full service	no	no	no	no	SPR
	b. Limited	no	no	no	SPR	SPR
(22)	Nonprofit medical marijuana dispensary	no	no	no	no	no
(23)	Off-site parking	no	no ⁷	no	no	no
(24)	Public and private recreational areas involving minimal structural development	SPR	SPR	SPR	SPR	CEO

Accessory Structures or Uses

(25)	Structures accessory to allowed uses, not otherwise listed	SPR ₄	SPR	CEO	CEO	CEO
(26)	Essential services	SPR ₆	SPR ₆	SPR	SPR	SPR
	a. Roadside distribution lines (34.5kV and lower)	CEO ₆	CEO ₆	yes ¹²	yes ¹²	yes ¹²
	b. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	SPR ₆	SPR ₆	CEO	CEO	CEO
	c. Non-roadside or cross-country distribution lines involving 11 or more poles in the shoreland zone	SPR ₆	SPR ₆	SPR	SPR	SPR
	d. Other essential services	SPR ₆	SPR ₆	SPR	SPR	SPR
(27)	Fences	yes _{11A}	yes _{11A}	yes _{11A}	yes _{11A}	yes _{11A}

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

(28)	Filling and earthmoving of < 10 cubic yards	CEO	CEO	yes	yes	yes
(29)	Filling and earthmoving of > 10 cubic yards	SPR	SPR	CEO	CEO	CEO
(30)	Home business	no 12A	no 12A	SPR 10A	SPR 10A	no
(31)	Home occupations; regular and water-dependent	no	no	no	no	no
(32)	Home Office	CEO	no	CEO	CEO	CEO
(33)	Individual, private campsites	CEO	CEO	CEO	CEO	CEO
(34)	Land management roads	yes	SPR	yes	yes	yes
(35)	Piers, docks, wharves, bridges and other structures and uses and extending over or below the normal high-water line or within a wetland:					
a.	Temporary	CEO 11	CEO 11	CEO 11	CEO 11	CEO 11
b.	Permanent residential	SPR	SPR	SPR	SPR	SPR
c.	Permanent commercial	SPR 14	SPR 14	SPR 14	SPR	SPR
d.	Limited commercial	SPR 5	SPR 5	SPR ⁵	SPR	no
(36)	Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
(37)	Road and driveway construction	SPR	no ⁸	SPR	SPR	SPR
(38)	Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

(39)	Signs.	yes 9A	yes 9A	yes 9A	yes 9A	yes 9A
(40)	Solar energy system	CEO 15	CEO 15	CEO 15	CEO 15	CEO 15
(41)	Small wind energy system	SPR 16	SPR 16	SPR 16	SPR 16	SPR 16
(42)	Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
(43)	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
(44)	Uses similar to uses requiring a SPR permit	SPR	SPR	SPR	SPR	SPR
(45)	Waste containers	CEO 5A	CEO 5A	CEO 5A	CEO 5A	CEO 5A

Footnotes:

- 1 In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
- 2 Requires permit from the code enforcement officer if more than 100 square feet of surface area, in total, is disturbed.
- 3 In RP not allowed in areas so designated because of wildlife value.
- 4 Provided that a variance from the setback requirement is obtained from the board of appeals.
- 5 Functionally water-dependent uses and uses accessory to such water dependent uses only (see note on previous page).
- 5A Only as an accessory use to an allowed principal use on the lot. Must conform to the requirements of [section] 45-422, Waste containers.
- 6 See further restrictions in subsection 44-35(l)(2), essential services.
- 7 Except when area is zoned for resource protection due to floodplain criteria in which case a site plan review is required from the planning board.
- 8 Except as provided in subsection 44-35(h).

- 9 Single family residential structures may be allowed by special exception only according to the provisions of subsection 44-44(f), Special exceptions. Two-family residential structures are prohibited.
- 9A See sign ordinance section.
- 10 Except for commercial uses otherwise listed in this table, such as marinas and campgrounds, that are allowed in the respective district.
- 10A Must conform to the requirements of section 45-456.1, Home business.
- 11 Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
- 11A Must conform to the requirements of section 45-423, Fences.
- 12 Permit not required, but must file a written "notice of intent to construct" with CEO.
- 12A "No" except in conjunction with aquaculture, small nonresidential facilities for educational, scientific or nature interpretation purposes or limited commercial piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.
- 13 Use is "No" except when permitted under another specific land use entry.
- 14 Only commercial aquaculture allowed on piers in this zone, with no other commercial pier uses. Pier must meet the requirements of a residential pier in these zones.

Note: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to title 38, M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- a. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
 - b. Draining or otherwise dewatering;
 - c. Filling, including adding sand or other material to a sand dune; or
 - d. Any construction or alteration of any permanent structure.
- 15 Must conform to the requirements of section 45-462.
 - 16 Must conform to the requirements of section 45-461.
 - 17 See chapter 12 for additional regulations pertaining to the sale and use of fireworks.

(T.M. of 11-06-2018(3); T.M. of [7-14-2020\(4\)](#))

Sec. 45-290. - Table of permitted and prohibited uses.

[note: other proposed June 2021 amendments also propose to make changes to this land use table.]

The following table of land uses designates permitted uses by a yes and prohibited uses by a no. Any use not listed is a prohibited use. The letters CEO, SPR, and SD are explained in section 45-402.

Table of Land Uses

Land uses	R	S	V	C/I
Accessory dwelling unit	CEO	CEO	CEO	CEO
Agriculture, except animal breeding and care	yes	yes	yes	no
Animal breeding	yes ¹	12	SPR ^{1&8}	no
Animal husbandry	yes ¹	yes ¹	yes ¹	no
Apartment house, see multiple-family dwelling	—	—	—	—
Apartment, see single-family dwellings	—	—	—	—
Aquaculture	13	13	SPR ⁸	no
Assisted living facility	no	SPR/SD	SPR/SD	SPR/SD
<u>Auto hobbyist storage area</u>	<u>SPR</u>	<u>SPR</u>	<u>no</u>	<u>no</u>
Auto graveyards	SPR	no	no	no
Auto junkyard	no	no	no	no
Auto recycling business	9	9	no	SPR
Auto recycling operation	9	no	no	SPR
Auto recycling operation, limited	9	9	no	SPR
Auto repair garages	14	14	SPR ⁸	SPR

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

Auto service stations	no	9	no	SPR
Banks	no	no	SPR	SPR
Bathhouse	11	11	no	no
Bathing beach	yes	yes	yes	no
Bed and breakfasts	14	14	SPR ⁸	SPR
Boarding homes, see lodging businesses	—	—	—	—
Boarding kennel	no	no	no	SPR
Bulk oil fuel tanks	no	no	no	SPR ²
Business office	14	14	SPR ⁸	SPR
Campgrounds	SPR	no	no	no
Cemeteries	SPR	SPR	SPR	no
Clearing	yes	yes	yes	yes
Clinics	no	no	no	SPR
Clustered housing	SPR	no	no	no
Commercial adult enterprise	no	no	no	SPR
Commercial establishment, 2 or more where allowed	-	9	no	SPR
Day nurseries	SPR	16	SPR ⁸	SPR
Earth material removal, less than 100 cubic yards 100 cubic yards or greater	yes SPR	yes SPR	yes SPR	yes SPR
Elderly housing	no	SPR/SD	SPR/SD	SPR/SD

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

Emergency operations	yes	yes	yes	yes
Equipment storage, trucks, 3 or more	no	no	no	yes
Essential services	yes	yes	yes	yes
Expansion of an existing telecommunication structure or collocation of antenna on a existing telecommunication structure or alternate tower structure	CEO	CEO	CEO	CEO
Farm equipment stores	SPR	10	no	SPR
Fences	yes ⁵	yes ⁵	yes ⁵	yes ⁵
Firewood sales	yes	13	SPR ⁸	no
Fireworks sales	no ²⁰	no ²⁰	no ²⁰	no ²⁰
Forest management, except timber harvesting	yes	yes	yes	yes
Funeral establishment	no	no	SPR	SPR
Gambling casino	no	no	no	no
Gardening	yes	yes	yes	yes
Gasoline stations	no	9	no	SPR
Governmental buildings or uses	SPR	SPR	SPR	SPR
Grain or feed stores	SPR	10	no	SPR
Harvesting wild crops	yes	yes	yes	yes
Home business	SPR ₈	SPR ⁸	SPR ⁸	no
Home occupations	10	10	no	no

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

Home office	CEO	CEO	CEO	CEO
Hospitals	no	no	no	SPR
Indoor commercial, recreational and amusement facilities	no	no	no	SPR
Industrial and business research laboratory	no	no	no	SPR
Industrial establishments and uses	no	no	no	SPR
Institutional buildings and uses, indoor	no	9	no	no
Junkyards	no	no	no	no
Landfill, dump	no	no	no	no
Libraries	SPR	SPR	SPR	SPR
Life care facility	no	SPR/SD	SPR/SD	SPR/SD
Lodging businesses, including bed and breakfasts, boarding homes or houses, hotels, inns, lodginghouses, rooming homes, and the like	14	14	SPR ⁸	SPR
Manufacturing	SPR ₈	SPR ⁸	SPR ⁸	SPR
Marijuana establishment*	no	no	no	SPR ²¹
Mobile home parks	SPR/ SD ⁷	SPR/SD ₇	SPR/SD ₇	no
Motel	no	no	no	SPR
Multiple-family dwelling	no	SPR	SPR	no
Museums	SPR	SPR	SPR	SPR

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

New construction of telecommunication structure 70 feet and higher	9	9	no	SPR
New construction of telecommunication structure less than 70 feet high	CEO	CEO	CEO	CEO
Nonprofit medical marijuana dispensary	no	no	no	SPR ¹⁹
Nurseries, plants	CEO	17	SPR ⁸	no
Nursing facility	no	SPR	SPR	SPR
Off-site parking	no	no	no	no
Parks	SPR	SPR	SPR	no
Places of worship	SPR	SPR	SPR	SPR
Playgrounds	SPR	SPR	SPR	no
Printing plant	14	14	SPR ⁸	SPR
Produce and plants raised locally, seasonal sales	yes	yes	yes	no
Professional offices	14	14	SPR ⁸	SPR
Public utility facilities	SPR	SPR	SPR	SPR
Recreational facilities, nonintensive	SPR	SPR	SPR	no
Recreational use not requiring structures	SPR	yes	yes	no
Restaurant	9	9	SPR ⁸	SPR
Restaurant, takeout	no	no	no	SPR
Retail stores, local, other	18	18	SPR ⁸	SPR
Road construction	CEO	CEO	CEO	SPR

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

Schools	SPR	SPR	SPR	SPR
Sewage disposal systems, private	CEO	CEO	CEO	CEO
Signs, 6 square feet	CEO	CEO	CEO	CEO
Signs, other	CEO	CEO	CEO	CEO
Single-family dwellings	CEO	CEO	CEO	no ⁶
Small wind energy system	SPR	SPR	SPR	SPR
Solar energy system	CEO	CEO	CEO	CEO
Surveying and resource analysis	yes	yes	yes	yes
Timber harvesting	yes	yes	yes	yes
Truck terminals and storage	no	no	no	SPR
Two-family dwellings	CEO	CEO	CEO	no ⁶
Veterinary hospital	15	15	No	SPR
Warehouse	no	no	no	SPR
Waste containers	CEO ₃	CEO ³	CEO ³	CEO ³
Wholesale	no	no	no	SPR
Wholesale business facilities	no	no	no	SPR
Uses similar to allowed uses	CEO	CEO	CEO	CEO
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
Uses similar to uses requiring a planning board permit	SPR	SPR	SPR	SPR

*Marijuana establishment is defined in section 11-3 of this Code.

Notes:

1. Buildings housing animals shall be no less than 100 feet from property lines.
2. Each bulk oil fuel tank shall not exceed 50,000 gallons in size and use shall be limited to local use only.
3. Only as an accessory to an allowed principal use on the lot. Must conform to the requirements of 45-422, Waste containers.
4. Individual stores shall not have more than 2,500 square feet of gross floor area, except stores located on Route 236 may have up to 5,000 square feet. Customer sales areas shall be confined to one floor.
5. Must conform to the requirements of section 45-423.
6. See section 45-192(b) for an exception on accessory uses and structures.
7. See division 2 of article V of chapter 41 of this Code for specific areas where mobile home parks are allowed.
8. Must conform to the requirements of section 45-456.1 Home business.
9. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
10. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
11. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) non-commercial properties.
12. Use is "SPR 1 & 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 1" and must be visually screened from abutting (same street side) non-commercial properties.
13. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "yes" and must be visually screened from abutting (same street side) non-commercial properties.
14. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties.
15. Use is prohibited unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) non-commercial properties in accordance with Sec. 33-175(a). Overnight boarding and outdoor kenneling of animals is prohibited in the rural and suburban zoning districts.
16. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR" and must be visually screened from abutting (same street side) noncommercial properties.
17. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "CEO" and must be visually screened from abutting (same street side) noncommercial properties.

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

18. Use is "SPR 8" unless property abuts Route 236. If property abuts Route 236, use is "SPR 4" and must be visually screened from abutting (same street side) noncommercial properties.
19. Must conform to the requirements of section 33-189.
20. See chapter 12 for additional regulations pertaining to the sale and use of fireworks.
21. Must conform to the requirements of section 33-190.

(T.M. of 11-2-82; T.M. of 6-26-85; T.M. of 11-23-85; T.M. of 11-4-86; T.M. of 4-21-87; T.M. of 3-19-88; T.M. of 12-20-89, (§ 207); T.M. of 12-15-93; Amend. of 3-25-95; T.M. of 3-27-99(1), § 5; Ord. of 3-25-00(1); T.M. of 3-16-02, (art. 3), (art. 4); T.M. of 6-19-01, (art. 6), (art. 7); T.M. of 11-5-02; T.M. of 11-4-03; T.M. of 11-4-03; T.M. of 3-20-04; T.M. of 6-14-08; T.M. of 6-12-2010(3); T.M. of 6-18-2011(6); T.M. of 11-8-2011; T.M. of 6-16-2012(1); T.M. of 6-16-2012(2); T.M. of 11-5-2019(5); T.M. of 7-14-2020(5))

Cross reference— Review procedures and standards for site review requirements in the zoning table of uses, § 33-56 et seq.

ARTICLE IX. - STANDARDS FOR SPECIFIC ACTIVITIES

Add a new section:

Sec. 45-468.1. – Auto graveyards

- (a) *Purpose.* The purpose of this section is to prescribe specific land use standards for auto graveyards.
- (b) *Applicability.* The standards in this section are land use standards applicable to Planning Board approval. After Planning Board approval, before they may commence, auto graveyards also must have operating permits as required by Article II of Chapter 16.
- (c) *Auto graveyard area.* The site plan shall clearly show specific area(s) on the lot proposed for an auto graveyard.
- (d) *Auto graveyard standards.* Auto graveyards shall comply with the following land use standards:
 - (1) All auto graveyards shall be kept entirely screened from ordinary view from any highway, street, town way, public way, or private right-of-way, and from neighboring residences, at all times by natural objects, plantings, or fences. Screening required by this paragraph shall be:
 - a. At a height, density, and depth sufficient to accomplish complete screening from ordinary view;
 - b. Well-constructed and properly maintained at a minimum height of six feet; and,
 - c. Placed outside of the right-of-way.
 - (2) No portion of an auto graveyard may be located:
 - a. within 100 feet of the right-of-way of any highway, street, town way, public way, or private right-of-way.
 - b. within 300 feet of a residence, public building, public park, public playground, public bathing beach, school, church, or cemetery if it would be within ordinary view from said facility.
 - c. within 300 feet of a well that serves as a public or private water supply, excluding a private well that serves only the auto graveyard or the owner or operator's abutting residence. This prohibition does not apply to wells installed after an auto graveyard has received Planning Board approval or an operating permit under Article II of Chapter 16.
 - d. within 100 feet of a body of water or freshwater wetland, within a 100-year floodplain, or over a mapped sand and gravel aquifer, unless a note on the site plan indicates that such portion will not store any vehicles containing fluids, refrigerant, lubricants, batteries, mercury switches, or mercury-added lamps, and such a location is consistent with applicable provisions of Chapter 44.

- (3) The perimeter of the auto graveyard shall be located as far from the lot lines as practical and shall comply with setback requirements specified in section 45-405.
- (4) The application and site plan shall identify how all fluids (including, but not limited to, engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel, and oil), batteries, tires, and lubricants will be properly handled in such a manner that they do not leak, flow, or discharge into or onto the ground or into a body of water.
- (5) The application shall include either:
 - a. a notice of intent filed with the Department of Environmental Protection to comply with the general permit provisions for stormwater discharges; or,
 - b. a determination from the Department of Environmental Protection that a stormwater discharge permit is not required.
- (6) If more than 1,320 gallons of oils, including gasoline, diesel, heating and waste oil, are proposed to be stored on-site, the application shall include a spill prevention, control, and countermeasures plan.
- (7) The application shall include a statement of compliance with all applicable provisions of the automobile dealer or recycler licensing provisions of title 29-A M.R.S.A. chapter 9, as may be amended, and a copy of the applicant's recycler license, or a statement that the applicant plans to seek only a limited-term operating permit under Article II of Chapter 16, conditioned upon the applicant's demonstrating compliance with the provisions of title 29-A M.R.S.A. chapter 9, as may be amended, within 90 calendar days of the issuance of the limited-term permit.

Add a new section:

Sec. 45-468.2. – Auto recycling operations

- (a) *Purpose.* The purpose of this section is to prescribe land use standards for auto recycling operations of two different scales: as a principal use or as a limited use, according to their definitions in section 1-2.
- (b) *Applicability.* To determine what standards will apply, Planning Board applications shall clearly state the scale of the proposed auto recycling operation (principal or limited). The standards in this section are land use standards applicable to Planning Board approval. After Planning Board approval, before they may commence, auto recycling operations also must have operating permits as required by Article II of Chapter 16.
- (c) *Recycling enclosure.* The site plan shall clearly show any and all outdoor or indoor areas on the lot proposed to have auto recycling operations. For the purpose of this section, and consistent with the screening and size requirements herein, these areas will be collectively referred to as the “recycling enclosure”.
- (d) *Auto recycling operations, principal, standards.* Auto recycling operations, principal, shall comply with the following land use standards:
 - (1) No vehicles that have been rebuilt or repaired as part of the recycling process, are currently being recycled, or are being stored for future recycling, nor any parts thereof, shall be stored outside of the recycling enclosure.
 - (2) The size of the recycling enclosure shall be no larger than 25 percent of the lot size or 10,000 square feet, whichever is less.
 - (3) The perimeter of the recycling enclosure shall be located as far from the lot lines as practical and shall comply with setback requirements specified in section 45-405.
 - (4) No portion of the recycling enclosure may be located:
 - a. within 100 feet of a body of water or freshwater wetland, within a 100-year floodplain, or over a mapped sand and gravel aquifer, unless a note on the site plan indicates that such portion will not store any vehicles containing fluids, refrigerant, batteries, mercury switches, or mercury-added lamps, and such a location is consistent with applicable provisions of Chapter 44;
 - b. within 300 feet of a well that serves as a public or private water supply, excluding a private well that serves only the auto recycling operation or the owner or operator’s abutting residence. This prohibition does not apply to wells installed after an auto recycling operation has received Planning Board approval or an operating permit under Article II of Chapter 16; or,
 - c. within 500 feet of the lot line of a school, church, cemetery, or public playground or park.
 - (5) To visually screen the recycling enclosure, all auto recycling operations shall take place inside buildings on the lot or otherwise shall be kept entirely screened from ordinary

view from any highway, street, town way, public way, or private right-of-way, and from neighboring residences, at all times by natural objects, plantings, or fences. Screening required by this paragraph shall be:

- a. At a height, density, and depth sufficient to accomplish complete screening from ordinary view;
- b. Well-constructed and properly maintained at a minimum height of six feet; and,
- c. Placed outside of the right-of-way.

- (6) No portable or fixed crushing machinery is allowed on the lot.
 - (7) Any point of vehicle entry and egress to and from the recycling enclosure shall be fitted with an opaque visual screen gate or vehicle entry door, which is kept closed at all times except when entering or exiting with vehicles.
 - (8) In addition to demonstrating compliance with the noise standards in Section 45-407, the application and site plan shall also convey that all dismantling of motor vehicles with power tools shall take place within a building.
 - (9) The application and site plan shall identify how all fluids, refrigerant, lubricants, batteries, mercury switches, mercury-added lamps, and tires will be removed and/or stored in compliance with the state Department of Environmental Protection requirements where applicable.
 - (10) The application shall include either:
 - a. a notice of intent filed with the Department of Environmental Protection to comply with the general permit provisions for stormwater discharges; or,
 - b. a determination from the Department of Environmental Protection that a stormwater discharge permit is not required.
 - (11) If more than 1,320 gallons of oils, including gasoline, diesel, heating and waste oil, are proposed to be stored on-site, the application shall include a spill prevention, control, and countermeasures plan.
 - (12) The application shall include a statement of compliance with all applicable provisions of the automobile dealer or recycler licensing provisions of title 29-A M.R.S.A. chapter 9, as may be amended, and a copy of the applicant's recycler license, or a statement that the applicant plans to seek only a limited-term operating permit under Article II of Chapter 16, conditioned upon the applicant's demonstrating compliance with the provisions of title 29-A M.R.S.A. chapter 9, as may be amended, within 90 calendar days of the issuance of the limited-term permit.
- (e) *Auto recycling operations, limited, standards.* Auto recycling operations, limited, shall comply with all the standards of auto recycling operations, principal, listed above, except as follows:
- (1) Auto recycling operations, limited, must be conducted incidental to an approved (state and/or local) auto repair garage or auto service station.
 - (2) The size of the recycling enclosure shall be no larger than 25 percent of the lot size or 10,000 square feet, whichever is less.

Proposed Town Code Amendments Related to Auto Graveyards, Auto Recycling Operations, and Auto Hobbyist Storage Areas (DRAFT)

- (3) No more than ten unregistered or uninspected automobiles (or parts which take up the same area as ten assembled automobiles) per acre may be allowed per lot.
- (f) All auto graveyards and auto recycling operations shall meet all applicable state requirements. If there is a conflict between this section and state requirements, the state requirements shall apply.

DRAFT

Add a new section:

Sec. 45-468.3. – Auto hobbyist storage areas

- (a) *Purpose.* The purpose of this section is to prescribe land use standards for auto hobbyist storage areas.
- (b) *Applicability.* The standards in this section are land use standards applicable to Planning Board approval. After Planning Board approval, before they may commence, auto hobbyists also must have operating permits as required by Article II of Chapter 16.
- (c) *Auto hobbyist storage area.* The site plan shall clearly show specific area(s) on the lot proposed for storage of auto hobbyist vehicles.
- (d) *Auto hobbyist storage area standards.* Auto hobbyist storage areas shall comply with the following land use standards:
 - (1) An auto hobbyist storage area shall be kept entirely screened from ordinary view from any street, town way, public way, or private right-of-way, and from neighboring residences, at all times by natural objects, plantings, or fences. Screening required by this paragraph must be:
 - a. At a height, density, and depth sufficient to accomplish complete screening from ordinary view;
 - b. Well-constructed and properly maintained at a minimum height of six feet; and,
 - c. Placed outside of the right-of-way.
 - (2) The application shall identify how all fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, will be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water.
 - (3) No portion of an auto hobbyist storage area may be located within 100 feet of a body of water or freshwater wetland, unless a note on the site plan indicates that such portion will not be used for storage or dismantling of any vehicles containing fluids.

State law reference – 30-A M.R.S.A. 3752(1)(A)(2)

Proposed Town Code Amendments Related to Accessory Dwelling Units

Discussion DRAFT for February 9, 2021 Planning Board meeting

Previous Planning Board reviews: Jan. 5, Jan. 12, Feb. 2, 2021

Article ___. Shall an ordinance entitled “[insert title]” dated 6/8/2021 be enacted?

Background and rationale [DRAFT]

These amendments modify Section 45-459 of the Town Code to balance greater flexibility and stricter standards for accessory dwelling units (ADUs). The amendments increase the maximum gross floor area of an ADU from 650 sq. ft. to 800 sq. ft., or 50 percent of the principal dwelling unit, whichever is less. The 50 percent provision creates proportionality between the principal dwelling unit and the ADU, preventing ADUs from being of greater, equal, or similar size as the principal dwelling unit. That type of situation would be contrary to the “clearly secondary” nature of the ADU (as described in its definition in Section 1-2). Increasing the overall area cap from 650 sq. ft. addresses Affordable Housing Strategy 1.1 in the 2009 Comprehensive Plan.

Section 45-459 allows for the owner-occupant to occupy either the principal dwelling unit or the ADU and rent out the other. This provides options for the owner-occupant to potentially generate rental income, live next to a relative or caregiver, adapt to changing life situations, and age in place. ADUs are recognized nationally, and within the 2009 Comprehensive Plan, as an affordable housing strategy. To help preserve the supply of affordable mid- and longer-term rental options in town, the amendments establish a minimum 30-day term of any single rental to the same person or party. This is similar to provisions in other Maine communities, such as Kittery, Scarborough, and Bangor.

The amendments simplify ADU standards related to home occupations/home businesses and the maximum number of ADU occupants. Although it is somewhat unclear, paragraph (c)(6) appears to prohibit a situation where both the principal dwelling unit and the ADU have a home occupation or a home business. The amendments strike this paragraph to allow greater flexibility for both units to have home occupations or home businesses. Sections 45-455 (Home occupations) and 45-456.1 (Home businesses) already prescribe limitations on the scale of these respective uses. Home occupations cannot exceed 25 percent of the total area of the principal residential or other structure. A single home business, or two home businesses collectively, cannot exceed 1,500 sq. ft. in total area. Paragraph (c)(13) currently pegs maximum ADU occupancy to various ADU size ranges. The amendments simplify this paragraph by prescribing a two-per-bedroom standard but allowing for a greater occupancy if approved by the Code Enforcement Officer and the Fire Chief (or their designees) after inspection.

Sec. 45-459. - Accessory dwelling unit.

- (a) An accessory dwelling unit (ADU) is a small apartment which is part of an existing or new single family owner-occupied home, and which is clearly secondary to the single family home. The accessory dwelling unit may be rented so that the owner-occupant may benefit from the additional income. **However, the term of any single rental of the ADU to the same person or party shall not be less than 30 days.** The owner may also elect to occupy the accessory dwelling unit and rent the principal dwelling unit.
- (b) Owner-occupied means that either the principal dwelling unit or the accessory dwelling unit is occupied by a person who has a legal or equitable ownership interest in the property and bears all or part of the economic risk of decline in value of the property and who receives all or part of the remuneration, if any, derived from the lease or rental of the dwelling unit.
- (c) An accessory dwelling unit may be permitted as an accessory use to a single family home under the following conditions:
 - (1) Only one accessory dwelling unit (ADU) is permitted per lot. The accessory dwelling unit shall be located in the same building as the principal dwelling unit or in a building accessory to the principal dwelling unit. Any structure containing an accessory dwelling unit must meet minimum yard and setback requirements for principal structures.
 - (2) A building permit for the proposed construction of a new ADU or the creation of a new ADU within an existing building, must be issued by the CEO. Planning board approval is not required for an ADU.
 - (3) A building permit for a new single family home may include an ADU as long as the provisions of this section are met and the building conforms to all of the dimensional requirements for the zone in which it is being built. An ADU may be included in a new home constructed on a lawful nonconforming lot of record which may be built upon pursuant to section 45-194.
 - (4) The property owner must occupy either the principal dwelling unit or the ADU as their principal residence, and at no time receive rent for the owner-occupied unit. Principal residence must be proven by voter registration or other evidence acceptable to the CEO.
 - (5) ~~In no case shall an ADU be more than 650~~ **The maximum gross floor area of an ADU shall be 800** square feet ~~or 50 percent of the gross floor area of the principal dwelling unit, whichever is less. The minimum gross floor area of an ADU shall be~~ ~~or less than 300 square feet. An ADU shall not~~ have more than two bedrooms. ~~Area shall be measured using the interior dimensions of the ADU.~~
 - (6) ~~A home occupation or home business may be conducted, subject to existing regulations, as an accessory use to either the ADU or the principal dwelling unit, but not both.~~
 - (7)(6) Apartments built prior to November 2, 1982 and existing on March 16, 2002, shall be considered lawful nonconforming uses which may continue pursuant to section 45-191. Any apartments existing on (effective date of section 45-459) and built on or after November 2, 1982 shall not be considered lawful nonconforming uses, unless the property owners applies for a building permit for the ADU and brings the unit up to the health and safety provisions of the minimum housing code standards. A grace period of one year from the adoption of this article will be allowed for homeowners to modify such

unlawful non-conforming units. The CEO will have the authority to waive certain space and setback requirements for such unlawful nonconforming units where full compliance would be impractical. On March 16, 2003, all owners of unlawful nonconforming units who have not brought them up to the health and safety standards of the minimum housing code, will be in violation of this section and subject to fines per section 45-6 (b).

(8)(7) When any property containing an accessory dwelling unit is sold or transferred, the new owner must continue to meet the requirements of this Section in order to continue the use of the accessory dwelling unit. Should the new owner not meet the requirements of this section, the use of the unit must be discontinued. However, any lease in effect at the time of transfer may be continued until it expires or up to one year from the date of the transfer, whichever is shorter. This paragraph (8) does not apply to an apartment built before November 2, 1982 and existing on March 16, 2002.

(9)(8) To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the York County Registry of Deeds a covenant in a form acceptable to the town attorney that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by a person who owns the property. It is also required that any owner of the property must notify a prospective buyer of the limitations of this section.

(10)(9) New accessory dwelling units are not subject to the requirements of the Growth Management Ordinance, chapter 29. However, the number of accessory dwelling units that may be issued building permits within a calendar year is limited to a total of 12, to be issued on a first- come, first-served basis in the order in which the code enforcement officer receives completed applications for building permits under section 45-127. If two or more applications are received simultaneously (as in a single mail delivery), the code enforcement officer shall determine their order by random selection. The provisions of this paragraph are retroactive to January 1, 2003.

(11)(10) This provision shall not prohibit the conversion of a single family dwelling to a multifamily dwelling so long as said conversion complies with all current zoning requirements. However, if such conversion is approved, any accessory dwelling unit previously allowed under this section must be incorporated into and meet all the requirements for one of the units of the multifamily dwelling. Multifamily dwellings shall not include accessory dwelling units as defined in this section.

(12)(11) Design criteria:

- a. An ADU shall be designed to maintain the architectural design, style, appearance, and character of the main building as a single-family residence. If an ADU extends beyond the existing footprint of the main building, such an addition must be consistent with the existing facade, roof pitch, siding, and windows.
- b. Exterior stairs are restricted to the rear or sides of the structure.

(13)(12) Occupancy of an ADU shall be limited to the following: ~~No more than two persons may occupy a unit of 300 to 400 square feet of gross floor area; no more than three persons in a unit ranging from 401 to 600 square feet of gross floor area; and no more than four persons in a unit of 601 square feet or greater of gross floor area. No more than two persons per bedroom are allowed, unless otherwise approved by the Code~~

Enforcement Officer and the Fire Chief or their respective designees. Increased occupancy limits may be granted after application to the Code Enforcement Officer and inspection of the dwelling unit.

- (14)(13) One off-street parking space must be provided for the accessory dwelling unit in addition to the off-street parking required for the principal dwelling unit.
- (15)(14) An occupancy permit must be issued by the CEO prior to occupancy of an accessory dwelling unit created or modified pursuant to this section 45-459.
- (16)(15) The CEO shall prepare a biennial report to the planning board on accessory dwelling units which will include: (a) the number of units established; (b) the geographic distribution of the units; and (c) the average size of the units. The planning board shall reassess the provisions of this section allowing accessory dwelling units every five years or sooner if records show that 20 percent of single family homes have ADUs.
- (17)(16) The code enforcement officer may inspect an accessory dwelling unit, with or without complaint with a minimum of 48 hours of receipt of notice of inspection to the property owner to ensure compliance with the section. Any property owner found in violation of this section shall have 30 days from the date of written notice to correct such violation. Failure to correct the violation shall result in the revocation of the accessory dwelling unit certificate of occupancy, as well as subjecting the property owner to the remedies and penalties provided in sections 45-101 and 45-102.

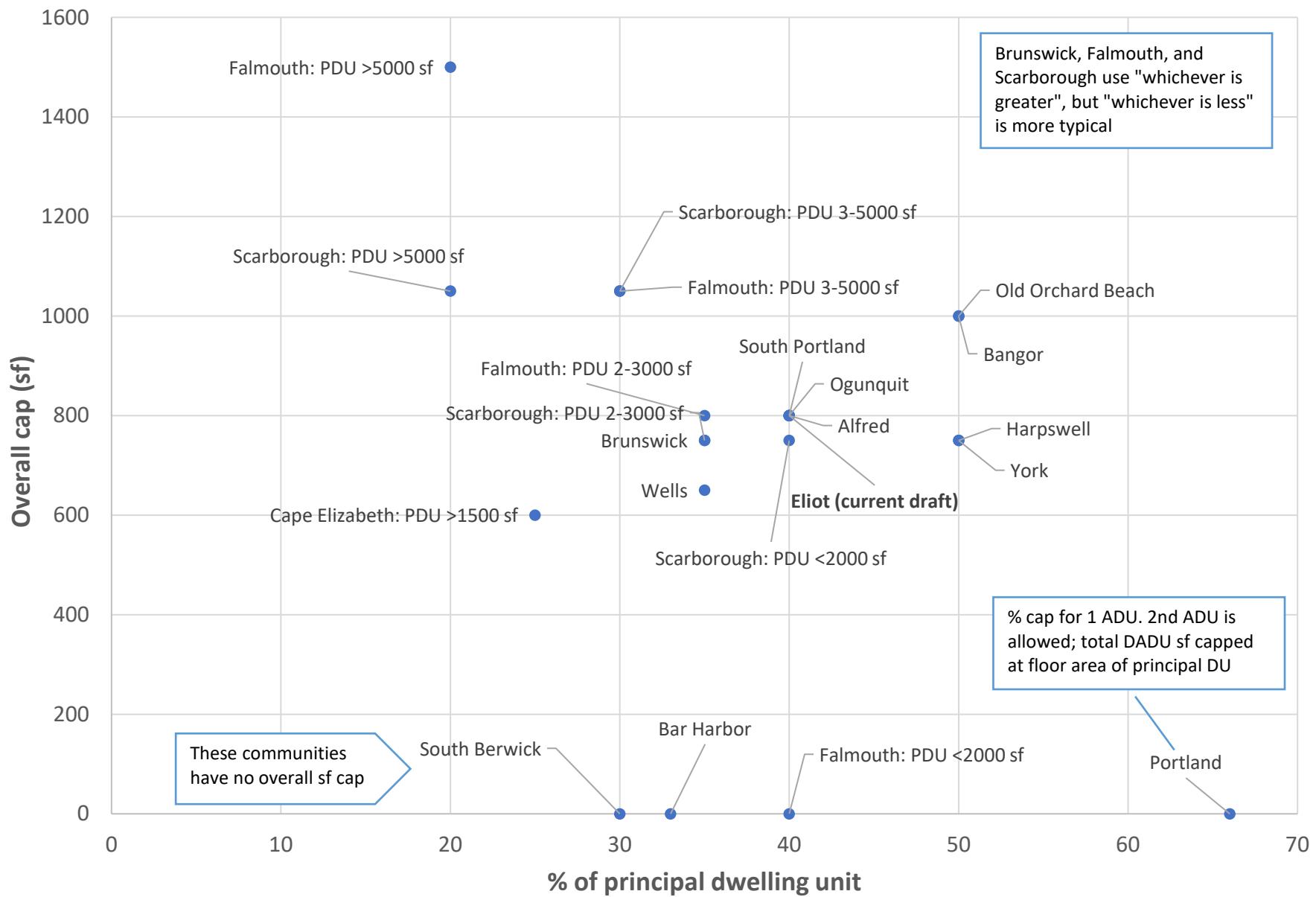
(T.M. of 3-16-02, (art. 4); T.M. of 6-10-03; T.M. of 6-14-05)

Principal DU		Max ADU
GFA	Max % of PDU	GFA
750	40%	300
1000		400
1250		500
1500		600
1625		650
1750		700
2000		800

Principal DU		Max ADU
GFA	Max % of PDU	GFA
750	50%	375
1000		500
1250		625
1500		750
1625		800
1750		800
2000		800

Community	% of principal ADU cap	Overall cap (sf)	Notes
Alfred	40	800	
Bangor	50	1000	
Bar Harbor	33	0	
Brunswick	35	750	"whichever is greater"
Cape Elizabeth: PDU >1500 sf	25	600	
Eliot (current draft)	40	800	
Falmouth: PDU <2000 sf	40	0	
Falmouth: PDU 2-3000 sf	35	800	"whichever is greater"
Falmouth: PDU 3-5000 sf	30	1050	"whichever is greater"
Falmouth: PDU >5000 sf	20	1500	"whichever is greater"
Harpswell	50	750	
Ogunquit	40	800	
Old Orchard Beach	50	1000	
Portland	66	0	Up to 2 ADUs allowed; total DADU GFA cannot exceed PDU GFA
Scarborough: PDU <2000 sf	40	750	"whichever is greater"
Scarborough: PDU 2-3000 sf	35	750	"whichever is greater"
Scarborough: PDU 3-5000 sf	30	1050	"whichever is greater"
Scarborough: PDU >5000 sf	20	1050	"whichever is greater"
South Berwick	30	0	PDU must have at least 2,000 sf of living area
South Portland	40	800	
Wells	35	650	
York	50	750	

ADU size limits in select Maine communities



Community	% of principal ADU cap	Overall cap (sf)	Notes
Alfred	40	800	
Bangor	50	1000	
Bar Harbor	33	0	
Brunswick	35	750	"whichever is greater"
Cape Elizabeth: PDU >1500 sf	25	600	
Eliot (current draft)	40	800	
Falmouth: PDU <2000 sf	40	0	
Falmouth: PDU 2-3000 sf	35	800	"whichever is greater"
Falmouth: PDU 3-5000 sf	30	1050	"whichever is greater"
Falmouth: PDU >5000 sf	20	1500	"whichever is greater"
Harpswell	50	750	
Ogunquit	40	800	
Old Orchard Beach	50	1000	
Portland	66	0	Up to 2 ADUs allowed; total DADU GFA cannot exceed PDU GFA
Scarborough: PDU <2000 sf	40	750	"whichever is greater"
Scarborough: PDU 2-3000 sf	35	750	"whichever is greater"
Scarborough: PDU 3-5000 sf	30	1050	"whichever is greater"
Scarborough: PDU >5000 sf	20	1050	"whichever is greater"
South Berwick	30	0	PDU must have at least 2,000 sf of living area
South Portland	40	800	
Wells	35	650	
York	50	750	

Proposed Town Code Amendments Related to Post-Construction Stormwater Management

*Planning Board Discussion **DRAFT** – February 9, 2021*

Previous Planning Board review: Jan. 12 and Feb. 2, 2021

Article ___. Shall an ordinance entitled “[insert title]” dated 6/8/2021 be enacted?

Background and rationale [DRAFT]

These amendments make changes to Chapter 35 of the Town Code, Post-Construction Stormwater Management, recommended by the technical consultant for the Southern Maine Stormwater Working Group, of which the Town of Eliot is a member. Chapter 35 provides for review and approval of post-construction stormwater management plans and monitoring and enforcement of compliance with such plans as required by federal and state law. It establishes methods for post-construction stormwater management in order to comply with minimum control measures requirements of the Federal Clean Water Act, of federal regulations and of Maine’s Small Municipal Separate Storm Sewer Systems (MS4) General Permit.

The amendments update the outdated definition of “urbanized area” in Section 1-2. The urbanized area is updated every decennial U.S. census and is the part of town in which the MS4 requirements apply. Part of Eliot is in an urbanized area and part is outside of it. The current Section 1-2 definition references the 2000 census. The amendments also change the inspection requirements for stormwater management facilities subject to a maintenance agreement with the town, so that the property owner subject to the agreement must have annual inspections of their facilities conducted by a qualified professional (described in a new Section 1-2 definition) and certify back to the Town, instead of the Town being responsible for inspections. This will reduce the burden on Town staff while continuing to ensure that stormwater is being properly managed on-site.

Appendix 1 – Maintenance Agreement for Stormwater Management Facilities – includes modifications to reflect this self-inspection and certification process, and a new Appendix 2 comprises the certification form.

Sec. 1-2. - Definitions and rules of construction.

[abridged to only show the parts of this section being changed]

[...]

Qualified Post-Construction Storm Water Inspector means a person who conducts post-construction inspections of Storm Water Runoff Systems and meets the following qualifications:

- (1) **The Inspector shall not have any ownership or financial interest in the property being inspected nor be an employee or partner of any entity having an ownership or financial interest in the property, and**
- (2) **The Inspector shall also meet the following criteria:**
 - a. **Someone who has received the appropriate training for such inspection from the Maine Department of Environmental Protection (DEP) and holds a valid certificate from DEP for such inspection, or;**
 - b. **Someone who has a working knowledge of the most current DEP Storm Water Management Laws including but not limited to Chapter 500 and Chapter 502 Rules, Storm Water Management Rules and Maine's Storm Water BMP Manual, has a college degree in environmental science, civil engineering, or comparable expertise, or any combination of experience and training; has a demonstrated practical working knowledge of Storm Water hydrology and Storm Water management techniques, including the maintenance requirements for Storm Water Runoff Systems; and has the ability to determine if Storm Water Runoff Systems are performing as intended.**

[...]

Urbanized area ("UA") (chapter 35) means the areas of the State of Maine so defined by the **cumulative area identified by the 2000 census and 2010 census** latest decennial (2000) census by the U.S. Bureau of the Census.

[...]

Chapter 35 - POST-CONSTRUCTION STORMWATER MANAGEMENT

Footnotes:

--- (1) ---

Cross reference— Non-stormwater discharges, ch. 31 et seq.

Sec. 35-1. - Purpose.

The purpose of this "Post-Construction Stormwater Management Ordinance" (the "ordinance") is to provide for the health, safety, and general welfare of the citizens of the Town of Eliot through review and approval of post-construction stormwater management plans and monitoring and enforcement of compliance with such plans as required by federal and state law. This chapter establishes methods for post-construction stormwater management in order to comply with minimum control measures requirements of the Federal Clean Water Act, of federal regulations and of Maine's Small Municipal Separate Storm Sewer Systems General Permit.

(T.M. of 6-9-09(2))

Sec. 35-2. - Objectives.

This chapter seeks to meet the above purpose through the following objectives:

- (1) Reduce the impact of post-construction discharge of stormwater on waters of the state; and
- (2) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through use of best management practices as promulgated by the Maine Department of Environmental Protection (MEDEP) pursuant to its Chapters 500 and 502 Rules, and ensure that these management controls are properly maintained and pose no threat to public safety.

(T.M. of 6-9-09(2))

Sec. 35-3. - Applicability.

(a) *In general.* This chapter applies to:

- (1) Development or redevelopment that disturbs ~~more than~~ one acre **or more** of land within the ~~municipality~~ **Urbanized Area**; and
- (2) Development that disturbs less than one acre if the development is part of a larger common plan of development or sale **within the Urbanized Area**.

(T.M. of 6-9-09(2))

Sec. 35-4. - Post-construction stormwater management plan approval.

- (a) *General requirement.* No applicant for a building permit, subdivision approval, site plan approval or other zoning, planning or other land use approval for development to which this chapter is applicable shall receive such permit or approval for that development unless the municipal permitting authority for that development also determines that the applicant's post-construction stormwater management plan for that development meets the requirements of this chapter.
- (b) *Performance standards.*
 - (1) The applicant shall make adequate provision for the management of the quantity and quality of all stormwater generated by the development through a post-construction stormwater management plan. This post-construction stormwater management plan shall be designed to meet the standards contained in the MEDEP's Chapters 500 and 502 Rules and shall comply with the practices described in the manual Stormwater Management for Maine, published by the MEDEP, January 2006, which hereby are incorporated by reference pursuant to 30-A M.R.S.A. § 3003.
 - (2) The applicant may meet the quantity and quality design standards of Chapter 500 and Chapter 502 MEDEP Rules above either on-site or off-site, but where off-site facilities are used, the applicant must submit to the municipality documentation approved as to legal sufficiency by the municipality's attorney that the applicant has a sufficient property interest in the property where the off-site facilities are located—by easement, covenant or other appropriate legal instrument—to ensure that the facilities will be able to provide post-construction stormwater management for the development and that the property interest will not be altered in a way that interferes with the off-site facilities.
 - (3) Where the applicant proposes to retain ownership of the stormwater management facilities shown in its post-construction stormwater management plan, the applicant shall submit to the municipality documentation, approved as to legal sufficiency by the municipality's attorney that the applicant, its successors, heirs and assigns shall have the legal obligation and the resources available to operate, repair, maintain and replace the stormwater management facilities. Applications for development requiring stormwater management facilities that will not be dedicated to the municipality shall enter into a maintenance agreement with the municipality. A sample of this maintenance agreement is attached as Appendix 1 to this chapter.
 - (4) Whenever elements of the stormwater management facilities are not within the right-of-way of a public street and the facilities will not be offered to the municipality for acceptance as public facilities, the municipal permitting authority may require that perpetual easements not less than 30 feet in width, containing facilities necessary for post-construction stormwater management as approved by the municipal permitting authority and in a form acceptable to the municipality's attorney, shall be provided to the municipality allowing access for maintenance, repair, replacement and improvement of the stormwater management facilities. When an offer of dedication is required by the municipal permitting authority, the applicant shall be responsible for the maintenance of these stormwater management facilities under this chapter until such time (if ever) as they are accepted by the municipality.
 - (5) In addition to any other applicable requirements of this chapter and the municipality's municipal code of chapters, any development which also requires a stormwater

management permit from the MEDEP under 38 M.R.S.A. 420-D shall comply with the rules adopted by DEP under 38 M.R.S.A. 420-D(1), as the same may be amended from time to time, and the applicant shall document such compliance to the municipal permitting authority. Where the standards or other provisions of such stormwater rules conflict with municipal chapters, the stricter (more protective) standard shall apply.

- (6) In addition, any persons required to enter into a maintenance agreement under this section of this chapter ~~will be inspected annually by the town's code enforcement officer or as designated by the board of selectmen~~ shall use a Qualified Post-Construction Storm Water Inspector to conduct annual inspections of their stormwater management facilities and shall annually certify compliance with said agreement to the town by July 1 each year using a form similar to the Form in Appendix 2 to this chapter, and shall pay an annual fee to cover the inspection. The amount of the initial fee is included in the project application fees. The party to the maintenance agreement ~~shall receive notices annually thereafter of the amount of the inspection fee~~.
- (7) Notice of BMP discharge to municipality's MS4. At the time of application, the applicant shall notify the municipal permitting authority if its post-construction stormwater management plan includes any BMP(s) that will discharge to the municipality's MS4 and shall include in this notification a listing of which BMP(s) will so discharge.

(T.M. of 6-9-09(2))

Sec. 35-5. - Same—Compliance.

- (a) *General requirements.* Any person owning, leasing or having control over stormwater management facilities required by a post-construction stormwater management plan under this chapter shall demonstrate compliance with that plan as follows.
 - (1) That person shall, at least annually, clean and maintain the stormwater management facilities, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.
 - (2) That person shall repair any deficiencies found during their own, or the town's, inspection of the stormwater management facilities, within 60 days of said inspection, or within a schedule approved by the Code Enforcement Officer.
- (b) *Right of entry.* In order to determine compliance with this chapter and with the post-construction stormwater management plan and to conduct annual inspections, the code enforcement officer or town designee may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the stormwater management facilities.

(T.M. of 6-9-09(2))

Sec. 35-6. - Enforcement.

It shall be unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this chapter or of the post-construction stormwater management plan. Whenever the code enforcement officer believes that a person has violated this chapter or the post-construction stormwater management plan, the code enforcement officer may enforce this chapter in accordance with 30-A M.R.S.A. § 4452.

- (1) *Notice of violation.* Whenever the code enforcement officer believes that a person has violated this chapter or the post-construction stormwater management plan, the code enforcement officer may order compliance with this chapter or with the post-construction stormwater management plan by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:
 - a. The abatement of violations, and the cessation of practices, or operations in violation of this chapter or of the post-construction stormwater management plan;
 - b. At the person's expense, compliance with BMPs required as a condition of approval of the development, the repair of stormwater management facilities and/or the restoration of any affected property; and/or
 - c. The payment of fines, of the Municipality's remediation costs and of the Municipality's reasonable administrative costs and attorneys' fees and costs.If abatement of a violation, compliance with BMPs, repair of stormwater management facilities and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement, compliance, repair and/or restoration must be completed.
- (2) *Penalties/fines/injunctive relief.* Any person who violates this chapter or the post-construction stormwater management plan shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the municipality's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this chapter or the post-construction stormwater management plan also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the municipality for violation of federal and state environmental laws and regulations caused by or related to that person's violation of this chapter or the post-construction stormwater management plan; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this section.
- (3) *Consent agreement.* The municipal officers may enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this chapter or of the post-construction stormwater management plan for the purposes of eliminating violations of this chapter or of the post-construction stormwater management plan and of recovering fines, costs and fees without court action.
- (4) *Appeal of notice of violation.* Any person receiving a notice of violation or suspension notice may appeal the determination of the code enforcement officer to the board of appeals in accordance with chapter 45, article II of this Code.

(5) *Enforcement measures.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation the municipal officers, upon notice from the code enforcement officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and imposition of fines, that may be appropriate or necessary to enforce the provisions of this chapter in the name of the town.

(T.M. of 6-9-09(2))

Sec. 35-7. - Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this chapter.

(T.M. of 6-9-09(2))

Sec. 35-8. - Basis.

The Town of Eliot enacts this "Post-Construction Stormwater Management Control Ordinance" (the "ordinance") pursuant to 30-A M.R.S.A. § 3001 (Municipal Home Rule Ordinance Authority), 38 M.R.S.A. § 413 (the "Wastewater Discharge Law"), 33 U.S.C. § 1251 et seq. (the "Clean Water Act"), and 40 CFR Part 122 (U.S. Environmental Protection Agency's regulations governing the National Pollutant Discharge Elimination System ("NPDES")). The Maine Department of Environmental Protection, through its promulgation of the "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems," has listed the Town of Eliot as having a regulated small municipal separate storm sewer system ("Small MS4"); under this general permit, listing as a regulated small MS4 necessitates enactment of this chapter as part of the municipality's storm water management program in order to satisfy the minimum control measures required by Part IV D 5 ("Post-construction stormwater management in development").

(T.M. of 6-9-09(2))

APPENDIX 1
Maintenance Agreement for
Stormwater Management Facilities

This Maintenance Agreement is made this _____ day of _____ 20____ by and between
_____ and the Town of Eliot, Maine.

The project name is _____ .

The location is: _____ , Eliot, Maine.

The project's Tax Map and Lot Numbers are Tax Map Lot _____

The project is shown on a plan entitled " _____" dated _____ and most recently revised on _____, approved by the _____ [Municipal Permitting Board] on _____ and recorded in the _____ County Registry of Deeds in Plan Book _____ Page _____ (the "Project").

WHEREAS, the approval of the Project includes Stormwater Management Facilities which requires periodic maintenance; and

WHEREAS, in consideration of the approval of the Project the Town of Eliot requires that periodic maintenance be performed on the Stormwater Management Facilities;

NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the Project by the Town and the agreement of _____ to maintain the Stormwater Management Facilities, the parties hereby agree as follows:

1. _____, for itself, and its successors and assigns, agrees to the following:
 - (a) To use a Qualified Post-Construction Storm Water Inspector to inspect the Stormwater Management Facilities; and to clean, maintain, and repair the Stormwater Management Facilities, which includes, to the extent they exist, parking areas, catch basins, detention basins or ponds, drainage swales, pipes and related structures, at least annually, to prevent the build up and storage of sediment and debris in the system as described in the Post-Construction Maintenance Plan for the facilities;
 - (b) ~~To allow access by Town personnel or the Town's designee for annual inspection of the Stormwater Management Facilities for conformance with these requirements; To provide a certification of inspection to the Town by July 1 each year.~~
 - (c) To pay the Town of Eliot an annual fee to conduct the inspections;
 - (d) To repair any deficiencies in the Stormwater Management Facilities noted during the annual inspection within 60 days of identification or within a schedule approved by the Code Enforcement Officer; and
 - (e) For subdivisions, to create a homeowners' association for the purpose of maintaining the Stormwater Management Facilities.
2. For subdivisions, upon creation of the homeowners' association, the homeowners' association shall become responsible for compliance with the terms of this Agreement.
3. This Agreement shall constitute a covenant running with the land, and _____ shall reference this Agreement in all deeds to lots and/or units within the Project.

_____ Witness	By: _____ Its: TOWN OF ELIOT, MAINE
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Witness	By: _____ Its: _____
STATE OF MAINE _____, ss.	_____, 20____

Personally appeared the above-named _____, the _____ of
_____, and acknowledged the
foregoing Agreement to be said person's free act and deed in said capacity.

	Before me, _____ Notary Public/Attorney at Law
Print Name:	_____
STATE OF MAINE _____, ss.	_____, 20____

Personally appeared the above-named _____, the _____ of the
Town of _____, and
acknowledged the foregoing Agreement to be said his/her free act and deed in said capacity.

	Before me, _____ Notary Public/Attorney at Law
Print Name:	_____

Add a new appendix to the end of Chapter 35:

APPENDIX 2

Inspection Certification for Stormwater Management Facilities

I, _____ (print or type name), certify the following:

1. I am making this Annual Stormwater Management Facilities Certification for the following property: _____
(print or type name of subdivision, condominium or other development) located at _____
(print or type address), (the “Property”);

2. The owner, operator, tenant, lessee or homeowners’ association of the Property is: _____
(names of owner, operator, tenant, lessee,
homeowners’ association or other party having control over the Property);

3. I am the owner, operator, tenant, lessee or president of the homeowners’ association, or a contractor or consultant hired by the same (circle one);

4. I have knowledge of erosion and stormwater control and have reviewed the approved Stormwater Management Plan for the Property;

5. On _____, 20 __, I inspected the Stormwater Management Facilities, including but not limited to parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures required by the approved Stormwater Management Plan for the Property;

6. At the time of my inspection of the Stormwater Management Facilities on the Property, I identified the following deficiencies in the Stormwater Management Facilities:

7. On _____, 20 __, I repaired or oversaw the repair of the deficiencies listed above, and when the repairs were completed, the Stormwater Management Facilities were performing in a satisfactory manner.

Date: _____, 20 __.

By: _____ (Signature)

(Print Name _____

Personally appeared the above-named _____, the _____ of
_____, and acknowledged the
foregoing Agreement to be said person's free act and deed in said capacity.

	Before me,
	_____ Notary Public/Attorney at Law
Print Name:	_____

STATE OF MAINE _____, ss.	_____, 20____

The Town of Eliot requires this form to be sent to the Code Enforcement Officer by July 1 each year.



TOWN OF ELIOT MAINE

PLANNING OFFICE

1333 State Road

Eliot ME, 03903

To: Planning Board
From: Jeff Brubaker, AICP, Town Planner
Cc: Shelly Bishop, Code Enforcement Officer
Kearsten Metz, Land Use Administrative Assistant
Dana Lee, Town Manager
Date: January 26, 2021 (for February 2, 2021 Planning Board meeting)
Re: Proposed June 2021 Ordinance Amendment Regarding Mobile Vendors

The Planning Board is asked to consider establishing land use regulations and a process for allowing mobile vendors to operate in the Town of Eliot. This memo serves as an initial discussion point for whether to draft such an amendment, what purposes it would serve, and what it would cover. If you would like to move forward, I would be happy to share a draft at the next administrative meeting (February 9).

Potential benefits

- Allow restaurants and other businesses another option for selling food and other items and attracting new customers
- Properties interested in hosting a mobile vendor could generate revenue and make use of underutilized space
- Potential negative impacts could be minimized through operating standards and a licensing process
- Mobile vending could serve as a “middle ground” to allow people to periodically sell goods in town if they do not have the means to buy or lease retail space but would like to sell goods beyond what is allowed by home business regulations

Some potential elements

- Definitions and types of vendors allowed
- Licensing requirements
 - Local
 - Reference state licensure and health regulations
 - Provisions for inspections
 - Provisions for maintenance of license, or suspension/revocation
 - Insurance coverage
- Operating standards, e.g.
 - Acceptable locations, buffering, etc.
 - Hours of operation
 - Noise level
 - Trash disposal
 - Access for customers

Example definitions from nearby/other Maine communities**Lunch wagons, roving diners, or mobile units (Kittery)**

Any mobile vehicle or unit used to prepare, sell or serve food at a number of sites and capable of being moved from its serving site at any time.

Mobile Vendor (Gray)

...shall mean and include any food service establishment not more than eight (8) feet in width and eighteen (18) feet in length attached to wheels and which is capable of moving under its own power or being self-contained unit to be readily moved and must have a wash basin and napkins if selling food and which has all utilities and facilities contained within it or is capable of hookup thereto, in order to serve persons present at its location. The term shall exclude any use which falls exclusively within the definition of "lunch wagon" under 30-A M.R.S.A. Sec. 3931 as amended from time to time.

Peddler (Dover, NH)

As defined in RSA 320:1, and includes any person, whether a resident of the City of Dover or not, traveling by foot, wagon, motor vehicle or any other type of conveyance from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck farm products or provisions, offering and exposing the same for sale from stock or by sample for future delivery or who, without travelling from place to place, shall sell or offer the same for sale from a wagon, stand, motor vehicle, railroad car or other vehicle or conveyance. The term "peddler" shall not be construed to include an individual who displays his merchandise on a public sidewalk immediately adjacent to his place of business, provided that any merchandise so displayed allows 48 inches of pedestrian travel width consistent with the provisions of Chapter 125, Streets and Sidewalks.