TOWN OF UNITY

LAND USE ORDINANCE

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UNITY LAND USE ORDINANCE

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Section I. General Provisions

1. Title

This Ordinance shall be known and cited as the *Unity Land Use Ordinance* and will be referred to as "this Ordinance."

2. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, the provisions of Title 30-A MRSA, Section 3001 (*Home Rule*), Title 30-A MRSA, Sections 4311 et seq. (*Comprehensive Planning and Land Use Regulation, or "Growth Management" Act*), and Title 30-A MRSA, Sections 4401 et seq. (*Subdivision Law*). This Ordinance is founded upon and pursuant to Unity's Comprehensive Plan as adopted on March 27, 1993 and amended on October 26, 1993.

3. Purposes

The purposes of this Ordinance are to fulfill policies expressed within Unity's 1993 Comprehensive Plan, as restated below:

A. to allow for affordable residential and commercial growth, while preserving Unity's rural character, particularly its open land, scenic beauty and reasonable tax rate;

B. to guide growth to make efficient use of land and public facilities;

C. to help protect the natural resources of the community from degradation;

D. to foster harmonious co-existence of commercial, residential, recreational and other potentially conflicting activities;

E. to provide a degree of clarity and consistency to the Town's treatment of growth and development;

F. to invite and encourage additional complementary commercial and industrial development;

G. to protect landowners' rights and freedom of choice in development activities;

H. to minimize adverse traffic impacts; and

I. to promote the health, safety, and general welfare of the residents of the community.

4. Applicability

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Unity.

5. Conflicts with Other Ordinances, Laws and Regulations

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute from any jurisdiction, the more restrictive provision shall control.

6. Validity and Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

7. Effective Date; Repeal of Prior Ordinances

This Ordinance becomes effective on April 1, 1995. This Ordinance repeals and replaces the *Unity Minimum Lot Size Ordinance* and the *Unity Building Permit Ordinance*.

8. Availability

A copy of this Ordinance shall be available for review at the town office. Additional copies shall be made available to Unity residents upon request.

9. Amendments

A. An amendment to this Ordinance may be adopted by a majority vote of Town Meeting. A proposal to amend this Ordinance may be placed on the warrant of any Town Meeting by:) 1) the Planning Board; 2) the Comprehensive Plan Committee; 3) the municipal officers; or 4) written petition of at least 25 voters registered to vote in Unity, filed with the municipal officers.

B. Prior to a Town Meeting at which a proposed amendment will be considered, the Planning Board shall hold a public hearing. Notification of the hearing shall be posted at the town office and advertised in a newspaper of general circulation in the municipality on two occasions, once at least 14 days prior to the hearing, and a second time 7-14 days prior to the hearing.

C. If an amendment is proposed which changes land regulation within 500 feet of a common town border, the Town Clerk shall forward notice to the Selectmen and Planning Board of adjacent communities at least ten days in advance of the public hearing. The adjacent community may provide verbal or written testimony.

D. At any time this Ordinance is amended, the Town Clerk is authorized to insert and/or delete amendments, add and/or delete inconsistent references within the Ordinance caused by such amendment(s), and renumber sections of the amended Ordinance in a logical and appropriate fashion, provided said changes do not result in any substantive alteration in the meaning of the Ordinance.

Section II. Administration

1. Administering Bodies and Agents

A. Board of Selectmen

The Board of Selectmen shall appoint or reappoint a Code Enforcement Officer (CEO) annually by July 1st. The Board of Selectmen shall provide the necessary authorization and support for the CEO in enforcing the provisions of this Ordinance, including the retention of an attorney if necessary to assist in the prosecution of a serious violation.

B. Code Enforcement Officer

The Code Enforcement Officer shall have the following powers and duties:

a) Enforce the provisions of this Ordinance.
b) Review applications for occupancy permits and issue such permits where authorized by this Ordinance;
c) Review applications for building permits, and recommend action to the Planning Board as authorized in this Ordinance.
d) With the consent of the owner, occupant, or agent, enter any property at reasonable hours to inspect the property or building for compliance with this Ordinance.
e) Investigate complaints and reported violations.
f) Keep written inspection reports and thorough records.
g) Issue violation notices.
h) Participate in appeals procedures.
i) Confer with the Board of Selectmen as necessary to obtain proper authorization for prosecution and/or retention of legal counsel.
j) Appear in court when necessary.
k) Confer with citizens and assist them in understanding this Ordinance.
l) Attend meetings of the Board of Appeals and the Planning Board.
m) Revoke a permit within his jurisdiction after notice and hearing if it was issued in error or if it was based on erroneous information. Inform the Planning Board of any similar problems discovered in permits issued by the Board.

C. Town Clerk

The Town Clerk shall keep blank application forms for each type of permit on file at the town office. The Clerk shall receive all permit applications and fees due, and forward applications to the appropriate administrative body for review. The Clerk shall maintain a file of permit applications, permits and enforcement notices.

D. Planning Board

The municipal Planning Board shall be responsible for reviewing and acting upon applications for building permits, development permits, road construction permits, and lot permits.

E. Road Commissioner

The municipal Road Commissioner shall perform site evaluations and play a role in issuing driveway and road construction permits. The Road Commissioner shall maintain close communication with the CEO and the Planning Board to facilitate consistent treatment of permit applications.

F. Board of Appeals

The municipal Board of Appeals shall be responsible for deciding administrative appeals and variance requests according to the procedures outlined in the *Board of Appeals Ordinance for the Town of Unity*.

2. Permits Required

A person must obtain a permit before engaging in any of the following activities:

1) constructing a new driveway or road;
2) constructing, expanding, or paving for certain parking lots located in the downtown district;
3) building, locating or relocating any structure larger than 100 square feet;
4) expanding any existing structure by more than 100 square feet;
5) exterior renovations to those downtown properties that must follow Design Guidelines. (See Section VIII for what type of properties are exempt.)
6) dividing of land or structures in a way that constitutes a subdivision (as defined);
7) engaging in any new "high-impact" land-use activity, as outlined in this Ordinance;
8) creating a new lot;
9) occupying any of the following: a new structure; a new building addition (larger than 250 square feet); a new rental unit created within an existing structure; any structure or rental unit that has been vacant for more than one year; any structure that will be used for commercial activities new to that structure.

3. Types of Permits

1) Driveway Permit: A driveway permit shall be obtained from the Road Commissioner and Code Enforcement Officer before a location is finalized and any construction is begun.

2) Road Construction Permit: A road construction permit shall be obtained from either the Road Commissioner and CEO, or from the Planning Board, as outlined in this Ordinance, before a location is finalized and any construction is begun.

3) Parking Lot Permit: A parking lot permit shall be obtained from the Planning Board for: a) constructing any new parking area or paving any existing parking area which will accommodate more than 10 vehicles in the downtown district or more than 3 vehicles in the village district; or b) expanding any existing parking area so that the combination of existing and new space will accommodate more than 10 vehicles in the downtown district or more than 3 vehicles in the village district.

4) Building Permit: A building permit shall be obtained from the Planning Board for: a) constructing, locating or relocating any structure larger than 100 square feet; and b) expanding any existing structure by more than 100 square feet.

5) Development Permit: A development permit shall be obtained from the Planning Board for: a) any use that qualifies as a high-impact land use activity (as defined); and b) any use constituting a subdivision (as defined) of land or structure.

6) Lot Permit: A lot permit shall be obtained from the Planning Board for the creation of any new lot.

7) Occupancy Permit: An occupancy permit shall be obtained from either the Planning Board or CEO, as outlined in this Ordinance, prior to occupancy of: a) any new structure, including building additions larger than 100 square feet; b) any new rental unit (commercial or residential) created within an existing structure; c) any existing structure or rental unit within that structure that has been vacant for more than a year; or d) any structure that will be used, in whole or in part, for a commercial enterprise that is new to that structure (other than a home-based business, which is exempted). Issuance of these local permits will be conditional on receipt of all necessary State permits.

8) Sign Permit: A sign permit shall be obtained by the Code Enforcement Officer before erecting any commercial sign that is either larger than 10 square feet or illuminated.

4. State Fire Marshal Permits

As of January 1, 1996, the State Fire Marshal requires that construction and renovation of certain classes of buildings be professionally designed and receive a Construction Permit and a Barrier-Free Permit. It is the responsibility of applicants for local building permits to contact the Office of the State Fire Marshal to learn more about state requirements. Applicants may wish to seek State approval after receiving local approval, in which case local approval will be conditional on subsequent state approval. Conversely, applicants may wish to obtain State permits before submitting a local application. Applicants who are proposing work that is subject to Unity's Design Guidelines are urged to meet with the Planning Board to discuss these Guidelines before they seek design approval from the State Fire Marshal.

5. Permit Application

A. Application Procedure

Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the Town Clerk at the town office.

All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee.

Upon receipt of the completed application and the required fee, the Clerk shall stamp the application with the date of receipt and forward the application to the appropriate party (i.e., the Planning Board, Code Enforcement Officer, and/or Road Commissioner).

B. Special Requirements for Certain Building Permit Applications

1) All building permit applications requesting approval for a new structure or building addition that will result in the discharge of wastewater shall contain one of the following:

- o evidence that a septic system capable of receiving and adequately treating the anticipated discharge either already exists or will be constructed.

- o evidence that a connection to the Unity Utilities District either already exists or has been approved.

2) All building permit applications involving downtown properties that must follow Design Guidelines shall include sufficient detail to allow the Planning Board to assess adequately either the proposed design or landscaping plan.

C. Application Fees

No fee will be charged for a lot permit. A schedule of fees for all other permits shall be approved by the Board of Selectmen upon the recommendation of the Planning Board. No permits shall be issued until all fees have been paid.

6. Procedure for Administering Permits

A. Building Permits

The Town Clerk shall forward a copy of received applications to the Code Enforcement Officer. The CEO shall contact the applicant and schedule a site visit at a mutually agreeable time. The site visit should occur within 10 business days after the application was submitted to the Town Clerk.

Within 2 business days of the site visit, the CEO shall: a) decide whether or not to recommend the application for approval to the Planning Board; b) communicate this decision to the applicant; and c) forward a copy of the application, together with his/her recommendation, to the Planning Board.

If the CEO is incapacitated or otherwise unavailable for a site visit within 10 business days, the Town Clerk may, at the request of the applicant, forward a copy of the application directly to the Planning Board, which may consider the application without a site visit.

All applications for building permits received by the Planning Board within 3 business days of a regular Board meeting, shall be placed on the agenda of that meeting. The Planning Board shall review all applications, and decide whether or not to grant building permits. Wherever practical, the Board will act on each application at the first meeting where it is taken up. If it is found that additional information is required, the application will be considered old business and given priority for continued review at the next meeting, provided the additional information is supplied by the applicant.

B. Driveway Permits

The Town Clerk shall forward a copy of received applications for a driveway permit to both the CEO and the Road Commissioner. The CEO shall contact the applicant and the Road Commissioner to arrange a joint site visit of the property. If the CEO and Road Commissioner both find that the requirements of this Ordinance shall be met by the applicant, they shall jointly approve a driveway permit.

C. Road Construction Permits

The Town Clerk shall forward a copy of received applications for a road construction permit to the Planning Board, the CEO, and the Road Commissioner. The CEO shall contact the applicant and the Road Commissioner to arrange a joint site visit of the property, for the purpose of gathering information. The application shall be discussed at the next Planning Board meeting. If the Planning Board finds that the proposed road will serve a new subdivision or other activity that triggers development review, then the application for a road construction permit will be decided by the Planning Board with input from the CEO and Road Commissioner, and a road construction permit will be issued if and when a development permit is issued. If the Planning Board finds that the proposed road does not serve an activity that would trigger development review, then the application for a road construction permit will be decided jointly by the CEO and Road Commissioner. In either case, a permit shall be issued wherever the requirements of this Ordinance are met.

D. Development Permit

Detailed procedures are outlined in Section X.

E. Lot Permit

The Town Clerk shall forward a copy of received applications for a lot permit to the Planning Board. If an application is received by the Clerk within 4 business days of the Planning Board's next meeting, it shall be placed on the agenda of that meeting. The Board shall approve all applications that meet the lot requirements of this Ordinance.

F. Occupancy Permit

The Town Clerk shall forward a copy of the received application to both the CEO and the Chair of the Planning Board. The CEO shall contact the applicant and schedule a site visit at a mutually agreeable time. The CEO may issue an occupancy permit wherever he/she feels all local and state requirements are being met, except where the proposed use is likely to: a) result in a net increase of more than 20 employees; b) exceed existing off-street parking; or c) create any noise, odor, or other nuisance disturbing to neighboring properties. In such circumstances, the Planning Board shall consider the permit application, in consultation with the CEO. The Planning Board and CEO may only deny a permit if some requirement of a local ordinance or state law is not being met.

7. Conditions for Permit Approval

Permits may be made subject to reasonable conditions to ensure conformity with the purposes and

provisions of this Ordinance. If a permit is approved with conditions, the conditions shall be clearly stated in writing.

8. Burden of Proof

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

9. Expiration

A permit authorizing construction will expire within one year of the date of issuance if no substantial start (as defined) is made on construction. A lot permit and subdivision approval will expire if any newly created lots are not recorded with the Registry of Deeds within 60 days of the Planning Board's decision.

10. Enforcement

A. Any violation of this Ordinance shall be deemed to be a nuisance.

B. Enforcement Procedure

1) The Code Enforcement Officer shall enforce the provisions of this Ordinance. If the Code Enforcement Officer finds that any provision is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. (Such actions may include: discontinuance of an illegal use of land, buildings or structures; termination of work being done; removal of illegal buildings or structures; and abatement of nuisance conditions.) A copy of such notices shall be submitted to both the municipal officers and Planning Board and be maintained as a permanent record by the Town Clerk.

2) The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

3) The Code Enforcement Officer shall keep a complete record of all essential transactions, including applications submitted, permits granted or denied, variances granted or denied, complaints received, revocation actions, appeals, court actions, violations investigated, violations found, and fees collected. Copies shall be provided to the Town Clerk for permanent filing in the town office.

C. Legal Actions & Penalties

When the CEO's actions do not result in the correction or abatement of the nuisance, he may request that the municipal officers institute various actions and proceedings, either legal or equitable, including seeking injunctions or imposing fines, as may be appropriate or necessary to enforce the provisions of this Ordinance.

The municipal officers are authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance without Court action. Such agreements shall not allow an illegal structure or use to continue unless: a) there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official; and b) there is no evidence that the owner acted in bad faith.

Any person, including a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A MRSA Section 4452.

11. Appeals

An applicant or other aggrieved party may appeal any decision of the Road Commissioner, Code Enforcement Officer or Planning Board, or apply for a variance, by filing with the Board of Appeals according to the procedures outlined in the *Board of Appeals Ordinance for the Town of Unity.*

Section III. Non-Conformance

1. Purpose

It is the intent of these provisions to promote land use conformities, except that non-conforming conditions that legally existed as of the effective date of this Ordinance or any amendment thereto shall be allowed to continue, subject to the requirements set forth in this section.

2. General Requirements

A. Transfer of Ownership

Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

B. Repair and Maintenance

This Ordinance allows, without a permit pursuant to this Ordinance, the normal upkeep and maintenance of non-conforming uses and structures.

3. Non-Conforming Structures

A. Expansion

A non-conforming structure may be added to or expanded after obtaining a building permit from the Planning Board, if such addition or expansion does not increase the non-conformity of the structure.

B. Relocation

A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback or other dimensional requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the *State of Maine Subsurface Wastewater Disposal Rules* or that a new system can be installed in compliance with the law and said *Rules*. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback or other dimensional requirements to the greatest practical extent, the Planning Board shall base its decision on the size of the lot, the location of other structures on the property, and the location of the septic system and any wells that may be impacted.

C. Reconstruction or Replacement

A non-conforming structure may be replaced or rebuilt within one year from the date of removal or destruction of the original structure. The new structure may also be non-conforming, but it shall not be any more non-conforming than the original structure.

4. Non-Conforming Uses

A. Expansions

Non-conforming uses that legally existed as of April 1, 1995 may expand in the same location, subject to all applicable standards of this Ordinance.

B. Resumption Prohibited

A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use.

C. Change of Use

An existing non-conforming use may be changed to another non-conforming use provided that the Planning Board finds that the proposed use is equally or more appropriate to the location than the existing non-conforming use, and that the proposed use will have no greater adverse impact on adjacent properties than the former use.

The determination of appropriateness shall be based on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The performance standards of this Ordinance shall apply to such requests to establish new non-conforming uses.

5. Non-Conforming Lots

A non-conforming lot of record as of April 1, 1995 may be built upon, provided that applicable performance standards and the requirements of the *State of Maine Subsurface Wastewater Disposal Rules* are met. The use of the lot must be one that is allowed in the district(s) in which it is located.

6. Non-Conforming Signs

Non-conforming signs in existence on April 1, 2003 may be repaired, but may not be enlarged, raised in height, or otherwise modified in ways that are not allowed for new signs.

Section IV. Definition of Districts

1. Overview of District Delineations

A. Introduction

There are two baseline land use districts in Unity: the Downtown District and the Rural District. All land in town is either in one or the other of these two districts. Beyond that, there are three overlay districts within which land may also fall: the Village District, the Aquifer Protection District, and the Shoreland District. All five districts are delineated on the *Unity Land Use Map* that is incorporated into this Ordinance.

B. Interpretation of District Boundaries

Unless specifically stated otherwise in this Ordinance, district boundary lines are property lines and the centerlines of roads. Boundaries based upon natural features shall be established by field measurement. Should there be a conflict between the Land Use Map and wording of this Ordinance, the wording shall prevail. Should it occur that the Planning Board and an applicant cannot agree on the interpretation of a district boundary, the Board of Appeals shall be the final authority as to location.

2. Baseline Districts

A. Downtown District

The Downtown District encompasses those portions of downtown which are already developed and contiguous areas that could be developed. The district's borders coincide, roughly, with the land area that could be served by the Unity Utilities District.

The Downtown District comprises the polygon of land bounded by the following delineations as represented on Unity's tax maps, listed clockwise: northern boundary of parcels with frontage on Route 220 from Bangor Road to Back Troy Road (Map 11, Lots 44 & 45, Map 12, Lots 30, 31-1, 30-2, 31 & 32), west down the middle of the Back Troy Road back to Route 220, south down the middle of Route 220 to the southern boundaries of Map 12, Lots 13, 14 & 16 to Sandy Stream; along Sandy Stream to the northeast boundary of Map 11, Lots 60-2 & 60-3, and the northwest and northeast

boundaries of Map 11, Lot 61 to Quaker Hill Road; west down Quaker Hill Road to the eastern boundary of Map 11, Lot 59 (Unity College), moving clockwise along this boundary until it meets Bacon Brook; moving downstream along Bacon Brook until it intersects with the CMP transmission line right-of-way (ROW); through the center of the CMP transmission line ROW across the Albion Road through Map 11, Lot 1 to the west boundary of Lot 1 to Sandy Stream; along Sandy Stream, crossing School Street to the southwest boundary of Map 11, Lot 35; following the Lot 35 lot line counter-clockwise to the western boundary of Lot 36, across Kanokolus Road and the railroad tracks to include Map 11, Lot 37 to Unity Pond; along Unity Pond to the northern border of Map 11, Lot 41 (Athletic Complex) to the Bangor Road; north on the Bangor Road to the northern boundary of Map 11, Lot 44.

B. Rural District

The Rural District comprises all of Unity that is outside of the Downtown District.

3. Overlay Districts

A. Village District

The Village District comprises the older village center of the Downtown District. It consists of properties with frontage on:

a) Depot Street from Main Street to the fire station and north boundary of Map 11, Lot 16 (the Bagley property);
b) Main Street from the railroad tracks to Sandy Stream;
c) Murdock Lane;
d) Vickery Lane;
e) Wood Lane;
f) Kanokolus Beach Road (FR#1) to the cemetery; and
g) Milmac Road.

B. Aquifer Protection District

The Aquifer Protection District comprises the area of land overlying the sand and gravel aquifer associated with Sandy Stream, as shown on the Land Use Map.

A. Shoreland District

The Shoreland District comprises the area of land identified in the *Unity Shoreland Zoning Ordinance* and shown on the Land Use Map.

B. Retail Growth District

The Retail Growth District shall encompass all lots bordering School Street, from Main Street to the bridge over Sandy Stream.

Section V. Dimensional Requirements

1. Lot Requirements

A. Purpose

This provision is designed to encourage creativity and diversity in development design. In the Downtown District served by public sewer, small lots are allowed. In the Rural District, lots may also be made relatively small, as long as they are interspersed with larger lots to meet the requirements for average lot size. There is no specific road frontage requirement, but rather, more flexible requirements concerning lot access and lot shape.

B. Applicability

These standards apply to all new lots created after April 1, 1995.

C. Basic Lot Size Requirements

1) Downtown District

The minimum size for new lots served by sewer is 10,000 square feet.
NOTE: Residential subdivisions involving lots of this size must set aside additional land for open space, as outlined in Section X.5.B.

The minimum size for other new lots is 20,000 square feet. The applicant must show that a proposed lot--regardless of size— is provided with adequate subsurface wastewater treatment. Such treatment can be provided on the lot or potentially off the lot, if connected to an approved shared use system.

2) Rural District

New lots created by dividing a larger parcel must meet requirements both for minimum lot size and for average lot size. The average size of all created lots shall be at least 120,000 square feet, except in some instances where properties are located in the shoreland zone, as described in C(3) below

The minimum size for any single lot is 20,000 square feet. The applicant must show that a proposed lot--regardless of size-- is provided with adequate subsurface wastewater treatment. Such treatment can be provided on the lot or potentially off the lot, if connected to an approved shared use system.

When lots are created, their deeds shall state which portion of their land area is undevelopable under existing ordinance because it is tied up in satisfying average lot size requirements. A certified copy of this deed language shall be provided to the Planning Board within 90 days of approval of a lot permit, and no building permit may be issued for this lot until such documentation is provided.

3) Shoreland Zone

Portions of both the Downtown District and Rural District are also located in the shoreland zone. Unity's Shoreland Zoning Ordinance contains additional lot requirements, which must also be followed.

For the purposes of calculating average lot size, a shorefront lot located in the Rural District can be divided into two lots, provided that the resulting average size of the two lots is at least 80,000 square feet and that all other lot requirements of the Shoreland Zoning Ordinance are met. Each additional lot after the second will require an additional 120,000 square feet, on average.

D. Further Lot Size Requirements (by district)

The basic lot size requirements allow the placement on each lot of only one principal structure (as defined), which if residential, may contain only two dwelling units (as defined). The placement of additional principal structures and/or more than two dwelling units requires larger lots.

1) Downtown District

When all the principal structures on the lot are served by sewer, each principal structure beyond the first requires an additional 10,000 square feet. When any principal structure on the lot is served by subsurface wastewater treatment, each principal structure beyond the first requires an additional 20,000 square feet. For all downtown lots, every dwelling unit beyond the second requires an additional 2,500 square feet. (EXAMPLE: A 4 unit apartment building connected to the sewer must be on a lot of 15,000 square feet.)

2) Rural District

Each principal structure beyond the first requires an additional 40,000 square feet. Each dwelling unit beyond the second requires an additional 10,000 square feet.

E. Lot Access

In order to ensure that remote lots may be serviced by roads or utilities in the future, any new lot that is not located along a public road or a private road built to standards (outlined in Section VI), must have a minimum 50 foot right-of-way of deeded access to a public road or a private road built to standards. This right-of-way may be shared by multiple lots. It shall be suitable for installing utilities and for constructing a driveway (if it serves three or fewer lots) or a private road (if it serves more than three lots).

F. Lot Shape

In order to prevent the creation of long narrow lots that often restrict access to and the productivity of contiguous back land, no newly created lot shall have a ratio of length to width of greater than 5:1. The Planning Board may waive this requirement if the applicant offers a satisfactory plan for back

land access and management.

2. Road Access Management

A. Purpose

This provision outlines a road access requirement as an alternative to a road frontage requirement.

B. Applicability

These requirements apply to all access points onto public roads in the Rural District that are created by new roads or driveways. (NOTE: A circular driveway is considered one access point).

C. Access Point Frontage Requirements

Any new access point (constructed after April 1, 1995) located along a public road in the Rural District must be an average of 200' from any other access point. An access point may be closer than 200' to the next access point as long as the average standard is maintained. Thus, 3 access points may be located along 600' of road frontage, 5 access points along 1000' of road frontage, etc. Averages incorporating land under separate ownership must place a deed restriction on the other land to guarantee that the average will not be exceeded.

D. Access Point Dimensions

Each new driveway or parking lot entrance--at the point where it connects to a public road--shall not exceed 11' in width if one-way or 22' in width if two-way (excluding the flare that occurs at the actual point of intersection). The provision does not apply to driveways for: a) fire stations; b) ambulance companies; or c) commercial businesses located in the Rural District.

The flare that occurs when a new road or driveway intersects with an existing public road shall be based on a curb radius of between 5' and 15', which is sufficient to allow safe turning of trucks and emergency vehicles while keeping speeds low and minimizing pedestrian hazards. The Planning Board may allow larger curb radii in select instances, but only where: a) the new intersection results from a driveway or road that primarily serves a commercial facility that will generate substantial truck traffic; and b) special measures are taken to ensure pedestrian comfort and safety. In no instance may the Planning Board allow larger curb radii within the Village District.

3. Structural Requirements

A. Applicability

These requirements apply to all new structures constructed after April 1, 1995.

B. Building Height

The roof ridge of buildings shall be no higher than 35' above grade. Buildings may contain steeples,

cupolas, or other ornaments that exceed this height. Buildings higher than 30' shall be designed to facilitate access to roofs for fire-fighting purposes.

New structures are limited to two stories of livable space above grade, unless specific, written approval is granted by the Fire Chief. The Chief shall base this decision upon the Fire Department's ability to evacuate people safely from upper stories of the structure.

C. Building Setbacks from Front Property Line

1) Rural District

Structures must be set back at least 50' from the road centerline or 15' from the edge of the road right-of-way (i.e., the front property line), whichever is further back.

2) Downtown District

a) General Requirement

In general, structures must be set back at least 50' from the road centerline or 15' from the edge of the road right-of-way (i.e., front property line), whichever is further back.

b) Special Exception

Wherever existing structures are located closer to the road right-of-way than 15', new structures on adjoining lots may be located as close to the road right-of-way as those existing structures.

D. Building Setbacks from Side and Rear Property Lines

1) Basic Dimensional Standard

In order to minimize the chance that a building fire will spread to another building, structures under separate ownership shall maintain a 30' separation distance. To meet this objective, all permanent structures shall be placed at least 15' from side and rear property lines.

2) Performance Standard Option

The use of certain construction materials or the installation of fire extinguishing systems, such as sprinkler systems, may substitute for the side and rear setback requirement. A structure may be located closer than 15' to the side or rear boundary upon approval of the Fire Chief. In the Downtown District, the Planning Board may also approve two owners sharing a single wall, if approved by the Fire Chief and acceptable to both property owners.

Any use of this performance standard option will require a current survey of the property lines or a recorded boundary line agreement between the two property owners. .

4. Agricultural Protection Setback

A. Purpose

These setback requirements are designed to help protect owners of commercial farmland from encroaching development, and to help prevent conflicts between commercial agriculture and other land uses.

B. Applicable Farmland

In the Rural District, these setback requirements apply to all commercial farmland (as defined), regardless of size, used in whole or in part for crop production, either currently, or at any time within the past three years. In the Downtown, this provision applies to all commercial farmland (as defined), of at least 10 acres, used in whole or in part for crop production, either currently, or at any time within the past three years.

C. Property Covered

These setback requirements apply to all property that is located within 300' of applicable farmland (as described in paragraph B above) in the Rural District and within 150' of applicable farmland in the Downtown District, unless that property is owned by the owner of the applicable farmland.

Lots created after April 1, 1995 that are adjacent to applicable farmland shall be designed so that the setback requirements listed below may be met. The Planning Board shall not issue a lot permit for any lot intended for new development that is so small that these setback requirements could not be met.

Lots created after April 1, 1995 that are not adjacent to applicable farmland at the time of creation, are exempt from the setback requirements listed below. The owner of such a lot is not obligated to follow these setback requirements, regardless of the future use of adjacent land.

Lots existing as of April 1, 1995 that are adjacent to applicable farmland but are too small to allow the setback requirements listed below to be met, shall be exempt from these requirements.

Lots existing as of April 1, 1995 that are adjacent to applicable farmland and are large enough to allow the setback requirements listed below to be met, are obligated to meet these requirements.

The Planning Board shall determine whether a lot that existed as of April 1, 1995 is too small or large enough for the setback requirements to be met, based on the practical sites for locating a principal structure and a well on that lot.

D. Setback Requirements

Water wells supplying drinking water to dwellings may not be located within 300' of applicable farmland in the Rural District or within 150' of applicable farmland in the Downtown District.

Principal structures (as defined) may not be located within 100' of applicable farmland in the Rural District or within 50' of applicable farmland in the Downtown District.

These requirements do not prevent replacement of an existing structure or well.

E. Inapplicability to some property.

These setback requirements do not apply to property owned by the owner of the applicable farmland.

F. Appeals

An aggrieved party may appeal these requirements in accordance with the procedures of the *Board of Appeals Ordinance for the Town of Unity.*

Section VI. Farmland Protection Incentive Measure

1. Purpose

This measure is intended to alleviate some development pressures on productive farmland, by providing an incentive to locate development on other land.

2. Applicability

This measure applies to "productive farmland" located in the Rural District. Productive farmland is defined as land which has historically been used for commercial crop production, or that meets the definition of either prime, unique, or significant farmland soils as defined by the Soil Conservation Service. Land supporting commercial orchards and Christmas trees is considered productive farmland, while that supporting other trees is not, unless it meets one of the soil definitions outlined above.

3. Specific Measure

A parcel may be divided into more building lots than otherwise possible, if structures are placed off productive farmland and a portion of farmland is preserved. Depending on the configuration of such a parcel, a landowner may actually be able to create twice as many lots.

Where the landowner meets two conditions, the average size of new lots can be reduced to 60,000 square feet (sf). (Individual lots may be made as small as 20,000 sf, as long as the average size of lots is no smaller than 60,000 sf.) The first condition is that any lot created at a higher density (than one lot per 120,000 sf) cannot either locate structures or impervious surfaces on productive farmland, or otherwise diminish the land's potential for cultivation. The second condition is that for every lot created at the higher density, at least 40,000 sf of productive farmland must be preserved. This preserved land may be contained within the new lot, or within any other lot within the Town.

4. Administration

All applicants for a building permit or development permit who seek this "density bonus" shall request this as part of their application. They shall provide: a) a map of the property clearly showing the proposed lot lines and the delineation between productive farmland and other land, if applicable; and b) a written statement specifying the productive farmland that will be preserved as open land.

The Planning Board shall grant the requested permit with the requested density bonus if the application satisfies: a) the requirements outlined herein; and b) all other applicable requirements of Unity's Land Use Ordinance. Final approval shall be conditional on the placement of formal deed restrictions on the requisite amount of productive farmland.

5. Preserved Open Land

Open land shall be preserved through deed restrictions. Any such restriction may only be removed by a vote of the town at the annual Town Meeting.

Preserved open land may be divided into separate ownership, and sold or otherwise transferred as each owner sees fit. The land may be fenced, or used to locate temporary, agricultural structures--such as calf hutches--that do not reduce the land's potential for cultivation. But the land may not be used for structures or impervious surfaces, or other activities that would diminish the land's potential for cultivation, including removal of topsoil.

Section VII. Special Performance Standards

1. Parking Areas

A. Parking Requirement

All buildings or building additions constructed after April 1, 1995 must provide parking to accommodate all anticipated need. Generally, this need will be met through the construction of new off-street parking areas. However, for commercial buildings in the Downtown District, some of this need may be met through on-street parking, where such parking will not create traffic or visability problems, as determined by the Planning Board.

All buildings being converted or expanded into multi-family dwellings after April 1, 1996 shall provide off-street parking to accommodate all anticipated need.

B. Landscaping Requirement (Downtown District only)

In the Downtown District, larger-sized off-street parking areas constructed after April 1, 1996 that are clearly visible from a public road shall be landscaped to reduce visual impact. All parking areas designed to accommodate more than 10 vehicles shall provide a minimum 6' landscaped buffer

between the parking area and the road right-of-way. All parking areas designed to accommodate more than 20 vehicles shall also provide landscaped islands or peninsulas within the parking area so that a minimum of 5% of the area's interior is landscaped.

C. Screening Requirement (Village District only)

In the Village District, off-street parking areas built after April 1, 1995 shall not detract from the existing residential character of the neighborhood. To meet this objective, any new parking area designed to accommodate more than three vehicles shall be located behind a building or otherwise screened from clear view. Parking spaces designated for elderly or handicapped people are exempt from this requirement.

2. Commercial Signs

A sign permit must be obtained to erect any commercial sign that is either larger than 10 square feet or illuminated. A sign permit may be issued by the Code Enforcement Officer, as outlined in Section II.

A property owner shall conform to the following standards for commercial signs whether or not a sign permit is required:

A. No sign may contain blinking or flashing lights.
B. An internally lit sign may only be lit while the business is open.
C. No sign erected after April 1, 2003 may be internally lit.
D. Any sign erected after April 1, 2003 that is located in the Rural District may only be lit while the business is open.
E. Any sign erected after April 1, 2003 that is illuminated must utilize low glare lighting that is directed downward.
F. No sign may be placed in a way that creates a hazard to pedestrian or vehicular traffic.
G. A sign's height may not exceed the height of the building it advertises.
H. A business classified as a "home occupation" (as defined) may not erect a sign larger than 10 square feet (i.e., 4' x 2.5' or 5' x 2 or any other combination that equals 10 sf) without being reclassified as a "home-based enterprise" (as defined).
I. No more than two free-standing signs may be placed on each lot, unless the development is a large one that triggered "development review" and through that process the Planning Board agreed to allow additional signs.
J. Signs also need to meet any additional requirements that may be imposed by the Planning Board through the "development review" process that is required for large developments.

These standards also apply to any exterior vending machine that is clearly visible from a public road. These standards do not apply to temporary signs (as defined) or seasonal decorations.

These standards do <u>not</u> prevent the repair of non-conforming signs that existing prior to April 1, 2003, provided that the repair does not increase non-conformity.

3. Retail Activity in the Rural District

A business or other entity located in the Rural District may only engage in retail activity involving sales of goods or services if one of the following conditions exist:

A. the activity occurs at a home-based business; or

B. the activity primarily involves the sale of goods that are either grown, made, or substantially altered on the premises, or of services related to those goods; or

c) the activity is not expected to attract more than 20 car trips of retail customers per day; or

d) the activity occurs less frequently than 15 days in a given year; or

e) the business is primarily engaged in the sale or repair of motor vehicles or other motorized equipment such as lawn mowers or chainsaws.

Applicability: These standards apply to all enterprises that are new to a particular site or expansions of existing enterprises that would trigger development review (Section X). Thus, these standards do **not** apply to existing enterprises already doing business at a site, including expansions of those businesses that are not large enough to trigger development review.

4. Retail Activity in the Downtown District

All new businesses (except home-based businesses) located in the Downtown District that are engaged in retail activity involving sales of goods or services shall be located either in the Village District or the Retail Growth District. The Retail Growth District shall encompass all lots bordering School Street, from Main Street to the bridge over Sandy Stream.

A. Special Requirements for Village District

Any new building or building addition constructed within the Village District for non-residential use may not exceed a building footprint of 2,000 square feet, except that the Planning Board may approve footprints of up to 4,000 square feet where the site has been creatively designed and laid out in manner that does not detract from the historic, small town character of the Village District.

No commercial activities occurring in the Village District may create noise, light, glare, odor, smoke or dust that either exceed average residential levels or in any way detract from the small town character of the Village District, as determined by the Planning Board.

6. Special Requirements for Large Commercial Complexes

All commercial complexes located in the Downtown District that involve more than 10,000 square feet of indoor space must be located and designed to minimize vehicular traffic and to enhance downtown convenience and walkability, through the following measures:

A. New sidewalks, both within the complex and connecting the complex to existing Downtown sidewalks and nearby business activities;
B. The use of "shared used" parking areas, both within the complex and in conjunction with nearby businesses, wherever possible, in an effort to limit pavement and encourage "one-stop" shopping;
C. Extensive landscaping designed to break-up parking areas and to make pedestrian routes attractive;
D. "Human-scale" lighting, with light poles never exceeding 20' in height, and perhaps less in certain settings, as determined by the Planning Board;
E. Adequate provision for bicycle movement and parking;
F. Conformity with any community plans approved by Town Meeting that involve bike routes, a van service, or other alternative transportation strategies.

These requirements do not apply to existing commercial complexes unless those complexes are expanded, and the expansion involves more than 2,000 square feet of indoor space and the total amount of indoor space after the expansion will exceed 10,000 square feet.

7. Commercial Impacts throughout Town

No commercial activity except farming, logging, or mineral extraction (such as operating a gravel pit) may create noise, light, glare, odor, smoke or dust that–as observed at the property line—exceed common background levels for such nuisances, as determined by the Planning Board. This requirement does not pertain to impacts that occur during construction or that occur on a temporary basis.

Any business engaged in the repair of motor vehicles that did not previously exist in Unity as of April 1, 2003, or that moves to a new location within Unity after that date, shall store all inoperative vehicles, machinery, parts, or products either within a building or within an enclosed area concealed from public view from adjacent properties by an opaque screen (involving landscaping, fencing, structures, or some combination).

8. Lighting

All exterior non-residential lighting erected after April 1, 2003, must be low glare lighting directed downward, where the direct light being emitted does not either fall directly on abutting property or create a safety hazard on a roadway.

In the Rural District, the following additional standards apply, if the lighting involves either: 1) commercial activities that are new to a location after April 1, 2003; or 2) expansions occurring after April 1, 2003:
A. Commercial activities may not illuminate exterior displays of products.
B. Commercial parking areas may only be illuminated when the business is open.
C. At a commercial facility, the total intensity of lighting that is visibly from a public road or abutting property may not exceed levels customarily associated with residences, as determined by the Planning Board.

Nothing in this section applies to lighting that was already in place as of April 1, 2003. Nor does it in any way prevent the use of exterior lighting in emergencies or as holiday decorations.

9. Driveways and Roads

A. Permit Required

A permit must be obtained before construction on a new road or driveway may be begun, as outlined in Section II of this Ordinance.

B. Locational Restrictions

Driveways and roads must comply with the Road Access Management guidelines outlined in Section V of this Ordinance.

C. Construction Standards - Driveways

NOTE: A driveway may serve up to 3 principal structures and/or lots before being considered a road.

A new driveway that is over 150' in length and that serves a year-round residence requires one of the following: a) a 12' travel way, 12" gravel base, and a suitable place for a firetruck to turn around; or b) a signed statement from the Fire Chief stating that the proposed driveway appears adequate for emergency vehicle access. Any new driveway that is shorter than 150' or that doesn't serve year-round residences is exempt from this requirement.

D. Construction Standards - Roads

A new private road must have a 50' right-of-way, an 18" gravel base, a 12' travel way, 2' shoulders, and adequate culverts. Any road which may be offered for acceptance to the community must meet the standards of Unity's *Street Construction Ordinance*.

10. Mobile Home Parks

A. Applicability

These performance standards apply to all mobile home parks established in Unity after April 1, 1995, as well as to expansions of mobile home parks existing on that date. They shall be applied in addition to the Development Review standards applied to all subdivisions. If there is a conflict, the most restrictive legally enforceable provision shall apply.

B. Performance Standards

1) Lot Size, Width and Density

Lots in a mobile home park shall meet the following lot size, width and density requirements.

a) Lots served by public sewer:

Minimum lot size = 6,500 square feet
Minimum lot width = 50 feet

b) Lots served by individual subsurface sewage disposal system:

Minimum lot area = 20,000 square feet
Minimum lot width = 100 feet

c) Lots served by a central subsurface wastewater disposal system:

Minimum lot area = 12,000 square feet
Minimum lot width = 75 feet

d) Lots within the Shoreland District shall meet the lot area, lot width, setback, and shore frontage requirements outlined in Unity's *Shoreland Zoning Ordinance.*

2) Setbacks

a) Mobile homes and accessory structures shall be placed at least 15 feet back from the edge of the park road right-of-way and from adjacent lot lines.

b) Mobile homes in a mobile home park but adjacent to a public road shall be set back from the public road a distance equal to the setback requirement for other structures in the district.

3) Road Standards

Private roads within a mobile home park must have a right-of-way of at least 23' and be adequately maintained by the park owner or operator. Any road within a mobile home park which may be offered for acceptance to the community must meet the standards of Unity's *Street Construction Ordinance.*

4) Parking Requirements

For each mobile home lot there shall be provided and maintained at least 2 off-street parking spaces. Each parking space shall contain a minimum area of 200 square feet with minimum dimensions of 10 feet by 20 feet.

5) Utility Requirements

All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable State and local rules and regulations.

6) Buffer Strip

A buffer strip shall be provided within 25 feet of all property lines whenever the density of dwelling units within the park is at least twice the density of units allowed by this Ordinance on abutting property. Within the buffer strip, visual screening shall be provided. Whenever possible, this screening shall consist of landscaping with native vegetation. It shall block from view at least 80% of the mobile home park and shall be maintained as long as the park is operated.

7) Conversion of Park

No lot in a mobile home park may be sold or conveyed without the prior approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirement of the district in which it is located.

11. Requirements for Small and Intermediate Wind Turbines

A. Purpose

This section provides rules to govern the development of small and intermediate wind turbines. For rules governing the development of larger wind turbines, see Unity's "Wind Turbine Generator Ordinance".

B. Applicability

This section applies to all wind turbines that: 1) are shorter than 150 feet above surface grade (measured with a blade at its highest arc); and 2) have a manufacturer's nameplate capacity of less than 100 kW. Turbines of this size are classified as either Type 1 (Small) or Type 2 (Intermediate) under Unity's Wind Turbine Generator Ordinance. That Ordinance does not apply to Type 1 and Type 2 turbines, but only to larger turbines (Type 3 and Type 4).

C. Specific Requirements

Wind turbines shall be set back from the property line a distance that is at least 110% of the height of the structure, measured vertically from the tip of the blade at its highest arc to the surface of the ground at the base of the structure.

The minimum distance between the ground and any turbine blade (measured at its lowest arc) shall be 25 feet.

Wind turbines shall be sited so that no obtrusive shadow flicker occurs off the applicant's property. Shadow flicker is defined as alternating changes in light intensity caused by the motion of turbine blades casting shadows.

Wind turbines shall be a non-obtrusive color such as white, off-white, or grey.

Wind turbines shall not display any signs or advertising other than the manufacturer's nameplate.

Wind turbines shall not be artificially lit, except if required by state or federal law.

Wind turbines shall comply with all state or federal requirements. NOTE: Under current state law, no wind turbines are allowed within the shoreland zone.

D. Special Application Procedures

All abutting property owners shall be notified by the applicant of his/her intent to submit an application for a wind turbine.

All applicants for a wind turbine under this Ordinance shall submit a standard building permit application and follow the procedures for that, except that the application shall contain an addendum that includes: 1) an accurate, detailed site plan showing the proposed location of the structure, the boundaries of the applicant's property, and the distances from the structure to all property lines; 2) a copy of a standard USGS topographic map clearly showing the proposed location of the structure and the boundaries of the applicant's property in relation to abutting properties; and 3) a list of all abutting property owners and a description of how the applicant notified them.

Section VIII. Downtown Design Guidelines

1. Purpose

These Guidelines are intended to help preserve and enhance the "traditional character" of downtown Unity, by assuring that new downtown development is compatible with that character.

The traditional character of downtown Unity is more the result of the basic design and placement of buildings than specific architectural styles. Some of the features that define that character include pitched roofs, vertically-oriented windows, and pleasing scale and proportions. Such features are evident in most of Unity's buildings constructed before 1950, and in many constructed thereafter.

These Guidelines stress general design features rather than specific architectural styles. A newly constructed building must follow certain standards for roof pitch and windows, but need not follow a particular style. An existing building may be renovated in keeping with its existing style, or in any way that is allowed for new construction. The goal is to preserve and enhance downtown Unity's special character, but in a way that allows flexibility and encourages diversity.

2. Applicability

These Guidelines only apply to certain construction activities within the Downtown District (for example, all renovations to existing single-family homes are exempt), and only to design features that are "clearly visible" from the public road.

DEFINITION: A "clearly visible" feature is one that an average person passing down a road would

notice. For instance, a small feature on the side of a building that is only visible from one place on the roadway is not "clearly visible." In almost all cases, the back side of buildings is not affected; in many other cases (where landscaping or neighboring buildings shield public view), the sides and even the front of buildings may not be affected. (See "Visual Screening Alternative" described later.)

Applicable activities include:

A. the construction of any new building downtown, except certain single- family homes as exempted below;
B. any exterior renovation made to a downtown commercial building built, sold, or leased (to a new tenant) after April 1, 1995;
C. any exterior renovation made to a downtown multi-family residence built or sold after April 1, 1995;
D. any exterior renovation made to a downtown single-family home for the purpose of converting it into a commercial building or multi-family residence;
E. any addition made to a downtown commercial building or multi-family residence, or to a single family home for the purpose of converting it into a commercial building or multi-family residence.

Thus, the following activities are exempt: 1) renovations or additions made to any existing single-family home as long as it remains a single-family home; 2) renovations made to any existing multi-family residence as long as it remains under existing ownership; and 3) renovations made to any existing commercial building as long as it remains under existing ownership or tenancy.

In addition, new single-family homes constructed on lots that existed as of April 1, 1995 are exempt, as long as the lot remains in the same ownership as it was on April 1, 1995.

3. Specific Provisions

Unless following the "Visual Screening Alternative" (described later), all applicable construction activities shall follow specific guidelines for: A) basic design (scale, proportion, and size); B) key exterior features (roofs, windows, dormers, porches, and siding); and C) building placement (elevation, setback, and orientation).

A) Basic Design

Any new commercial building or multi-family residence shall be constructed so that its scale and proportions are compatible with the traditional character of downtown Unity. This means that large buildings with a single, visible wall-face of 40 (or more) linear feet must follow one of two strategies: 1) "breaking up" the building visually (through use of juts, changes in roof lines, etc.) to give the appearance of smaller components; or 2) constructing the building in a traditional style for large buildings (Examples: a traditional barn, Unity Hardware Store).

Existing buildings may be renovated and/or expanded either in ways that are similar to their existing styling, or in ways that would be allowed for new construction. Where an existing building is expanded in a way that would not be allowed for new construction, the volume of the addition may not exceed the volume of the existing structure by more than 30%.

B) Key Exterior Features

The visible portions of the roofs of new buildings shall follow one of many traditional styles, including gable, hip, and gambrel. Gable roofs shall be pitched at a minimum of 8:12, unless it meets one of the exemptions described later. Hipped roofs shall be pitched at a minimum of 5:12. (Pitch standards do not apply to the roofs of porches, or small building additions or projections, as long as such roofs are compatible with the building's overall roof design.) The Planning Board may, at its discretion, allow: 1) gable roofs to be pitched as low as 7:12 on larger buildings, if a higher pitch would, in the opinion of the Planning Board, create a height problem; or 2) gable roofs to be pitched as low as 6:12 on traditionally-styled buildings that have two full stories above-ground before the roof begins.

Porches, dormers, or other building projections clearly visible from the street shall be compatible with the architectural character of the building. Any exterior stairway shall be designed and/or placed so that the impact on the building's overall lines are minimized.

The clearly visible windows and doors of all new buildings shall be placed in a traditional pattern. In particular, clearly visible windows shall have a vertical orientation, the result of using either traditional, narrow windows (roughly 2 times higher than they are wide) or wider windows that retain a vertical orientation through the use of mullions or other architectural devices. Building renovations that involve window or door replacement shall either use components similar to what existed before, or components that are allowed for new buildings.

The building exterior clearly visible from the street should be compatible with the traditional character of downtown Unity. Clapboard (including vinyl, concrete, and aluminum siding), shingles, or traditional brick are examples of compatible sidings. Brash or fluorescent exterior colors are not allowed.

C) Building Placement

A new building's foundation elevation (above grade), its setback (from the road), and its orientation (toward the road) shall be compatible with neighboring structures that are located on the same road and within 200' of the new building.

4. <u>Special Design Review Committee</u>

The Planning Board shall create a Design Review Committee to help review proposed designs on all new commercial and institutional buildings that trigger both Downtown Design Guidelines and Development Review. This Committee shall consist of three members. At least one member shall be a Unity resident. At least two members shall have professional design experience. This Committee shall be provided copies of plans of proposed buildings and landscaping, and given an opportunity to provide feedback on these plans to the Planning Board before any permit is issues. The Committee's input will be advisory to the Planning Board. Those Committee members who live outside out town may, at the Planning Board's discretion, be compensated an amount not to exceed $50 per application, paid for by the applicant.

5. Visual Screening Alternative

Construction activities need not comply with the "Specific Provisions" if the resulting structure is located at least 200 feet from the road right of way and is screened from view (from the street) through appropriate landscaping. Such landscaping shall consist of trees or shrubs that effectively and attractively screen at least 80% of the building from view throughout the year. This means that screening must include either adequate conifers and/or very dense buffers of deciduous trees. The owner of a property that was issued a building permit conditional on this visual screening alternative will be considered in violation of this ordinance if the requirement of screening at least 80% of the building from view throughout the year is not accomplished within 5 years of construction.

Administration & Appeals

Where these Guidelines are applicable, an applicant for a building permit shall seek either: 1) design approval (complying with the "Specific Provisions"); or 2) landscaping approval (complying with the "Visual Screening Alternative"). The building permit application shall provide sufficient detail to allow the Planning Board to assess adequately, either the proposed design or landscaping plan. (This would include building elevation drawings for all new structures or major renovations.)

Where the Planning Board finds that either a design or landscaping plan does not satisfy the intent of these Guidelines, it shall deny approval and explain to the applicant in writing the reasons for doing so. Where appropriate, the Planning Board shall suggest to the applicant ways the design or landscaping plan may be modified to satisfy the Guidelines. The applicant may resubmit a modified building permit application without an additional fee.

Appeals may be made in accordance with the procedures outlined in the *Board of Appeals Ordinance for the Town of Unity.*

Section IX. Aquifer Protection Standards

1. Purpose

   This section is designed to ensure that new land use activities conducted over: 1) the sand and gravel aquifer associated with Sandy Stream; or 2) the bedrock aquifer underlying the downtown area, together with its direct run-on recharge area, do not harm these valuable sources of groundwater.

2. Applicability

   The Aquifer Protection District shall include the following areas of land:

   a) land overlying the sand and gravel aquifer associated with Sandy Stream. This land area is identified on the Land Use Map. District boundaries were derived from the Maine Geological Survey (Open file report 87-24C, Plate 2 of 3, Map 30). If an applicant wishes to challenge the district boundary, he/she shall present hydrogeologic evidence to support the claim. The

evidence shall be prepared by a geologist, certified to practice in the State of Maine.

b) land within the Downtown District; and

c) land within the "Run-on Recharge Area" serving downtown as shown on the map entitled "Plate 1-Overburden Data" prepared by Cashwell, Eichler and Hill, Inc., as part of the Downtown Unity Water Resources Evaluation completed in October 1995, or as transferred onto the Land Use Map and so noted.

3. Conditional Uses

All proposed land uses in the Aquifer Protection District shall comply with the requirements of this section.

4. Approval Procedure

A) All Applicants

All applicants for a building permit or a development permit who propose activities in the Aquifer Protection District which have the potential to contaminate groundwater as determined by the Planning Board shall include as part of their applications descriptions of: a) their intended use of ground water; b) the potential sources of ground water contamination from any of their proposed land use activities; and c) their proposed means of preventing any potential contamination.

B) Additional Requirements of High Water Uses in Downtown District

1) Applicability

Applicants proposing wells fitting any of the following three conditions must demonstrate no adverse impact will occur to any existing well as a result of the proposed operation. Adverse impact shall be defined as an unreasonable lowering of the operating level and/or a decrease in the ability of the well to provide potable water.

a) All applicants whose proposed activity will pump a new or existing well in the Downtown District at a long-term average rate of 2 gallons per minute (GPM) or more. *(Note: 2 GPM equates to a use servicing up to 60 people at 48 gallons per day per person, or 2880 gallons per day.)*

b) All applicants whose proposed activity will pump a new or existing well in the Downtown District at a long-term average rate of 1 GPM or more, if there is an existing well within 200 radial feet of the proposal well. *(Note: 1 GPM equates to a use servicing up to 30 people at 48 gallons per day per person, or 1440 gallons per day.)*

c) Any new or existing well that is considered to be a Public Water System by State

definition.

2) Requirement

A developer who falls into any of the above three conditions must engage a qualified Professional Engineer or Maine Certified Geologist to demonstrate that no adverse impacts will occur as a result of pumping the proposed well. In most cases the proposed well will have to be pump tested for a 24 to 48 hour period. Water level measurements must be taken in the pumping well and in at least one observation well, and in all existing wells within 500 radial feel of the pumping well (assuming each well owner grants permission to open the well and make depth to water measurements periodically during the pumping period). The consultant will analyze the pumping test data using standard hydraulic techniques in order to define the anticipated drawdown in the pumping, observation, and neighboring wells. Any known potential source of groundwater contamination within a 500-foot radius of the pumping well must be identified and the possibility of contamination migration under the proposed new pumping regime evaluated. A report must be prepared for Planning Board review. It is the responsibility of the developer to demonstrate the lack of adverse impact. Remedies to offset or abate any predicted adverse impacts may be offered by the consultant for Town review and possible approval.

C) Conditions for Approval

The Planning Board shall grant the requested permit if the application satisfies: a) the performance standards of this section; and b) all other applicable requirements of this Ordinance.

5. Performance Standards

1) Provision shall be made to protect against discharge or loss of toxic or hazardous materials resulting from corrosion, accidental damage, spillage, or vandalism. These provisions shall include: spill control measures at hazardous material delivery, storage and transfer points; secured storage areas for toxic or hazardous materials; and indoor storage provisions for corrodible or leachable materials. Handling and storage of toxic and hazardous materials shall meet performance standards established by the Maine Department of Environmental Protection.

2) For uses that involve significant volumes of liquid chemicals, all activities shall be conducted under cover and over an impermeable surface. Use of dikes, liners, or other effective techniques will be required to enable collection of any spill that might occur. All materials will be handled and stored in properly covered and secured containers and disposed of according to all applicable federal and state regulations.

3) Proposed activities shall not negatively impact the quality or quantity of the groundwater.

4) Proposed "high-use" wells located within the Downtown District shall demonstrate that no adverse impact shall occur to any existing well as a result of the proposed well's operation.

(NOTE: A "high-use" well is any well that will pump a long-term average rate of 1 GPM if located within 200 radial feet of other wells or 2 GPM regardless of location.)

5) All new wells of any intended pumping rate located in the Downtown District shall be located at least 85 radial feet from neighboring wells, unless a Maine certified geologist can demonstrate to the Planning board's satisfaction that due to relative depth or other factors, there is no scientific likelihood of well interference posed by the proposed well.

Section X. Development Review

1. Purpose

Development Review provides the Planning Board with the opportunity to closely examine subdivisions and high impact developments. Such developments must meet the special standards of this section.

2. Applicability

Development review is required for any development that:

1) qualifies as a subdivision of land and/or structure under State law;

2) qualifies as a "high impact" activity by meeting any of the following criteria:

a) is estimated to generate over 100 car and/or 20 heavy truck trips per day;
b) involves one or more structures with a combined gross floor area of over 20,000 square feet;
c) involves the installation of any combination of pavement, buildings, or other impervious surfaces that together cover more than 20,000 square feet.
d) is likely to create any noise, odor, glare, vibration, smoke, dust, electrical disturbance, activity at unreasonable hours, or other nuisance that would disturb persons on neighboring properties if not adequately designed and/or buffered;
e) is expected to draw more than 2000 gallons of groundwater per day for uses other than agriculture; or
f) involves the construction or expansion of a mobile home park, campground, or fairground
g) involves the construction or expansion of a commercial telecommunications facility involving a tower higher than 100 feet above ground level.

Development review is also required for any expansion of a development that would meet the definition of a high impact activity if built new, wherever that expansion is expected to involve any of the following:

A. An increase of over 50 car and/or 10 heavy truck trips per day;
B. An increase of more than 1,000 square feet of building space, unless the increase involves an agricultural facility such as a barn or greenhouse being built in the Rural District
C. Construction of a new parking area;
D. An expected increase in any noise, odor, glare, vibration, smoke, dust, activity at unreasonable

hours, or other nuisance that would disturb persons on neighboring properties if not adequately designed and/or buffered, unless the impact is the result of commercial farming.

3. Classification of Projects

Projects subject to development review shall be divided into two classes, TYPE 1 and TYPE 2.

TYPE 1 developments shall include: a) projects involving the construction or addition of less than 20,000 square feet of gross nonresidential floor area; b) projects involving the installation of less than 20,000 square feet of impervious surfaces; and c) projects involving the creation of less than five lots and/or dwelling units.

TYPE 2 developments shall include: a) projects involving the construction or addition of 20,000 or more square feet of gross nonresidential floor area; b) projects involving the installation of 20,000 or more square feet of impervious surfaces; c) projects involving the creation of five or more lots and/or dwelling units; d) projects involving the establishment or expansion of a mobile home park, campground, or fairground; e) projects involving the non-agricultural use of more than 2000 gallons of groundwater per day; and f) other projects requiring review which are not classified as TYPE 1.

If the applicant is uncertain as to the classification of the project, he/she may request a determination from the Planning Board.

4. Application Procedure

A. Application Process

The process involves the following steps:

1) attend an initial meeting, where application submission requirements are reviewed;
2) submit a development review application in two stages (a Preliminary Plan Stage and a Final Plan Stage).

B. Initial Meeting

Applicants shall schedule an initial meeting with the Planning Board, prior to a formal submission of a development review application. The Board and the applicant will discuss the proposed project and review the various submission requirements.

The Planning Board may at this meeting waive specific application submission requirements when an applicant can show that such requirements are not relevant to the proposed project.

The Planning Board shall restrict its submission requirements to those that are relevant to determining the project's compliance with the provisions of this Ordinance. The granting of a waiver of a submission requirement does not, however, prevent the Board from requesting the information at a later stage of development review, if the Board finds that the information is, in

fact, relevant to the proposed project.

C. Development Review Application

A development review application is required for both TYPE 1 and TYPE 2 developments. The applicant shall prepare this application in accordance with APPENDIX 1, and file it with the Town Clerk.

The development review application shall be reviewed in two stages: a Preliminary Plan stage and a Final Plan stage.

1) Preliminary Plan Stage

The Planning Board shall review any development review application received at least 10 days before its next meeting at that meeting. The applicant or his/her agent shall attend this meeting.

At this meeting, the Planning Board shall determine that the application is either complete or incomplete (and thus requires that additional information be supplied). If the Board finds the submission incomplete, it shall outline for the applicant whatever portions of the submission it finds lacking, and why. A revised application submitted at least 10 days before the next Planning Board meeting shall be reviewed at that meeting.

If the Board finds the submission complete, it shall decide within 60 days of making this finding, whether to approve or disapprove the Preliminary Plan. It shall base its decision upon the standards listed later in this section. If the Planning Board votes to approve the Preliminary Plan (either with or without conditions), the applicant is authorized to submit a Final Plan. However, approval of the Preliminary Plan shall not constitute either approval of the Final Plan or an intent to approve the Final Plan. If the Planning Board votes to disapprove the Preliminary Plan, the applicant shall be notified in writing and the specific causes of disapproval shall be noted.

A public hearing may be held during this Preliminary Plan stage. A hearing for TYPE 2 projects will be held automatically, whereas a hearing for TYPE 1 projects will be held at the discretion of the Planning Board. Any public hearing shall be held within 30 days of determining that the application is complete, and shall follow the notification requirements outlined in Section I-9. The applicant may be charged an additional fee to cover advertisement costs.

2) Final Plan Stage

The applicant may submit a Final Plan anytime within six months of the Planning Board's approval of the Preliminary Plan. The Final Plan shall contain the same basic information as the Preliminary Plan, though that information may be modified to more clearly make the case to the Planning Board.

The same timetable shall be followed for the Final Plan stage as was followed for the Preliminary Plan stage regarding determination of a complete application and making a decision on the application. A public hearing may be held at the discretion of the Planning Board.

The Planning Board shall base its decision of whether to approve or disapprove a Final Plan upon the standards listed later in this section. If the Planning Board votes to disapprove the Final Plan, the applicant shall be notified in writing and the specific causes of disapproval shall be noted. If the Planning Board votes to approve the Final Plan, it shall issue a development permit, provided that all other requirements of this Ordinance are met.

The Planning Board may either disapprove an application or delay final action for up to six months if the applicant has within the past five years received Planning Board approval for a building or development where the applicant has not yet met conditions of that approval to the satisfaction of the Board, provided that the Board notifies the applicant in writing of the conditions that it feels have not been satisfied within 7 days of completion of the Preliminary Plan Stage. The Planning Board may interpret the "applicant" to be the same in two applications submitted under different names, if the same person or entity has a major or controlling role in both applications.

D. Professional Review

If needed to ensure an application complies with this Ordinance, the Planning Board may hire a professional of its choice to conduct an independent analysis of any portion of an application. In such instances, the Board shall choose a professional, obtain an estimate for the work, and notify the applicant that the amount of the estimate must be paid to the Town before any further consideration is given to the application. No work will be initiated until the applicant pays the estimated amount to the Town. Following completion of the work, the applicant will be either billed for any cost incurred over the estimate, or refunded any remaining balance.

5. Standards for Approval

The Planning Board shall base its decision for approving a development permit based on requirements found elsewhere in the Ordinance plus the standards outlined below. These standards are not intended to discourage creativity, invention and innovation. The Planning Board may waive certain standards upon a determination they are not applicable to the proposed activity or not necessary to carry out the intent of this Ordinance. Before granting approval for any subdivision, the Board shall find that the applicant also meets the requirements of 30-A MRSA 4404.

A. Preservation of Land. Land shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. Environmentally sensitive areas such as wetlands, steep slopes, flood plains and unique natural features shall be maintained and preserved to the extent possible. The Planning Board may require that any structure and any potentially threatening land use be set back 50' from these areas. Natural drainage areas shall also be preserved to the extent possible.

All developments shall be configured to preserve productive farmland (as defined) to the maximum extent practical. New structures and roads may be built on farmland to the extent allowed under other provisions of this Ordinance, but the applicant shall seek creative measures to minimize

development that: 1) occurs on productive farmland; or 2) divides a single field; or 3) otherwise reduces the ease with which a parcel of farmland can be farmed in the future. Such measures may include: 1) interspersing small and large lots to maximize single ownership of a given field; or 2) locating some or all structures in woodland abutting farmland; or 3) utilizing other strategies which the applicant or Planning Board may devise.

All TYPE 2 developments occurring on parcels of land containing 5 or more acres of productive farmland (as defined) shall adhere to the following standards: 1) no more than 15% of the farmland may be used for structures, roads, or other impervious surfaces, with the exception that use is allowed for an agricultural facility (such as a barn or greenhouse, and associated road access); and 2) the remaining farmland shall be retained in a manner that facilitates use for agriculture. The Planning Board may waive these standards if the applicant preserves by permanent deed restriction another parcel of productive farmland located in Unity that is equal or greater in size.

B. Open Space. Any residential development that will contain more than one dwelling unit--on average--for every 20,000 square feet of land area shall set aside additional land as open space for use by the development's residents. This additional land shall be equal or greater in area to 10% of the minimum area required for such a development elsewhere in this Ordinance. (For example: A 4-unit apartment building on a sewered lot would require 15,000 square feet--under Section V.1.D--plus another 1,500 square feet under this 10% provision.) No more than 25% of this land may consist of wetlands, steep slopes, or other land unsuitable for active recreation.

The Planning Board may waive this provision if the development is located within 500' of public open space of suitable size and features, and if that open space is linked to the development by a safe pedestrian route.

C. Access to the Site. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. Pedestrian walkways shall be adequate to provide safe access to the site.

If the proposed development activity is estimated to increase vehicular traffic by 10% or more over existing levels, and if that represents a traffic level for which the existing road is inadequate, then the applicant will be required to upgrade affected roads to meet the additional demand. The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:

1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

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

D. Access into the Site. Vehicular access into the development shall be designed to provide for safe access and to minimize adverse traffic impacts.

1) Any new driveway or road that will intersect with an existing public street shall be designed to provide a minimum sight distance of ten times the posted speed limit in each direction, as measured from the point at which the new driveway or road meets the public street.

2) In subdivisions, the number of new driveways intersecting directly with the existing street shall be minimized. Wherever practical, such driveways shall flow into a new road (or roads) which then intersect with the existing street.

3) Points of intersection shall be located to avoid hazardous conflicts with existing turning movements and traffic flows.

4) The grade of any new road or commercial driveway shall be a maximum of 3% for a distance of 25 feet from its intersection with any existing street. If determined necessary for traffic safety, the Planning Board may require that a moderate grade extend for a greater distance from the intersection.

E. Internal Vehicular Circulation. The layout of the site shall provide for the safe movement of passenger, service and emergency vehicles through the site. Adequate parking will be provided for all anticipated use of the development. Off-street parking areas shall be designed so vehicles do not need to back out onto a public street.

F. Pedestrian Circulation. If located within the Downtown District, the development plan shall provide for a system of safe 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 either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The developer shall describe a plan for summer and winter maintenance of the pedestrian system.

G. Erosion and sediment control. The site shall be developed in accordance with the following measures:

1) Stripping of vegetation and regrading shall be done in such a way as to minimize erosion.

2) The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.

3) Temporary vegetation or mulching shall be used to protect exposed critical areas during development.

4) The permanent (final) vegetation and erosion control measures shall be installed as soon as practical on the site.

5) Until the disturbed area is stabilized, sediment in the runoff water shall be trapped.

6) Whenever sedimentation is caused by stripping vegetation, regrading 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 or her expense as quickly as possible.

7) Development shall be undertaken in a manner that adequately manages surface water runoff.

8) Any activity on a stream, watercourse or swale or upon a floodway or right-of-way shall comply with the State's Natural Resources Protection Act, Title 38 M.R.S.A. Sections 480A-480S. 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, 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.

9) 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.

H. Construction Site Conditions. During construction, the site shall be maintained and left each day in a safe and sanitary manner.

I. Surface Water Drainage. Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream conditions, or the public storm drainage system and shall be held to a zero percent or less off-site increase in quantity after development. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains and wetlands; preservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on site and off site, to adequately control the rate, volume and velocity of storm drainage. Maintenance responsibilities shall be reviewed to determine their adequacy.

J. Groundwater Protection. The proposed development shall not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

K. Fire Protection. All TYPE 2 developments that are not located near adequate sources of water for fire fighting (as determined by the Fire Chief), may be required to install a pond (or other water source) and a dry hydrant. The Planning Board shall make this decision in consultation with the Fire Chief.

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

M. Sewage Disposal.

1) In an area served by public sewer, the development shall connect to the Unity Utilities District. The developer may be required to pay an installation fee that covers the Utilities District's costs for providing adequate service to the site.

2) All individual on-site septic systems shall be designed by a licensed soil evaluator in full compliance with the Maine State Plumbing Code, as amended.

N. Exterior Lighting. All exterior lighting shall be designed 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. Strobe or flashing lights of any type are prohibited, unless required by State or federal law for safety (e.g. on radio towers).

O. Odor. The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines, either at ground or habitable elevation.

P. Noise. The proposed development shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.

Q. Landscaping. Landscaping shall be designed and installed to: 1) enhance the physical design of the building(s) and site; 2) to minimize the encroachment of the proposed use on neighboring land uses; and 3) to soften the appearance of off-street parking areas.

R. Relation of Proposed Development to Existing Setting. The developer shall demonstrate that proposed structures and utility installations relate harmoniously to the terrain and to existing buildings in the vicinity.

S. Financial and Technical Capacity. The applicant must have adequate financial and technical capacity to meet these standards.

T. Comprehensive Plan. The proposed activity must be in conformance with the Comprehensive Plan.

U. Additional Standards for Commercial Telecommunications Towers. All commercial telecommunications towers higher than 100 feet in height above ground level shall adhere to the following standards:

1) Setback: A new or expanded tower must be set back 105% of its height from the property boundary. The setback may be satisfied by land outside the property boundary if secured by easement satisfactory to the Planning Board. The setback may be reduced if the applicant demonstrates that the tower is designed to collapse such that neighboring properties would not be affected.
2) Screening: Related equipment and structures must be screened with plants from view of abutting property owners and public roadways. Existing plants and natural land forms on the site shall be preserved to the maximum extent possible.
3) Fencing: The facility must be fenced to discourage trespass.
4) Lighting: The facility must be illuminated only to the extent necessary to comply with FAA or other applicable state and federal requirements. However, security lighting may be used as long as it is shielded to be down directional and designed to minimize impact on abutting property.

5) Materials and Colors: The facility must be constructed with materials and colors that match the surrounding natural environment to the maximum extent practicable.
6) Structural Standards: The applicant must demonstrate to the Planning Board's satisfaction that the facility is structural designed to meet or exceed current industry standards. The structural design must be signed by a qualified professional engineer, registered in the State of Maine.
7) Co-location: The applicant shall demonstrate that co-location on an existing telecommunications tower cannot provide comparable service to the residents of Unity. (It is recognized that a different location will likely result in different service characteristics; the applicant shall not merely indentify these differences, but demonstrate to the satisfaction of the Planning Board that the proposed location will clearly provide better service to the residents of Unity.) The owner of the facility and his/her successors and assigns shall agree to: a) respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response; b) negotiate in good faith for shared use of the facility by third parties; c) allow shared use of the facility with any party that agrees in writing to pay reasonable charges for co-location; and d) require no more than a reasonable charge for shared use of the facility, based on Maine market rates and generally accepted accounting principles.
8) Frequency Emissions: The applicant shall demonstrate how the facility will comply with FCC regulations. During the life of the facility, the owner agrees, upon request of the municipality, to certify compliance with all applicable FCC radio frequency emissions regulations in a manner understandable to the average citizen.
9) Abandonment: A facility shall be considered abandoned if it is not operated for a continuous period of 12 months at any point after all municipal permits are issued. (If a facility was permitted before March 31, 2009, and is not operating as of that date, it shall be considered abandoned if it is not operating by March 31, 2010 The CEO shall notify the owner of an abandoned facility in writing and order removal of the facility within 90 days of the receipt of the written notice. The owner of the facility shall have 30 days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned. If the owner fails to show that the facility is in active operation, the owner shall have 60 days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including removal of roads and reestablishment of vegetation. The Planning Board may require the applicant to post a surety bond to cover eventual facility removal in case of abandonment.

6. Appeals

If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant or to any abutting landowner or any aggrieved party, who can demonstrate a direct negative impact, or when it is claimed that the provisions of this section do not apply, or that the true intent and meaning of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or other aggrieved party may appeal the decision to the Board of Appeals.

Section XI. Definitions

1. Construction of Language

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance or their ordinarily accepted meaning. Where any uncertainty arises, the Board of Appeals shall be the final authority.

The present tense includes the future tense, the singular number includes the plural, and plural numbers include the singular.

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

The word "lot" includes the word "parcel".

The word "structure" includes the word "building".

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

The term "municipal officers" means the Unity Board of Selectmen.

2. Definition of Terms

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

Abutter - the owner of any property with one or more common boundaries, or across the street or stream from, the property involved in an application or appeal.

Access (or accessway) - legal right-of-way connecting a parcel of land with a road.

Access point - junction of a vehicular accessway and the public or private road accessed.

Accessory apartment - a secondary dwelling unit attached to a single-family residence that may be occupied by a family member or tenant of the owner-occupants of the main dwelling unit.

Accessory structure or use - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Agriculture - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Aggrieved party - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has

been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Back land - any lot or parcel of land that does not have frontage on a public or private road.

Building - same as structure.

Commercial farmland - any piece of land used to grow crops or livestock, in a way that directly contributes at least $300 per acre in market value.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation" (as defined below), the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Dimensional requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage, driveway separation and building height.

District - a specified portion of the municipality, delineated on the *Unity Land Use Map*, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Driveway - a vehicular accessway serving one principal structure or lot. This term may also collectively include "shared driveways", which serve 2 or 3 principal structures or lots. They are treated the same for regulatory purposes.

Dwelling - any building or structure or portion thereof designed or used for residential purposes.

Dwelling unit - A room or suite of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities.

Expansion of a structure - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached decks, garages, porches and greenhouses.

Expansion of use - the addition of months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

High-impact activity - a land use activity that has any of the characteristics outlined in Section VIII.

Home-based enterprise - any enterprise located on the same parcel as the residence of the owner of a business with no more than six full-time (or equivalent) non-resident employees and utilizing no more than 20,000 square feet.

Home occupation - a home-based enterprise in which: a) the business activity is conducted completely within the dwelling unit or structure accessory thereto (e.g. home, garage), and b) the principal use of the property remains residential.

Impervious surface - one that does not absorb moisture, including but not limited to rooftops and paved areas.

Industrial use - the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Lot - an area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

Lot area - the area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Lot width - the distance between the side boundaries of the lot measured at the front setback line.

Low-impact activity - a land use activity that is conducted in such a manner that no noise, odor, vibration, smoke, dust, electrical disturbance, glare, activity at unreasonable hours, or other nuisance shall be detectable at the property line.

Manufactured housing or mobile home unit - a structure, transportable in one or two sections, which was constructed in a manufacturing facility and is transported to a building site and designed to be used as a dwelling when connected to the required utilities.

Mobile home park - a parcel of land under unified ownership approved by the Town for the placement of 3 or more manufactured homes.

Multi-family dwelling - a building containing 3 or more dwelling units, such buildings being designed exclusively for residential use and occupancy by 3 or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

New parking area - any parking area constructed after the effective date of this Ordinance, or any modification to an existing parking area that will use 500 square feet or more of land than was previously not utilized for either parking or vehicular access.

Non-conforming lot - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure - a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use - use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Parcel - same as lot

Parking area - any off-street area used for the parking of vehicles that is not a driveway. The principal function of a parking area is to park vehicles, whereas the principal function of a driveway is to provide a vehicular accessway. Driveways are often used to park vehicles, but rarely do they allow several vehicles to arrive and depart freely, without the need to move other vehicles. *(Note: See also definition of "new parking areas.")*

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Principal structure - a building that serves a primary function on a parcel. For example, houses and office buildings are usually principal structures, while garages, barns and sheds are accessory structures.

Principal use - any use which is not incidental or accessory.

Private road or roadway - a privately-owned road, neither open to nor maintained by the Town or general public.

Productive farmland - land that has historically been used for commercial crop production, or that meets the definition of either prime, unique or significant farmland soils as defined by the Soil Conservation Service. Pastureland varies widely in nature and will be evaluated on a case-by-case basis as to its viable agricultural value. Land supporting orchards and Christmas trees is considered productive farmland, while that supporting other trees is not, unless it meets one of the soil definitions outlined above.

Public road or roadway - any roadway which is owned, leased, or otherwise operated by a governmental body or public entity.

Right-of-way - all public or private roads and streets, state and federal highways, private ways (now called public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

Road - any public or private way designed for vehicular access, other than driveways, shared driveways, farm roads, trails or logging roads. The term "road" includes the normal meaning conveyed by synonymous words including street, avenue, highway, and way.

Seasonal use - one that takes place no more than seven months of the year.

Setback - the minimum horizontal distance from the lot boundary to the nearest part of a building, including porches, steps and railings.

Shore frontage - the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

Shared driveway - a vehicular accessway serving two or three dwelling units, lots or structures.

Sign - any structure, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity or place and is visible from any public way. In does not include the flag, pennant or insignia of any nation, state or town. A 2-sided sign is considered one sign for purposes of this Ordinance. *(Note: See also definition of "temporary sign.")*

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, exclusive of fences.

Subdivision - the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. Lots of 40 acres or greater in size are considered lots within this definition and come under municipal review.

Substantial start - completion of 20 percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system - a collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, subchapter 1.

Temporary sign - a non-illuminated sign displayed for 15 days or less in any 30 day period.

Variance - a relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest where, owing to conditions peculiar to the property, and not the result of the actions of the applicants, and where a literal enforcement of the Ordinance would result in undue hardship.

Vegetation - all live trees, shrubs, ground cover, and other plants.

APPENDIX 1

Development Review Application
Content Requirements

A. Requirements for both TYPE 1 and TYPE 2 Developments

All development review applications shall contain:

1) A signed copy of the application cover sheet available from the Town Clerk provided as the cover page to the written report.

2) Nine copies of a written report containing sufficient detail so that a reviewer can gain a comprehensive understanding of the proposed development. This means that the report shall include copies of the most important maps and drawings.

3) At least two full-size copies of all maps and drawings.

Each development review application shall contain the following information, less those specific items waived by the Board as outlined in Section VIII-4:

1) General Information

   a) the name of the proposed development, if any;

   b) name and address of owner(s) of record, and of applicant if different;

   c) if the applicant is not an owner of the property, written certification signed by the owner(s) that the applicant is their duly authorized agent;

   d) names and addresses of all property owners within 500 feet of the edge of the property line;

   e) number of acres contained in the parcel;

   f) boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;

   g) the tax map and lot number of the parcel or parcels;

   h) a copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the owner;

p) location, dimensions and description of any portion of the land including in or abutting the proposed development that is currently used for commercial agriculture, including the name of the farmer utilizing the land.

3) Proposed Development Activity

a) the location of all building setbacks and buffers required by this Ordinance;

b) the location, dimensions, and ground floor elevations (i.e., the base height of the first floor above grade) of all proposed buildings on the site;

c) elevation drawings of all proposed buildings;

d) the location and dimensions of proposed driveways, parking and loading areas, and walkways;

e) distance from neighboring driveways if accessing public road;

f) the location and dimensions of all provisions for water supply and wastewater disposal, including location of snow storage and removal, if applicable;

g) the direction of proposed surface water drainage across the site;

h) location and dimensions of proposed signs;

i) location and type of exterior lighting;

j) proposed landscaping and buffering, and indication of where clearing of existing vegetation will take place;

k) location and description of any open space and/or public dedication to be made, including ownership of and plans for ongoing maintenance of the property.

l) copies of applicable State approvals and permits, provided however, that the Board may approve development plans subject to the issuance of specified State approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of development review.

m) a schedule of construction, including anticipated beginning and completion dates.

B. Additional Requirements for TYPE 2 Developments

Each TYPE 2 development review application shall contain the following information, less those specific items waived by the Board as outlined in Section VIII-4:

1) The following pre-existing conditions:

a)the topography of the site at an appropriate contour interval (2 foot to 10 foot) depending on the nature of the use and character of the site;

b) major natural features of the site including wetlands, streams, ponds, flood plains, groundwater aquifers, significant wildlife habitats or other important natural features;

c) existing restrictions or easements on the site;

d) the location and size of existing utilities or improvements servicing the site;

e) general soils information identifying prime farmland soils and soils with poor septic suitability; and

f) existing or previous agricultural usage of the property and abutting properties.

2) Proposed topography of the site at an appropriate contour interval.

3) A storm water drainage and erosion control program showing:

a)the existing and proposed method of handling storm water run-offs;

b) the direction of flow of the run-off through the use of arrows;

c) the location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers;

d) engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed; and

e) methods of controlling erosion and sedimentation during and after construction.

4) If the development is a high user of water (i.e., over 2000 gallons per day), or is located on a sensitive site, or is otherwise felt to pose a potential source of disruption to existing water supply and/or flowage, a groundwater impact analysis prepared by a qualified professional engineer or geologist, certified to practice in the State of Maine. Impact on existing wells within 500 radial feet of the proposed new water usage shall be evaluated as outlined in Section IX **Aquifer Protection Standards**.

5) A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, and any other utility services to be installed on the site.

6) A planting schedule keyed to the site plan and indicating the general varieties and sizes of trees,

shrubs, and other plants to be planted on the site.

7) An estimate of the amount and type of vehicular traffic, at peak hour and average daily levels.

8) An analysis of the anticipated need for parking created by the development when fully occupied.

9) If involving over 40 parking spaces or estimating over 400 vehicle trips per day, a traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets, together with any recommended street improvements.

10) The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.

11) Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.

12) The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he/she will maintain such streets or ways year-round until such time as the Town may accept them as public ways.

13) A plan to provide adequate water to the site for fire protection, using either existing sources or new sources.

14) A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan.

15) Written offers of dedication or conveyance to the municipality, in a form satisfactory to the Town Attorney, of all land included in the streets, highways, easements, parks, or other open space dedicated for public use, and copies of agreements or other documents showing the manner in which open spaces, title to which is reserved by the developer, are to be maintained.

16) If the development is a condominium with commonly held property, evidence that all requirements relative to establishment of a homeowners' association or condominium owners' association have been met. If the development is a clustered development, evidence shall be presented that all other requirements of this Ordinance pertaining to clustered development have been met. The submission shall include copies of the by-laws of any homeowners' or condominium association charged with maintaining common spaces and lands. Homeowners' associations or condominium documents shall clearly state that the association or condominium shall properly maintain private roadways serving the development after the developer has legally relinquished that responsibility and until such time as the Town may accept them as public ways.

17) Cost of the proposed development and evidence of financial capacity to complete it.

C. Additional Submittal Requirements for Telecommunications Towers and Facilities

1) A copy of the FCC license for the facility or a signed statement from the owner or operator attesting that the facility complies with FCC regulations.
2) A site plan prepared by a qualified Professional Engineer registered in Maine indicating the location, type, and height of the facility proposed to be built or expanded, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks, and all applicable American National Standards Institute (ANSI) technical and structural codes.
3) Certification that the proposed facility will comply with all FCC radio emission standards.
4) A scenic assessment including elevation drawings of the proposed facility and a landscaping plan.
5) A written description of how the proposed facility fits into the applicant's telecommunications network.
6) Evidence demonstrating that no existing site or structure can accommodate the applicant's proposed facility, due to insufficient location, height, structural capacity, access, or affordability.
7) A signed statement that the owner of the facility and his/her successors or assigns agree to the standards and requirements outlined in Section X of this Ordinance concerning co-location.