

ARTICLE 5: LAND USE STANDARDS

501 GENERAL

501.1 PURPOSE

The purpose of the regulations contained in this section is to allow maximum utilization of land while assuring against adverse impacts on the environment, neighboring properties, and the public interest. This assurance is provided by separating the area of the Town of Holden into zones and permitting specific land uses within each, provided that a use meets all the additional criteria specified in this Ordinance.

501.2 GENERAL STANDARDS

The following Land Use Standards shall govern all Permits and Approvals issued by the Code Enforcement Officer and the Planning Board.

Shoreland Standards are included in Article 6, which applies to land uses within two hundred fifty feet (250') of the normal high-water line of any great pond or river, within two hundred fifty feet (250') of the upland edges of a wetland, and seventy five feet (75') from a stream. These shoreland standards are those mandated by the State of Maine as part of the Mandatory Shoreland Zoning Law (Title 38, MRSA, Sections 435-446).

In reviewing applications submitted pursuant to this Ordinance, the Code Enforcement Officer or the Planning Board shall consider the following performance standards prior to issuing final approval. In all instances the burden of proof shall be upon the applicant.

502 ACCESS TO THE SITE

502.1 CAPACITY OF OFF-SITE ROADS

Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. Intersections on major access routes to the site within one-half (1/2) mile of any entrance road which are functioning at a Level of Service of C or better prior to the development shall function at a minimum at Level of Service C after development. If any intersection is functioning at a Level of Service D or lower prior to the development, the project shall not reduce the current Level of Service.

The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:

502.1.1 A public agency has committed funds to construct the improvements necessary to bring the level of access to the required standard; or

502.1.2 The applicant will assume financial responsibility for the improvements necessary to bring the level of service to the required standard and will guarantee the completion of the improvements within one (1) year of approval of the project.

502.2 VEHICULAR ACCESS

The following standards apply to design and construction of vehicular access to properties provided that if there is a conflict between these standards and access management rules adopted by the Maine Department of Transportation, the stricter standard shall prevail:

502.2.1 Each property shall be provided with vehicular access to the property by abutting private or public ways, provided that along Route 1A, owners of adjacent properties shall be encouraged to construct a single shared driveway meeting the standards of this Ordinance (see Section 502.3.4). Private right-of-ways shall be protected by permanent easements.

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502.2.2 The following criteria shall be followed for entrances and/or driveways to any use other than single and two-family dwellings:

502.2.2.1 All entrance and exit driveways shall be located and designed in profile and grading to afford safety to traffic, provide for safe and convenient ingress and egress, to and from the site, and to minimize conflict with the flow of traffic.

502.2.2.2 The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily.

502.2.2.3 Provision shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times.

502.2.2.4 For a distance of twenty feet (20') from the intersection of any two (2) streets along street lines no wall, fence, sign, or other structure and no hedges, trees, or other growth shall be planted or erected in such a manner as to materially impede vision between a height of two and one-half (2 1/2) and ten feet (10') above street level.

502.2.2.5 Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of ten feet (10') behind the curbline or edge of shoulder.

Allowable speed (Miles per hour)	Medium Volume Driveways (Feet)	High Volume Driveways (Feet)
25	250	300
35	350	480
40	400	580
45	450	710
50	500	840
55	550	990

NOTE: Medium Volume Driveways - Driveways with a traffic volume of less than 1,500 vehicle trips per day or less than 150 vehicle trips per peak hour.

High Volume Driveways - Driveways with a traffic volume of 1,500 or more vehicle tips per day and more than 150 vehicle trips per peak hour.

502.2.2.6 Where a site occupies a corner of two (2) intersecting roads, no driveway entrance or exit shall be located with fifty feet (50') of the point of tangency of the existing or proposed curb radius of that site. Access to the lot shall be provided across the frontage and to the street where there is less potential for traffic congestion and for hazards to traffic and pedestrians.

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- 502.2.2.7 The intersection of any access drive or proposed street shall function at a Level of Service of C following development if the project will generate four hundred (400) or more vehicle trips per twenty-four (24) hour period or at a level which shall allow safe access into and out of the project if less than four hundred (400) trips are generated. Projects generating four hundred (400) or more vehicle trips per twenty-four (24) hour period shall provide two (2) or more separate points of vehicular access into and out of the site. (see Section 502.3.4)
- 502.2.2.8 In all Zones where two (2) or more driveways connect on a single site to any one (1) road, a minimum clear distance of one hundred feet (100') measured along the right-of-way shall separate the closest edges of any two (2) such driveways, unless the driveways are one way only, then the minimum clear distance shall be no less than fifty feet (50'). (see Sections 502.3.3 and 502.3.4)
- 502.2.2.9 Angles. Driveways used for two-way operation shall intersect the road at an angle of or as near to ninety (90) degrees as site conditions will permit and in no case less than sixty (60) degrees. Driveways used by vehicles in one (1) direction of travel (right-turn only) shall not form an angle smaller than forty-five (45) degrees with the road, unless acceleration and deceleration lanes are provided.
- 502.2.2.10 Dimensions. The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated. The required maximum and minimum dimensions for driveways are indicated below. Driveways serving large volumes of daily traffic or traffic of over fifteen percent (15%) truck traffic shall be required to utilize high to maximum dimensions.

	One-Way Operation Driveways* Width (Feet)	Two-Way Operation Driveways* Width (Feet)
Three (3) to ten (10) dwelling units	10 to 15	15 to 25
Ten (10) dwelling units or more	15 to 25	20 to 35
Commercial and Industrial	15 to 30	25 to 35
*All driveways shall be five feet (5') wider at the curblin and this additional width shall be maintained for a distance of twenty feet (20') into the site.		

- 502.2.2.11 Grades. Driveways shall not have a grade in excess of ten percent (10%) over the entire length. For all driveways entering onto Routes 1A, the grade shall not be more than three percent (3%) for the first one hundred feet (100') from the road. Driveways shall not be located where visibility is limited because of curves or topography.
- 502.2.2.12 Stacking or Queuing Space Standards for Drive-Through Businesses: Stacking or queuing spaces shall be located on-site and shall not be located within the required setbacks. Stacking or queuing spaces shall not interfere with the stall and aisle space requirements as described in the off-street parking and loading.

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- 502.2.2.12.1 Banks or other Commercial Uses. There shall be a minimum of eight (8) spaces.
- 502.2.2.12.2 Drive-up Restaurant. There shall be eleven (11) spaces for the drive-up window, with a minimum of five (5) of these spaces for the ordering station.

502.3 HIGHWAY ACCESS – ROUTE 1A

The following provisions shall apply to all properties which abut and/or have frontage on Route 1A:

- 502.3.1 Buffer Strip: Access to the highway shall be controlled in the interest of public safety. Each building or group of buildings and its parking or service areas shall be physically separated from the highway or street by a buffer strip as required by Section 504. Such buffer strips shall be landscaped as required in Section 504.
- 502.3.2 All lots of record legally existing at the time of the adoption of this Ordinance shall be allowed one (1) direct access to Route 1A provided that the access meets the minimum sight distance specified in Section 502.2.2.5.
- 502.3.3 Additional driveway entrances or exits for developments of two (2) or more permitted uses may be permitted provided that the two (2) access points are not closer than four hundred feet (400') and they both can meet the minimum sight distances specified in Section 502.2.2.5.
- 502.3.4 Shared driveways shall be encouraged for adjacent sites with frontage on Route 1A in order to minimize the number of driveways along Route 1A. The lot size and road frontage requirement may be reduced by a total of 25 percent when the developer agrees to provide a common driveway to the site.
- 502.3.5 Parallel frontage roads shall be encouraged for adjacent sites with frontage on Route 1A in order to minimize the number of driveways along Route 1A. The lot size and road frontage requirement may be reduced by a total of 50 percent when the developer agrees to serve the site by a frontage road parallel to and within 1,000 feet of Route 1-A , provided that the developer documents that the resulting lots are of sufficient size to install a well meeting the required separation distance from the subsurface waste water disposal system and a subsurface waste water disposal system meeting the requirements of Maine's Subsurface Waste Water Disposal Rules and the requirements of Maine's Minimum Lot Size Law.

502.4 EMERGENCY VEHICLE ACCESS

Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

502.5 ACCESS TO BACKLAND – Route 1A

In the GC, LC, CS/I and VC Zones, where the applicant owns the land in back of the parcel to be developed or for which development approval is sought, the applicant shall retain a fifty foot (50') right-of-way to the land in back of the parcel unless the applicant can determine that another legal access point exists. The applicant shall not be required to provide an additional fifty feet (50') of frontage to meet this requirement, but may deduct the fifty (50') feet from the frontage requirement of the zone in which the land is located.

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503 BED AND BREAKFAST

"Bed and Breakfast" accommodations shall be permitted in the private, year-round residence of the host family who live on the premises provided that:

- 503.1 The maximum number of guests at any time is six (6) persons, not including children under the age of twelve (12);
- 503.2 The maximum number of guest rooms is three (3);
- 503.3 Breakfast is the only meal provided by the host family;
- 503.4 One (1) sign not to exceed four (4) square feet is permitted on the premises; and
- 503.5 The "Bed and Breakfast" operation shall not have any adverse effect on the neighbors.

504 BUFFERING AND SCREENING

All projects requiring Site Plan Review under this Ordinance shall provide buffer strips and/or screening in accordance with the following standards:

504.1 BUFFER STRIPS

Buffer strips of the following specified widths are required for the following areas and/or purposes:

- 504.1.1 Along any water body within or adjacent to the project, where the Board determines it desirable and necessary, to protect such waterbodies from sedimentation and surface runoff. Such buffer strips shall be a minimum of seventy-five feet (75') in width.
- 504.1.2 Along any property line of any lot located in the General Commercial (GC), Limited Commercial (LC), Village Center (VC) and Community Service/Institutional (CS/1) Zones abuts a High Density Residential (R1), High Density Residential Growth (R1G), Low Density Residential (R2), or Rural Resource/Residential (R3), or Shoreland Residential (R4) Zone. Such buffer strips shall be a minimum of twenty-five feet (25') in width if the adjacent lot is undeveloped, and fifty feet (50') if the adjacent lot is developed and there is no buffer strip on the adjacent lot.

If there is a buffer strip on the adjacent lot and the applicant for Site Plan Approval provides the Board with some form of guarantee that the adjoining buffer strip will remain undeveloped, the Board may reduce the required buffer strip by the width of the encumbered adjoining buffer strip.

- 504.1.3 Along on-site roads running parallel to an off-site road, where the Board determines it desirable and necessary, to prevent driver confusion particularly at night. Such buffer strips shall be a minimum of fifty feet (50') in width.
- 504.1.4 Along any property line which abuts Route 1A, where the Board determines it desirable and necessary, to protect and enhance scenic character and provide visual separation between the highway and adjacent uses. Such buffer strips shall be a minimum of fifty feet (50') in width, provided that in the village center zone, such buffer strips may be a minimum of twenty-five feet (25') in width.
- 504.1.5 Along any property line, where the Board determines it desirable and necessary, to shield incompatible uses from one another. Such buffer strips shall be a minimum of twenty-five feet (25') in width.

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- 504.1.6 Along any property line, where the Board determines it desirable and necessary, to block prevailing winds to stop wind-borne debris from leaving the site. Such buffer strips shall be a minimum of twenty-five feet (25') in width.
- 504.1.7 Along any property line, where the Board determines it desirable and necessary, to prevent any proposed lighting from interfering with residential properties or with safe driving. Such buffer strips shall be a minimum of twenty-five feet (25') in width.
- 504.1.8 Along any property line, where the Board determines it desirable and necessary, of all exposed storage and service areas, sand and gravel extraction operations, utility buildings and structures, automobile salvage and junk yards, parking areas, garbage collection areas, and loading and unloading areas, to minimize their visual impact on adjoining traveled ways and properties. Such buffer strips shall be a minimum of twenty-five feet (25') in width.
- 504.1.9 Where a potential safety hazard to children would be likely to arise, and physical screening sufficient to deter small children from entering the premises is determined by the Board to be desirable and necessary, a buffer strip shall be required.
- 504.1.10 In areas between important wildlife habitats to provide adequate space for the movement of wildlife from one area to another. Such buffer strips shall be as recommended by the Maine Department of Inland Fisheries and Wildlife.

504.2 SCREENING

Screening, within the required buffer strips, in the form of natural or man-made barriers, existing vegetation or new plantings, if suitable existing vegetation and natural features does not exist, is required as follows:

- 504.2.1 **RETENTION OF NATURAL FEATURES IN BUFFER STRIPS.** Natural features in buffer strips shall be maintained wherever possible. When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops do not exist or are insufficient to provide the required screening, other kinds of screening shall be considered.

504.2.2 CLASSIFICATION OF SCREENS

Screening shall be classified as follows:

- 504.2.2.1 **SCREENING WITH AN OPAQUE SCREEN.** A visual screen that is opaque, from the ground to a height of at least six feet (6') with semi-opaque visual barrier from above the opaque barrier to a height of at least twenty feet (20'). The purpose of this screen is to exclude all visual contact between uses and create a strong impression of spatial separation. Such screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation, or appropriate combinations thereof.
- 504.2.2.2 **SCREENING WITH A SEMI-OPAQUE SCREEN.** A visual screen that is opaque, from the ground to a height of three feet (3') with semi-opaque visual barrier from above the opaque barrier to a height of at least twenty feet (20'). The purpose of this screen is to partially block visual contact between uses and to create a strong separation of spaces. Such screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation, or appropriate combinations thereof.

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504.2.2.3 SCREENING WITH A BROKEN SCREEN. An intermittent visual screen from above the ground to a height of at least twenty feet (20'). The purpose of this screen is to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. Such screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation, or appropriate combinations thereof.

504.2.3 SUGGESTED SCREENING COMBINATIONS

The following suggested screening combinations are considered a minimum to achieve the above screen classifications:

504.2.3.1 SCREENING WITH AN OPAQUE SCREEN. Small trees planted twenty feet (20') on center in combination with a six foot (6') high evergreen hedge planted four feet (4') on center;

Large trees planted thirty-five feet (35') on center in combination with a six foot (6') high wooden fence; or Tall evergreen trees, stagger planted, with branches touching the ground

504.2.3.2 SCREENING WITH A SEMI-OPAQUE SCREEN. Small trees planted twenty feet (20') on center in combination with a three foot (3') high stone wall or wood fence;

Small trees planted twenty feet (20') on center on top of a three foot (3') high seeded earth berm; or

Large trees planted thirty-five feet (35') on center in combination with a three foot (3') high evergreen hedge planted three feet (3') on center.

504.2.3.3 SCREENING WITH A BROKEN SCREEN. Small trees planted twenty feet (20') on center; Small trees planted thirty feet (30') on center in combination with a split rail fence; or Large trees planted thirty-five feet (35') on center in combination with assorted shrubbery.

504.2.4 SCREENING REQUIRED

The screening required for various areas and purposes is as follows:

504.2.4.1 In any buffer strip established between lots located in any of the Commercial Zones designated as GC, LC, VC or CS/I which abuts any residential zone designated as R1, R1G, R2, or R3: Semi-Opaque Screening;

504.2.4.2 In any buffer strip established for the purpose of preventing driver confusion between on-site roads running parallel to an off-site road: Semi-Opaque Screening;

504.2.4.3 In any buffer strip established for the purpose of protecting or enhancing the scenic character along Route 1A: Broken Screening, provided that such Broken Screening shall include coniferous or deciduous trees with a minimum of two (2) inches diameter at breast height. Trees which die shall be replaced within one (1) growing season.

504.2.4.4 In any buffer strip established for the purpose of shielding incompatible uses from one another: Opaque or Semi-Opaque Screening;

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- 504.2.4.5 In any buffer strip established for the purpose of blocking prevailing winds to stop wind-borne debris from leaving the site: Opaque or Semi-Opaque Screening;
- 504.2.4.6 In any buffer strip established for the purpose of preventing any proposed lighting from interfering with residential properties or with safe driving: Opaque or Semi-Opaque Screening;
- 504.2.4.7 In any buffer strip established for the purpose of deterring small children from entering areas with potential safety hazards: Opaque Screening; and
- 504.2.4.8 In any buffer strip established for the purpose of screening exposed storage and service areas, sand and gravel extracting operations, utility buildings and structures, automobile salvage and junk yards, parking areas, garbage collection areas, and loading and unloading areas, to minimize their visual impact on adjoining traveled ways and properties: Opaque Screening.

504.2.5 PLANT MATERIAL SPECIFICATIONS

Unless otherwise specifically indicated by the Planning Board, all plant material used for any screening required under this Ordinance shall meet the following minimum requirements:

- 504.2.5.1 All planting shall be of a type and species appropriate for the soil types, site conditions, and climatic conditions of the Town;
- 504.2.5.2 Plant material used for screening shall meet the following minimum size standards:

PLANT TYPE	SIZE
Canopy Tree-Single Stem(Large Tree)	2.5 inch caliper
Understory Tree(Small Tree)	1.5 inch caliper
Evergreen Tree	5-7 feet high
Deciduous Shrub	24 inches high
Evergreen Shrub	18 inches high

- 504.2.5.3 Evergreen trees can be used as screening, provided they are planted properly. An evergreen screen requires two (2) or three (3) rows of staggered plantings. The rows should be five feet (5') apart and the evergreens planted four feet (4') on center.

504.2.6 MAINTENANCE OF BUFFERS AND SCREENING

Buffers and screening shall be located and maintained as follows:

- 504.2.6.1 Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.

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504.2.6.2 Fencing and screening shall be durable and properly maintained at all times by the owner.

504.2.6.3 All buffer strips shall be maintained in a neat and sanitary condition by the owner.

505 CAMPGROUNDS

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

505.1 Each tent or shelter site shall contain a minimum of five thousand (5,000) square feet of suitable land in shoreland areas (i.e., within two hundred fifty feet (250'), horizontal distance, of the normal high water mark of any river, lake, pond, upland edge of a wetland, and seventy-five feet (75') of a stream), and twenty-five hundred (2,500) square feet of suitable land in inland areas, not including driveways and roads, for each site;

505.2 A minimum of two hundred (200) square feet of off-street parking plus maneuvering space shall be provided for each tent or shelter site;

505.3 The area intended for placement of the tent or shelter site, and utility and service buildings shall be set back a minimum of fifty feet (50') from the exterior lot lines of the camping area, and one hundred feet (100') from the normal high water elevation of any river, lake, pond, stream, and upland edge of a wetland; and

505.4 Screening shall be required to shield the campground from abutting areas.

506 CONSTRUCTION IN FLOOD HAZARD AREAS

When any part of a development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, the plan shall indicate that all structures on lots in the development shall be constructed with their lowest floor, including the basement, at least one (1) foot above the one hundred (100) year flood elevation, and meet all other requirements of the Floodplain Management Ordinance for the Town of Holden, Maine. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

507 CONVERSIONS

Conversion of existing structures into multi-family dwelling units, in Zones permitting multi-family dwellings, may be permitted provided that:

507.1 Off-street parking for two (2) vehicles per dwelling unit plus maneuvering space will be provided.

507.2 Approval of conversion plans by the fire, electrical, and plumbing inspector(s) is required prior to issuance of a building permit.

507.3 Each dwelling unit shall be at least four hundred (400) square feet in area for one (1) bedroom units plus one hundred twenty (120) square feet for each additional bedroom.

507.4 Each dwelling unit shall have its own toilet and kitchen facilities and no dwelling unit will share these facilities with any other dwelling unit.

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508 DIMENSIONAL REQUIREMENTS

All structures and uses shall meet or exceed the following dimensional requirements:

508.1 RESIDENTIAL ZONES

DIMENSIONAL REQUIREMENTS	(R1)(R1G) HIGH DENSITY RESIDENTIAL AND HIGH DENSITY RESIDENTIAL GROWTH ZONES	(R2) LOW DENSITY RESIDENTIAL ZONE	(R3) RURAL RESIDENTIAL ZONE	(R4), (RP) SHORELAND RESIDENTIAL AND RESOURCE PROTECTION ZONES	(VC) VILLAGE CENTER ZONE
Minimum Lot Size (Residential) ⁴	One (1) acre plus 10,000 square feet for each additional dwelling unit over one (1) (over 2 in the R1G Zone) in the same structure.	Two (2) acres plus 15,000 square feet for each additional dwelling unit over one (1) in the same structure. ¹	Three (3) acres Per Dwelling Unit. ¹	One (1) acre. Per Dwelling Unit. ¹	40,000 sq. ft. abutting Route 1A, 20,000 sq. ft. in all other areas ¹¹
Minimum Lot Size (Other Uses) ^{4,5}	60,000 sq. ft. ¹	80,000 sq. ft. ¹	Three (3) acres. ¹	One (1) acre. ¹	20,000 sq.ft. ^{1,8,11}
Maximum Lot Coverage ⁵	25 percent.	20 percent.	20 percent.	20 percent.	25 percent ⁸
Minimum Front Yard ^{5,6}	30 feet. ²	30 feet. ²	30 feet. ²	30 feet. ²	25 feet ²
Minimum Side Yard ⁵	20 feet. ²	20 feet. ²	20 feet. ²	20 feet. ²	10 feet ^{2,14}
Minimum Rear Yard ⁵	20 feet. ²	20 feet. ²	30 feet. ²	30 feet. ²	10 feet ^{2,14}
Maximum Height	35 feet.	35 feet.	35 feet.	35 feet.	35 feet
Minimum Frontage ^{5,7}	200 feet plus 25 feet for each dwelling unit over one (1)	200 feet plus 25 feet for each dwelling unit over one (1)	300 feet.	200 feet. Per dwelling unit	200 ft on Route 1A, 50 ft all other areas ¹²

508.2 COMMERCIAL AND COMMUNITY SERVICE/INSTITUTIONAL ZONES

DIMENSIONAL REQUIREMENTS	(LC) LIMITED COMMERCIAL ZONE	(GC) GENERAL COMMERCIAL ZONE	(CS/I) COMMUNITY SERVICE/INSTITUTIONAL ZONE
Minimum Lot Size ^{1,5}	40,000 sq.ft. ^{1,13}	40,000 sq. ft. ^{1,9,13}	40,000 sq. ft. ¹
Maximum Lot Coverage ⁵	20 percent.	30 percent. ⁹	20 percent.
Minimum Front Yard ^{5,6}	40 feet. ²	50 feet. ^{2,9}	40 feet. ²
Minimum Side Yard ⁵	20 feet. ²	20 feet. ²	20 feet. ²
Minimum Rear Yard ⁵	25 feet. ²	25 feet. ²	25 feet. ²
Maximum Height ¹⁰	35 feet.	35 feet. ¹⁰	35 feet.
Minimum Frontage ⁵	200 feet. ^{3,13}	200 feet. ^{3,9,13}	200 feet. ³

Footnotes:

¹ Minimum lot size does not include the area of land excluded by Section 514 of this Ordinance.

² Any building housing animals shall not be erected closer than seventy five feet (75') to any property line in any zone.

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- 3 See additional frontage requirements for multiple uses on a single lot contained in Section
4 519.2.1 of this Ordinance.
- 4 The Minimum lot size is required for each use or primary structure, except as noted above.
5 Auxiliary Public Utility Structures. Notwithstanding the requirements of this Ordinance,
6 Auxiliary Public Utility Structures as defined shall be exempted from the lot area, coverage,
7 width and frontage requirements of the zone in which they are located, provided such
8 structures shall be screened from a public or private street and from any residential district.
9 Front-Yard Setbacks for Dwellings. The front-yard setback requirements of this ordinance for
10 structures shall not apply to any lot where the average setback on developed lots located
11 wholly or in part within 100 feet on each side of such lot and within the same block and zoning
12 district and fronting on the same street as such lot, is less than the minimum setback required.
13 In such cases the front-yard setback on such lot may be less than the otherwise required
14 setback but not less than the average of the existing setbacks of the developed lots.
- 7 The minimum frontage requirement shall not apply to a residential back lot in the R1, R2 and
R3 Zones provided that such Residential Back Lot meets the requirements of Section 529.
The frontage requirement for the original lot may be reduced by fifty feet (50') to accommodate
the fifty foot (50') right-of-way serving the residential back lot.
- 8 The maximum gross floor area shall be twelve thousand (12,000) square feet provided that the
maximum gross floor area for each business in a commercial complex shall be twelve
thousand (12,000) square feet.
- 9 The development standards for commercial subdivisions lots that are no closer than 50 feet
from Route 1A and in the General Commercial Zone vary from the above Standards as
follows:
- Minimum lot size 30,000 square feet
 - Maximum lot coverage 40 percent
 - Minimum frontage 150 feet
 - Minimum front yard 30 feet
- 10 The dimensional requirements for a telecommunications tower in the General Commercial
Zone shall be subject to the requirements of Section 408.3.2.
- 11 10,000 sq. ft. if served by public sewer and water and not on Route 1A
- 12 Except for lots abutting Route 1A, the Planning Board may reduce frontage to zero and allow
other types of access, governed by standards, as part of a site plan or subdivision and on an
internal road created by the developer.
- 13 See Section 502.3 for lot size and frontage reductions on Route 1A for shared driveways or
parallel roads.
- 14 The Planning Board may reduce side and rear lot setbacks to allow for the creation of a site
plan or subdivision approved by the Planning Board.

509 DUST, FUMES, VAPORS, GASES, ODORS, GLARE, AND EXPLOSIVE MATERIALS:

- 509.1 Emission of dust, dirt, fly ash, fumes, vapors or gases which pose an unreasonable risk of
harm to human health or the environment shall be prohibited.
- 509.2 No land use or establishment shall be permitted to produce unreasonable offensive or harmful
odors perceptible beyond their lot lines, measured either at ground or habitable elevations.
- 509.3 No land use or establishment shall be permitted to produce unreasonable glare or brightness
beyond its lot lines.
- 509.4 No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground,
unless they are stored in compliance with the requirements of the rules and Regulations
adopted by the State of Maine.

510 EROSION AND SEDIMENTATION CONTROL

The following measures relating to conservation, erosion and sediment control shall be included where
applicable as part of all projects submitted for review and approval under this Ordinance:

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- 510.1 The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction, and clean-up stages. The applicant is encouraged to use the siting, design and maintenance guidelines in the "Maine Erosion and Sedimentation Control Handbook for Construction: Best management Practices" by the Cumberland County SWcD and Maine DEP for meeting the requirements of this standard.
- 510.2 Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices:
- 510.2.1 Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;
 - 510.2.2 Development shall preserve outstanding natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;
 - 510.2.3 The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site;
 - 510.2.4 Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 - 510.2.5 The disturbed area and the duration of exposure shall be kept to a practical minimum;
 - 510.2.6 Disturbed soils shall be stabilized as quickly as practicable;
 - 510.2.7 Temporary vegetation or mulching shall be used to protect disturbed areas during development;
 - 510.2.8 Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends;
 - 510.2.9 Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods;
 - 510.2.10 The top of a cut or the bottom of a fill section shall not be closer than ten feet (10') to an adjoining property, unless otherwise specified by the Planning Board. Extraction operations (gravel pits, etc.) shall not be permitted within one hundred feet (100') of any property line in absence of the prior written agreement of the owner of such adjoining property;
 - 510.2.11 During grading operations, methods of dust control shall be employed wherever practicable;
 - 510.2.12 Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his/her expense as quickly as possible;
 - 510.2.13 Any activity on a stream, watercourse or swale or upon floodway or right-of-way shall comply with the Natural Resource Protection Act, Title 38, MRSA, Sections 480-A and 480-S. Any such activity shall also be conducted in such a manner so as to maintain as nearly as possible the present state of the stream, watercourse,

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swale, floodway, or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such activity is completed.

- 510.2.14 Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

511 GROUNDWATER PROTECTION

The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater have demonstrated that the groundwater at the property line shall comply, following development, with the standards for safe drinking water as established by the State of Maine.

If a development will use or store petroleum products, pesticides, herbicides, fertilizer, road salt, solvents, acids or other materials with the potential to contaminate groundwater a groundwater protection plan shall be developed. The plan shall include but not limited to measures including: equipment design, operational procedures, preventive maintenance, construction techniques, personnel training, spill prevention, spill response, control and countermeasure plan, best management practices, runoff or infiltration control systems, and siting considerations.

512 HOME OCCUPATIONS

The purpose of the Home Occupation provision is to permit the conduct of those businesses which are compatible with the Zones in which they are allowed. Home occupations are limited to those uses which may be conducted within a residential dwelling without substantially changing the appearance or condition of the residence or accessory structures;

- 512.1 Home occupations shall be carried out wholly within a dwelling unit or accessory structure to a dwelling unit.
- 512.2 No more than one other person who is not a family member residing in the dwelling unit shall be employed in a home occupation.
- 512.3 Home occupations shall be clearly incidental and secondary to the use of a dwelling unit (or building accessory thereto) for residential purposes.
- 512.4 In connection with a home occupation there shall be no exterior signs other than permitted by Section 530, no exterior storage of materials, and no other exterior indication of the home occupation or variance from the residential character of the premises.
- 512.5 A home occupation shall not create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater degree or more frequent extent than that normally experienced in an average residential building in the zone in which located.
- 512.6 No goods, merchandise, or products shall be sold upon the premises, other than those totally produced, and or repaired, on the premises.
- 512.7 Home occupations providing (for a fee) professional, educational and/or personal services to groups of persons on the premises shall be limited to serving no more than six (6) persons at any one time, and to the generation of no more than two (2) additional non-family vehicles on-site at any one time, with appropriate parking spaces provided for said non-family vehicles in addition to those required for the residence.

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513 JUNKYARDS

No person or landowner shall allow any junkyard to be established, operated, maintained or suffered to exist without first obtaining site plan approval by the Planning Board, a non-transferable land use permit issued by the Council in accordance with State licensing and local requirements, and complying with the following provisions:

- 513.1 Junkyards shall be located a minimum of two hundred feet (200') from the edge of the right-of-ways; and shall be set back one hundred feet (100') from all side and rear lot lines;
- 513.2 Junkyards shall be located a minimum of three hundred feet (300') from any public park, facility, or grounds; and
- 513.3 Junkyards shall be entirely screened from view by earth berms, plantings or fences which shall be well constructed and properly maintained at a minimum height of six feet (6') and sufficient to accomplish the complete screening from ordinary view. In addition, the following provisions apply to all junkyards, in the Town of Holden:
- 513.4 Upon arrival at the junkyard, all fuel, engine oil, radiator, battery, transmission, fluids, etc. shall be drained from all vehicles, and appropriate safety precautions, such as the removal of door and trunk locks, shall be taken to avoid injury and accidents;
- 513.5 No vehicles may remain intact in the yard for more than thirty (30) days, and complete processing of vehicles into salvage materials shall be accomplished within four (4) months;
- 513.6 All junk and salvage materials shall be stored within the screened/fenced areas and the operation shall be conducted in such a manner as to prevent unsightliness to the adjacent area; and
- 513.7 No open burning of salvage material or junk shall be permitted on the premises. Waste fluids and unusable materials shall be disposed of in an environmentally sound manner. Each day that any person or landowner violates this section regarding junkyards shall be a separate violation of this ordinance.

514 LAND NOT SUITABLE FOR DEVELOPMENT

The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size requirements of this Ordinance:

- 514.1 Land which is situated below the normal high water mark of any water body;
- 514.2 Land which is located within the one hundred (100) year frequency flood plain as identified by the Federal Emergency Management Agency or the Department of Housing and Urban Development, Flood Insurance Administration, unless the developer shows proof through the submittal of materials prepared by a Registered Land Surveyor which shows that the property in question lies at least one foot (1) above the one hundred (100) year flood level. The elevation of filled or made land shall not be considered;
- 514.3 Land which is part of a right-of-way, or easement, including utility easements;
- 514.4 Land that has to be created by filling or draining a pond or wetland;
- 514.5 Land that has been determined to be a freshwater wetland, as defined in Title 38, M.R.S.A., Section 480-B, regardless of size.

This Section does not apply to existing single lots of record proposed to be utilized for single family residences only.

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515 LIGHTING

All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. Lighting levels for a proposed development shall consider the light levels of adjacent properties when establishing the light level for the proposed development so that the proposed light level is compatible with these adjacent light levels.

516 MINERAL EXPLORATION AND EXTRACTION

The following requirements for mineral exploration and extraction activities shall apply in all Zones except as otherwise hereinafter provided:

516.1 The following requirements shall apply to mineral exploration activities:

- 516.1.1 All excavations, including test pits and holes, shall be promptly capped, refilled, or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety;
- 516.1.2 Mineral exploration activities or associated access ways where the operation of machinery used in such activities results in the exposure of mineral soils, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of surface water areas:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

The provisions of this section 516.1.2 apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than twenty-five feet (25); the provisions of this subsection do not apply where access ways cross such waters;

- 516.1.3 Except when surface waters are frozen, access ways for mineral exploration activities shall not utilize stream channels bordered by Protection Zones except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with this Ordinance, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surfaces which would not be eroded or otherwise damaged;
- 516.1.4 Access way approaches to stream channels shall be located and designed so as to divert water runoff from the way in order to prevent such runoff from directly entering the stream;

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516.1.5 In addition to the foregoing minimum requirements, when conducting mineral exploration activities and creating and maintaining associated access ways, provision shall be made to effectively stabilize all areas of disturbed soil so as to reasonably avoid soil erosion and sedimentation of surface waters. These measures shall include seeding and mulching if necessary to insure effective stabilization.

516.2 The following requirements shall apply to mineral extraction activities in all Zones:

516.2.1 No portion of any ground area disturbed by the extraction activity on a face sloping toward the water, shall be closer to the normal high water mark of a flowing or standing body of water than is indicated by the following table provided, however, no portion of such ground area on a back face shall be closer than fifty feet (50');

516.2.2 No portion of any ground area disturbed by the extraction activity shall be closer than fifty feet (50') from any public roadway or one hundred feet (100') from any property line in the absence of the prior written agreement of the owner of such adjoining property, or in Shoreland Areas as follows:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and a line parallel and one hundred feet (100') upland from the upland edge of a wetland stream, or normal high water mark of any river, lake or pond. (Feet Along Surface of the Ground)
0	50
10	90
20	130
30	170
40	210
50	250
60	290
70	330

516.2.3 Within two hundred fifty feet (250') of any water body the extraction area shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body. Any such control device shall be deemed part of the extraction area for the purposes of Section 516.2.2, above;

516.2.4 A natural vegetative screen of not less than fifty feet (50') in width shall be retained between any facility intended primarily for public use, excluding privately owned roads and the mineral exploration or extraction activity; and

516.2.5 Within twelve (12) months following the completion of extraction operations at any extraction site, or when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

516.2.5.1 All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials originating on-site may be buried or covered on-site.

516.2.5.2 The final graded slope shall be two to one (2:1) slope or flatter.

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516.2.5.3 Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the areas. Additional topsoil or loam shall be obtained from off-site sources, if necessary, to complete the stabilization project.

516.2.6 In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary including any reasonable form of performance guarantee such as a performance bond, to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources, including but not limited to wildlife habitat, fisheries, unusual natural areas, archaeological resources and historic sites.

516.3 The following requirements shall apply to topsoil, sand and gravel extraction in all Zones:

516.3.1 Topsoil shall be considered part of all developments, except mineral extraction, and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations;

516.3.2 Extraction shall not be allowed below three feet (3') above the average seasonal high water table. No ditches, trenches, pumping or other methods shall be used to lower the water table or permit more gravel extraction than could occur under normal conditions;

516.3.3 Access roads into and around the pit shall not be oiled, salted, or paved;

516.3.4 The pit shall not be used for storage or dumping of any substances that could produce a harmful leachate, both during operation of the pit and following its permanent closure;

516.3.5 Storage of hazardous materials and petroleum products in the pit is prohibited; and

516.3.6 Refueling and oil changes in the pit are prohibited, unless adequate protection and containment is provided.

517 MOBILE HOME PARKS

Mobile Home Parks shall conform to the regulations of the Holden Mobile Home Park Ordinance.

518 MOBILE HOMES AND RECREATION VEHICLES

518.1 Any mobile home not intended to be a permanent fixture on the land shall be parked only in a duly authorized mobile home park except that a mobile home may be permitted on the site of a construction project for not more than two (2) consecutive six-month (6) periods provided that a special permit is issued by the Code Enforcement Officer for each six-month (6) period. Such permit may only be issued if the Code Enforcement Officer is satisfied that:

518.1.1 The mobile home is a necessary convenience for the construction project and is clearly subordinate to such project.

518.1.2 No health hazards or problems of sanitation will be caused by improper disposal of sewage from the mobile home.

518.2 The Code Enforcement Officer may issue a special permit for use of a mobile home for a temporary construction office for up to six (6) months in zones where offices are permitted or on construction sites anywhere in the Town of Holden.

518.3 Recreation vehicles shall in no case be used as a permanent dwelling and any recreation vehicles in use as a temporary dwelling shall be stationed only in an authorized campground

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or trailer park, or as an accessory use on the premises of a consenting private property owner for use only by members of the property owner's family or social guests.

- 518.4 Except as specifically permitted by this Section, no mobile home shall be used for any purpose, nor placed on any lot, except in the Rural Resource/Residential (R3) Zone or in an authorized mobile home park.
- 518.5 Notwithstanding the other provisions of this Section, unoccupied mobile homes may be placed on a lot for sale by a dealer where permitted by this Ordinance.
- 518.6 No mobile home may be located on any lot or in any mobile home park unless it meets either the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. sections 5401 et seq.) for mobile homes manufactured after June 14, 1976, or the BOCA Code in effect for the Town at the time of its proposed location on the lot or in the park.

519 MULTIPLE USES ON A SINGLE LOT

- 519.1 No structure shall hereinafter be erected, altered, or utilized if the effect of such erection, alteration of utilization is to create more than one (1) use on a single lot, except home occupations, low impact uses, residential back lot developments which meet the requirements of Section 529 or uses in zones wherein multiple uses are permitted.
 - 519.1.1 In the Village Center (VC) Zone, a permitted non-residential use may have one residential unit within the same structure on lots of forty thousand (40,000) square feet in size or greater, provided that the subsurface wastewater disposal system design calculations do not exceed six hundred (600) gallons per day.
- 519.2 More than one use may be permitted in the same structure in the General Commercial (GC), Limited Commercial (LC), Village Center Zone, and Community Services and Institutional (CS/I) Zones, subject to the following conditions:
 - 519.2.1 No structure shall hereinafter be erected, altered, or utilized if the effect of erection, alterations, or utilization is to create more than one (1) use on the lot unless the following conditions are met:
 - 519.2.2 The lot has the minimum continuous frontage, as required by Section 508, on a public way for the first use and fifty additional feet (50') of continuous frontage on a public way for the second use and twenty-five additional feet (25') of continuous frontage for each additional use.
 - 519.2.3 All of the other requirements of the Zone in which the uses are located are met, with the exception that uses may be in the same building.
 - 519.2.4 All traveled ways to be used for the means of ingress and egress shall have a usable width of twenty-four feet (24').
 - 519.2.5 Continuous frontage on a private way shall be permitted for any third or additional use, provided the lot has the minimum plus fifty feet (50') of continuous frontage on a public way, two hundred feet (200') on continuous frontage on a private way for the third use, and one hundred (100) additional feet of continuous frontage for each additional use. All private ways must be built to the standards of the Holden Subdivision Ordinance.

520 MUNICIPAL SERVICES

The proposed development shall not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, solid waste program, sewage

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treatment plant, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

521 OFF-STREET LOADING/UNLOADING REQUIREMENTS

On every lot on which a commercial or industrial use is hereafter established, space with access to a public street shall be provided as indicated below for the loading and unloading of vehicles.

521.1 RETAIL BUSINESS

One (1) space twelve feet (12') by fifty-five feet (55') with a minimum overhead clearance of fifteen feet (15') for the first five thousand (5,000) square feet or fraction thereof of floor space plus one (1) space for any floor space in excess of five thousand (5,000) square feet.

521.2 WHOLESALE BUSINESS AND INDUSTRIAL

One (1) space twelve feet (12') by fifty-five (55) with a minimum overhead clearance of fifteen feet (15') for each eight thousand (8,000) square feet of floor space or fraction thereof.

521.3 TRUCK AND BUS TERMINALS

Sufficient space to accommodate the maximum number of buses or trucks that would be stored, loaded, and unloaded at the terminal at any one (1) time.

522 OFF-STREET PARKING

522.1 PARKING SPACE SHALL BE PROVIDED

No structure shall be erected nor shall any of the following uses be established unless at least the minimum number of off-street parking spaces as specified below is provided. Where a fractional number of spaces would be called for, at least the next higher whole number of spaces shall be required. Each parking space shall measure at least nine feet (9') in width by eighteen feet (18') in length and shall have access for vehicles to a public street. Parking lots for more than five (5) vehicles shall be so arranged that vehicles can be turned around within such lots without entering the street. Private roads, separated from public right-of-ways, but not allowing for turn-around space are deemed adequate for these requirements.

522.1.1 Automobile Repair and Filling Stations: one (1) space for each regular employee, plus one (1) space for each fifty (50) square feet of floor area used for service work.

522.1.2 Boarding and Rooming House: one (1) space for each guest room.

522.1.3 Drive-in Restaurants and Dairy Stands: ten (10) spaces plus one (1) additional space for each person serving or preparing food on the largest shift employed at least once a week on a regularly scheduled basis during the peak season of operations.

522.1.4 Funeral Parlors: twenty (20) spaces.

522.1.5 Hospitals and Nursing Homes: one (1) space for each five (5) beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees.

522.1.6 Hotels: one (1) space for each guest bedroom, plus one (1) space for each four (4) employees.

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- 522.1.7 Industrial Establishments: two (2) spaces for every three (3) employees, at the maximum employment level, on the two (2) shifts of highest employment combined, plus one (1) space for each company vehicle operating from the premises.
- 522.1.8 Fraternal Organizations and Clubs: one (1) space for each five (5) members.
- 522.1.9 Business and Professional Offices: one (1) space for each two hundred (200) square feet of working space.
- 522.1.10 Places of Amusement or Public Assembly: one (1) space for each fifty (50) square feet of floor area devoted to patron use.
- 522.1.11 Residential: Two (2) spaces for each dwelling unit.
- 522.1.12 Restaurants, Cocktail Lounges, and Bottle Clubs: one (1) space for each four (4) customer seats, plus one (1) space for each two (2) employees.
- 522.1.13 Retail Business: four (4) spaces for each one thousand (1,000) square feet of sales area.
- 522.1.14 Roadside Farm Stands: four (4) spaces.
- 522.1.15 Elementary Schools: two (2) spaces per classroom plus one (1) space for every four (4) seats of public assembly or ten (10) spaces for every one thousand (1,000) square feet of assembly space if no fixed seats.
- 522.1.16 High Schools: five (5) spaces per classroom plus one (1) space for every four (4) seats of public assembly or ten (10) spaces for every one thousand (1,000) square feet of assembly space if no fixed seats.
- 522.1.17 Banks: one (1) space per one hundred fifty (150) square feet of floor area.
- 522.1.18 Tourist Courts and Motels: one (1) space for each accommodation.
- 522.1.19 Wholesale Business: one (1) space for each three hundred (300) square feet of floor space.
- 522.1.20 Churches: one (1) space for each five (5) persons seating capacity.
- 522.1.21 For uses not specifically listed in this section, the Code Enforcement Officer shall prescribe the number which in no case will be less than an adequate number to provide for employees and customers and visitors anticipated on the site.

522.2 LOCATION ON OTHER PROPERTY

If the required automobile parking spaces cannot be provided on the same lot where the principal use is conducted, the Planning Board can permit that such spaces may be provided on other off-street property provided that such property lies within four hundred feet (400') of the main entrance to such principal use and is in the same zone. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner, provided however, that it may serve different principal uses at different times of day.

522.3 PARKING AREA SHADING

The following standards shall apply to all projects classified as being Major Developments as defined by Article 8, Section 804.1:

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- 522.3.1 Parking areas shall be shaded by deciduous trees, either retained or planted by the developer, that have or will have when fully mature a trunk at least twelve inches (12") in diameter. When trees are planted by the developer to satisfy the requirements of this Sub-Section, the developer shall choose trees that are suitable to the site, soils, and climate.
- 522.3.2 Each tree of the type to be used shall be presumed to shade a circular area having a radius of fifteen feet (15') with the trunk of the tree as the center, and there must be sufficient trees so that using this standard, twenty percent (20%) of the parking area will be shaded.
- 522.3.3 No paving may be placed within twelve and one half feet (12 1/2') measured from the center of the trunk of any existing tree to be retained and new trees planted shall be located so that they are surrounded by at least two hundred (200) square feet of unpaved area.
- 522.3.4 Parking areas shall be laid out and provisions made to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhang of three feet, six inches (3' 6").
- 522.3.5 If space that would otherwise be devoted to parking cannot be so used because of the planting requirements above, and as a result, the parking requirements of Section 522 cannot be satisfied, the number of required spaces may be reduced by the number of spaces "lost", up to a maximum of fifteen percent (15%) of the required spaces.

522.4 PARKING AREA SETBACKS

No off-street parking area along Route 1A shall be located within the minimum front yard setback.

523 OIL AND CHEMICAL STORAGE

- 523.1 All storage of petroleum or liquid petroleum products shall be in conformance with the provisions of Title 38, M.R.S.A., Section 541 et seq. which, among other things, establishes a ten-year compliance schedule for the discontinuance and removal of nonconforming underground oil storage facilities and requires qualified personnel to oversee the removal of certain underground facilities;
- 523.2 Such storage shall be in conformance with Rules and Regulations adopted by the State of Maine applicable to the stored substance; and
- 523.3 When applicable, the applicant shall have the burden of proof to assure the Planning Board or Code Enforcement Officer that all provisions of the above statutes have been met before the issuance of any permits may take place.

524 ON-SITE CIRCULATION

524.1 VEHICULAR CIRCULATION

The layout of the site shall provide for the safe movement of passenger, service, and emergency vehicles through the site.

- 524.1.1 Non-residential projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for all vehicles, including tractor trailers.
- 524.1.2 Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate language.

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- 524.1.3 The layout and design of parking areas shall provide for safe and convenient circulation of vehicles and prevent their backing out onto a street.
- 524.1.4 All streets and accessways shall be designed to harmonize with the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, and delivery and collection services.
- 524.1.5 Notwithstanding the Buffer Strips requirement of Section 504.1, developers of non-residential projects involving ten (10) or more parking spaces, when such parking areas are within seventy-five feet (75') of a side lot line shall be encouraged to provide an extension to the side lot line. This extension shall meet the driveway dimensional requirements of Section 502.2.2.10, and shall be constructed at least fifty feet (50') from the road right-of-way, and shall be designed to connect with similar extensions or parking lots on adjacent non-residential properties. The intent of this provision is to allow vehicular travel from one place of business to another without traveling on Route 1A or 46.

524.2 PEDESTRIAN CIRCULATION

The development plan shall provide for a system of pedestrian circulation within the development. This system shall connect with existing sidewalks if they exist in the vicinity of the project. The pedestrian network may be located within the street right-of-way or outside of the right-of-way in open space or recreation areas. The system shall be designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops, and existing sidewalks in the neighborhood.

525 OUTDOOR STORAGE AND DISPLAY OF GOODS

The storage and display of goods, outside a fully enclosed building, as an accessory use with permitted commercial activities may be permitted provided that:

- 525.1 The area occupied by such outdoor storage and display:
 - 525.1.1 does not exceed ten (10) percent of the enclosed floor area of such commercial activity or two thousand five hundred (2,500) square feet, whichever is less, in the Limited Commercial (LC) Zone;
 - 525.1.2 does not exceed one (1) percent of the enclosed floor area of such commercial activity in the Community Service/Institutional (CS/I) and Village Center (VC) Zones; and
 - 525.1.3 does not exceed twenty five (25) percent of the enclosed floor area of such commercial activity, in the General Commercial (GC) Zone.
- 525.2 No storage or display shall be placed in areas required for vehicular ingress or egress, internal traffic flow or any required off-street parking and loading;
- 525.3 All signs, banners and other decorations shall conform with the requirements of the Holden Sign Ordinance; and
- 525.4 Such storage and display activities shall meet the dimensional requirements of the zone in which it is located except for side and rear yard setbacks in the General Commercial Zone when approved by the Planning Board as part of Site Plan Review.

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526 POLLUTION LEVELS

Any pollutant introduced into soil on the site shall not exceed a concentration in the ground water that is greater than the guideline established for it in the Safe Drinking Water Standard, EPA Health Advisory, or NAS Health Advisory. Any violation of this standard shall be cause to order the immediate cessation of the use or activity responsible for the contamination. The land owner, contractor, occupant, or any other person with authority over the land, structure, or activity responsible for the contamination, shall be jointly responsible for the cost of all remedial actions and damages resulting therefrom.

527 PRESERVATION AND ENHANCEMENT OF THE LANDSCAPE

The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be completed that will define, soften or screen the appearance of off-street parking areas, buildings and other structures from the public right-of-way and abutting properties in order to enhance the physical design of the proposed development and to minimize the encroachment of the proposed uses on neighboring land uses.

Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed structures, so as to have a minimum adverse affect on the environment and aesthetic qualities of the developed and neighboring areas.

Environmentally sensitive areas such as wetlands, steep slopes, flood plains, and unique natural features shall be maintained and preserved to the maximum extent possible. Natural drainage areas shall be preserved to the maximum extent possible.

528 PRIVATE RIGHTS-OF-WAY

No private right-of-way shall be created to satisfy the frontage requirements for any lot, any portion of which abuts a public way.

Any new private right-of-way shall be at least fifty feet (50') in width or greater, as required by the Planning Board for Site Plan or Subdivision approval. No such right-of-way shall be created over any existing lot or lots so that the balance of any such existing lot, exclusive of the area occupied by the right-of-way would fail to meet any of the requirements of this Ordinance for lot size, frontage, lot coverage, or yard sizes.

529 RESIDENTIAL BACK LOT DEVELOPMENT

529.1 RESIDENTIAL BACK LOT CREATION

On conforming lots of record existing on December 20, 1995 within the R1, R1G, R2 and R3 Zones, one additional lot may be created, subject to Site Plan Review approval of the Planning Board. Such additional residential lot shall not be sold, rented or occupied unless all of the following requirements are met:

- 529.1.1 Such additional residential lot is not less in size than the minimum lot size of the Zone in which the unit is located;
- 529.1.2 The creation of such additional residential lot does not reduce the lot size of the existing lot of record to less than the minimum lot size of the Zone in which the unit is located;
- 529.1.3 Such additional residential lot is accessible over a deeded right-of-way, of not less than fifty feet (50') in width to a public road; and

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- 529.1.4 Such right-of-way does not diminish the existing road frontage by more than fifty feet (50').

530 SIGNS

All signs shall conform to the requirements of the Holden Sign Ordinance.

531 SITE CONDITIONS

- 531.1 During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Code Enforcement Officer or other authorized personnel. The developer shall make provision for disposal of oil and grease from equipment and the site area should be regularly treated to control dust from construction activity; and
- 531.2 Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris. Excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the Code Enforcement Officer prior to issuing a Certificate of Occupancy.

532 SPECIAL EVENTS

Outdoor commercial sales and tents and other temporary structures utilized for commercial sales may be permitted, in the Limited Commercial (LC), General Commercial (GC), Village Center (VC) and the Community Service/Institutional Districts (CS/I), provided that:

- 532.1 Such structures and events shall be limited to three (3) times per calendar year and each time shall be limited to no more than fourteen (14) days per event;
- 532.2 No display shall be placed in areas required for vehicular ingress or egress, internal traffic flow or any required off-street parking and loading;
- 532.3 All signs, banners and other decorations shall conform with the requirements of the Holden Sign Ordinance; and
- 532.4 Such structures and events shall meet the dimensional requirements of the zone in which it is located.

533 TEMPORARY STORAGE ENCLOSURES

No temporary storage enclosure may be present on any lot in the R1, R1G, R2, R3, R4, VC or Resource Protection Zones for any period of time, or in the General Commercial, Limited Commercial or C.S.I. Zones, for more than 30 days per year without a permit from the Code Enforcement Officer and not more than 120 days per year without a permit from the Planning Board. The Planning Board may grant a permit for a period of up to one year if it finds:

- 533.1 The lot coverage of the temporary storage enclosure together with the lot coverage of any other uses or structures on the same lot shall not exceed the maximum lot coverage requirements for the zone in which the temporary storage structure is to be located;
- 533.2 There is a valid temporary storage need which cannot be met within the principal or existing accessory structures and for which an adequate operational hardship can be shown if the request is not granted;
- 533.3 The initial approval of the permit or any renewal thereof will not in any way be detrimental to the neighboring properties, including aesthetic impact;

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- 533.4 The temporary storage enclosure will be adequately screened from neighboring properties and the street;
- 533.5 The temporary storage enclosure will not be used as, or intended for, advertising for on-or-off premises purposes;
- 533.6 The temporary storage enclosure is not intended for retail sales;
- 533.7 The use of temporary storage enclosures on the premises is not intended to be permanent or long-term;
- 533.8 The above provisions do not prohibit the use of temporary storage enclosures as construction or on-site offices or equipment storage facilities during construction, provided that any other permits required pursuant to this ordinance shall have been obtained;
- 533.9 The initial permit may be renewed for an additional one year only, upon a finding by the Planning Board that the use that the temporary storage enclosure complies with Section 533.1 through 533.7 above; and
- 533.10 Any conforming temporary storage enclosure in use in the General Commercial, Limited Commercial and Community Service, Village Center and Institutional Zones on January 1, 1995, shall be allowed to continue provided the unit meets the following requirements:
 - 533.10.1 The unit must be skirted unless the storage box is at grade level, by removing the wheels, axles and under-carriage;
 - 533.10.2 Painted or maintained a uniform color in keeping with the architecture of the project site.

534 UTILITIES/SEWAGE DISPOSAL/WASTE DISPOSAL/WATER SUPPLY

534.1 UTILITIES

- 534.1.1 Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site;
- 534.1.2 Underground utilities shall be installed prior to the installation of the final gravel base of the road; and
- 534.1.3 The size, type, and location of street lights and utilities shall be shown on the plan and approved by the Planning Board.

534.2 SEWAGE DISPOSAL

Subsurface Sewage Disposal: No permit shall be issued for a project with subsurface sewage disposal unless:

- 534.2.1 There is an area of sufficient size of suitable soils, under the Maine State Plumbing Code, to accommodate the proposed system;
- 534.2.2 An acceptable plan to construct the absorption area is prepared in accordance with the Maine State Plumbing Code; and
- 534.2.3 In lieu of 1) and/or 2) above, the applicant demonstrates that any deficiencies of the soil for purposes of sewage disposal can and will be overcome by a suitable engineering solution.

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534.3 WASTE DISPOSAL

The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes.

534.3.1 All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

534.3.2 All hazardous wastes shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.

534.4 WATER SUPPLY

534.4.1 The development shall be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

534.4.2 For major developments as defined under the site plan review procedures Section 804.1, the applicant shall construct ponds and dry hydrants to provide for adequate water storage for fire fighting purposes. An easement shall be granted to the Town granting access to the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon a finding by the Board that adequate, alternate firefighting provisions exist or will be built as part of the approved plan. When calculating the minimum water supplies needed for firefighting, generally accepted standards, including but not limited to the 1999 edition of National Fire Protection Association 1231 Water Supplies for Suburban and Rural firefighting, shall be used.

535 ACCESSORY APARTMENTS

The purpose of the provisions concerning accessory apartments is to provide a diversity of housing for Town residents while protecting the single family character of residential neighborhoods. Accessory apartments may be utilized for rental purposes as well as accommodating family members.

535.1 PLAN REQUIRED

Any request for an accessory apartment shall include a plan showing the following:

- 535.2.1 Lot boundaries and dimensions at scale
- 535.2.2 Zoning district
- 535.2.3 Date of plan
- 535.2.4 Property owner with deed reference
- 535.2.5 Lot area
- 535.2.6 Location and setback of all buildings
- 535.2.7 Rights of way, public and private
- 535.2.8 All easements
- 535.2.9 Street names
- 535.2.10 Sewerage facilities
- 535.2.11 Off-street parking spaces
- 535.2.12 Water supply

535.2 BUILDING PLAN REQUIRED

Any request for an accessory apartment shall include a building plan showing the following:

- 535.3.1 Separate floor layout of all finished levels
- 535.3.2 All plumbing facilities, kind and location

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- 535.3.3 Use of all rooms
- 535.3.4 All entrances/exits
- 535.3.5 All partitions, temporary or permanent
- 535.3.6 Location and type of all appliances
- 535.3.7 Parking area

535.3 SUBSURFACE WASTE WATER DISPOSAL

Any request for an accessory apartment shall conform to all provisions of the Maine Subsurface Waste Water Disposal Rules and no dwelling that is served by an on-site wastewater disposal system shall be modified to create an accessory apartment until a site evaluation has been conducted by a licensed site evaluator which demonstrates that the system shall meet the disposal needs of both dwelling units.

535.4 ENTRANCE

The dwelling shall have only one front entrance and all other entrances shall be on the side or in the rear of the dwelling. An entrance leading to a foyer with entrances leading from the foyer to the two dwelling units is permitted.

535.5 SIZE

The accessory apartment shall have no more than six hundred (600) square feet of floor area but shall not exceed fifty (50) percent of the floor area of the principal use. Floor area measurements shall not include unfinished attic, basement or cellar spaces, nor public hallways or other common areas.

535.6 NUMBER OF UNITS

Only one accessory apartment shall be permitted per lot.

535.7 PROHIBITIONS

Accessory apartments shall not be permitted for any nonconforming structure or use, where the nonconformity is due to the use of the premises, as opposed to nonconforming dimensional requirements.

536 AFFORDABLE HOUSING DENSITY BONUS

The Planning Board may permit an increase in the overall density of a single-family or multi-family development in the VC, GC, LC and R1G zones by up to 15%, and reduce lot size and frontage requirements by up to 20%, provided that the proposed residential development meets all of the following requirements.

- 536.1 At least 10% of the units shall be affordable to persons meeting the U.S. Department of Housing and Urban Development definition of low to moderate income persons or households for Penobscot County.
- 536.2 Mechanisms are or will be implemented to ensure that at least 10% of the units are made available to low to moderate income persons.
- 536.3 Mechanisms are established to ensure that such dwelling units remain affordable.
- 536.4 The density bonus shall not be combined with any other dimensional reduction provision contained in this Ordinance.

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537 HISTORIC AND ARCHAEOLOGICAL RESOURCES

If any portion of a proposed development site has been identified as containing historic or archaeological resources, either in the 2007 Comprehensive Plan or by the Maine Historic Preservation Commission, the following provisions shall apply:

- 537.1 The development shall include appropriate measures for protecting these resources to the maximum extent possible. Appropriate measures include, but are not limited to, modification of the proposed design of the site, timing of construction, and limitations of the extent of excavations.