

## **ARTICLE 5. PERFORMANCE STANDARDS**

The following general performance standards shall apply to all land use activities in the Town of Richmond.

### **A. Accessory Buildings**

No garage or other accessory building shall be located in a required front setback area, or within ten (10) feet of the side or rear lot lines.

### **B. Automobile Graveyards and Junkyards**

#### **1. Applicability**

These standards apply to Automobile graveyards, automobile recycling business or junkyard as defined in Article 3.

#### **2. Permit Required**

A development review and a permit pursuant to Article 7 and 8 is required from the Planning Board to operate, or maintain an automobile graveyard, automobile recycling business or junkyard. The permit is valid for 5 years.

A permit may not be granted for an automobile graveyard or automobile recycling business that is not in compliance with all applicable provisions of the automobile dealer or recycler licensing provisions of Title 29-A, chapter 9. A limited-term permit may be granted for 90 days, within which time the state license must be procured.

#### **Limitation on permits**

**1. Highways; Interstate Systems and Primary Systems** Permits may not be granted for automobile graveyard or junkyard within 1000 feet of the right-of-way of any highway incorporated in both the Interstate System and Primary System or within 600 feet of the right-of-way of any other highway, **except for:**

- a. Those automobile graveyards or junkyards that are kept entirely screened from ordinary view from the highway at all times by natural objects, plantings or fences. Screening required by this paragraph must be:
  - (1) At a height, density and depth sufficient to accomplish complete screening from ordinary view;
  - (2) Well constructed and properly maintained at a minimum height of 6 feet;
  - (3) Placed outside of the highway right-of-way; and
  - (4) Acceptable to the municipal officers or county commissioners; and
- b. Those automobile graveyards or junkyards located within areas that have been zoned for industrial use and located more than 600 feet but less than 1000 feet from the right-of-way of any highway incorporated in both the Interstate System and Primary System.

**2. Limitations on new permits** A permit may not be granted for an automobile

graveyard or junkyard established after October, 3 1973 and located within 100 feet of any highway

3. **Public Facilities** A new permit **may not** be granted for an automobile graveyard or junkyard that is:

a. Located within 300 feet of a public building, public park, public playground, public bathing beach, school, church or cemetery; and

b. Within ordinary view from a facility under paragraph a.

4. **Public and Private Water Supplies.** A new permit may not be granted for an automobile graveyard, junkyard or automobile recycling business that handles junk, scrap metal, vehicles or other solid waste within 300 feet of a well that serves as a public or private water supply. This prohibition does not include a private well that serves only the automobile graveyard, junkyard, automobile recycling business or the owner's or operator's abutting residence.

Municipal officers may renew a permit allowing the continued handling of junk, scrap metal, vehicles or other solid waste within 300 feet of a well serving as a public or private water supply as long as no further encroachment toward the well occurs and there is no evidence of contamination of the well. [2003, c. 312, §9 (new).] ( Please check Title 30-A ' 3754 for latest language)

**3. Performance Standards**

All automobile graveyards and junkyards permitted pursuant to Article 7 and 8 of this Ordinance are required to comply with the following standards:

a. All fluids, including, but not limited to, engine lubricant, transmission fluid, power steering fluid, hydraulic fluid, brake fluid, engine coolant, gasoline and oil, must be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water;

b. A vehicle containing fluids may not be stored or dismantled:

(1) Within 100 feet of any body of water or freshwater wetland, as defined by Title 38, section 436-A, subsection 5;

(2) Within the 100-year floodplain; or

(3) Over a mapped sand and gravel aquifer;

c. Junk, scrap metal, vehicles or other solid wastes may not be placed or deposited, directly or indirectly, into the inland waters or tidal waters of the State or on the ice of inland waters or tidal waters or on the banks of inland waters or tidal waters in such a manner that they may fall or be washed into these waters; and

d. Junkyard and automobile graveyard owners must demonstrate at the time of licensing that the facility or facilities for which they seek permits are, or are part of, a viable business entity engaged in the business of salvaging, recycling, dismantling, processing, repairing or rebuilding junk or vehicles for the purpose of sale, trade or personal use.

- e. The Planning Board may require that Best Management Procedures for Motor Vehicle Recycling (Prepared by DEP, revised August 2003) be followed.

**C. Standards for Back lots**

The creation of back lots that do not meet frontage requirements are allowed in the Agricultural and Residential Districts provided that:

1. The lot is connected to a Town road by a strip of land (stem) having a minimum width of fifty (50) feet for the total length, including frontage on a town road.
2. The majority portion of the lot located at the end of the stem contains land area equal to or greater than that required by this Ordinance.
3. The stem shall contain a driveway, which meets the private road standards for one (1) lot & shall be maintained as a passable row at all times to allow for the safe passage of fire engines. CEO will inspect annually.
4. No building shall be located on the stem.
5. The lot shall be used solely for a single-family home or duplex.
6. To the extent that the creation of the lot will modify an existing subdivision or will result in the creation of a new subdivision, the owner shall obtain any necessary approvals from the Planning Board.

**D. Bed and Breakfast**

1. There shall be no less than one (1) parking space for each rental room in addition to the spaces required for the dwelling unit.
2. There shall be one (1) bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
3. Each rental room shall have not less than one hundred twenty (120) square feet of floor area.
4. Each rental room, stairwell, and hallway on each level shall be equipped with a ULC approved smoke detector.
5. Each establishment must meet all state applicable fire codes-

**E. FILLING, GRADING, LAGOONING, DREDGING, OR OTHER EARTH MOVING ACTIVITY**

**1. Applicability**

The following provisions shall apply to filling, grading, lagooning, dredging, excavation, processing and storage of soil, earth, loam, sand, gravel rock, peat, and other mineral deposits

**2. Permit Requirements**

Filling, grading, lagooning, dredging, extraction, earth-moving, processing and storage except as provided below shall require development approval by the Planning Board, pursuant to Article 7 and 8 of this Ordinance and be

conducted in accordance with the Performance Standards in this Article.

Additionally the operator of any earth moving activity greater than 5 acres will have to notify the Department of Environmental Protection of the intent to conduct the activity consistent with the performance standards of 38MRSA 490-D.

The following earth-moving activities **shall be allowed without development approval from the Planning Board**. They shall be conducted in compliance with all standards of this Article and Article 8 of this Ordinance. The CEO has the authority to inspect compliance with these standards.

- a. The removal or filling of material incidental to construction, alteration or repair of a building, in the grading and landscaping incidental thereto, or in the repair, maintenance or installation of an approved subsurface sewage disposal system;
- b. The removal or transfer of material within the right-of-way of a public street or private road incidental to construction, alteration or repair of a public or private way or essential services provided that any depositi6n of material outside of the right-of-way complies with this ordinance, and
- c. The removal, filling or transfer of material incidental to agricultural, timberland forest management and harvesting activities.

### **3. Notification Requirements**

(This section is paraphrased 38 MRSA § 490-C; please see the original for completeness)

Regardless of the size the operator or owner of the operation shall notify the Richmond Code Enforcement Officer of the intended activity, the nature of the material being moved, the amount and expected duration of the operation. The CEO can then advise the applicant of the necessary permits or further notification required and provide the applicant with the necessary forms.

If the total excavated area on a parcel is 5 or more acres, including reclaimed and unreclaimed areas, the owner of the operation must send out the notice to abutters as well as the Department of Environmental Protection and Maine Historic Commission.

The Town or the abutters may submit comments to the Department of Environmental Protection if the proposed project may pose an unreasonable adverse impact.

Within 30 days of receipt of the *notice of intent to comply*, the Department of Environmental Protection must respond to the comments made by the municipality or the abutters.

### **4. Performance Standards for all Filling and Earth Moving Activities**

Operations affecting larger than 5 acres shall comply at minimum with the performance standards listed in 38MRSA § 490-A- unless a variance from these standards are approved by the Department of Environmental Protection. "Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt" Bureau of Land Quality 9/2001 including procedures for variance are available at the CEO's office.

Operations affecting smaller than 5 acres shall at minimum comply with performance standards in State Law, 30-A MRSA § 3105, **Small borrow pits and** 38 MRSA § 490-M1 Since Department of Environmental Protection does not have authority to enforce these standards, the Richmond CEO may conduct an inspection to assure all performance standards are complied with.

The following performance standards shall be used by the operator, the Planning Board in its review and the CEO in his inspection.

In case of conflict with any state standard, the more stringent standard shall apply.

- (1) The extraction activity shall not adversely impact the quality or quantity of groundwater available to neighboring properties
- (2) The smallest amount of bare ground shall be exposed for the shortest time feasible
- (3) Temporary ground cover such as mulch shall be used.
- (4) Diversions, silting basins, terraces and other methods to trap sediment shall be used.
- (5) Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. Consultation with the Departments of Marine Resources and Fisheries or Inland Fisheries and Game, as applicable.
- (6) The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type source, and amount of fill to be used.
- (7) Fill shall not restrict a floodway, channel, or natural drainage way and shall not interfere with sheet drainage such that ponding or other adverse acts occur.
- (8) Erosion control. Sediment may not leave the parcel or enter a protected natural resource (which are listed in 38 MRSA § 480.
- (9) Properly installed erosion control measures must be in place before the excavation begins. Vegetative cover must be established on all affected land. Topsoil must be placed seeded and mulched within 7 days of final grading. Permanent vegetative cover is acceptable for purposes of erosion control if, within one growing season of seeding, the planting of trees and shrubs results in a permanent stand or a stand capable of regeneration and succession sufficient to ensure a 75% survival rate and the planting of all material in permanent 90% ground coverage.
- (10) Spill prevention. refueling operations, oil changes and other maintenance activities requiring the handling of fuels, petroleum products, hydraulic fluids and other on-site activity involving the storage or use of products that, if spilled, may contaminate groundwater, must be conducted in accordance with the petroleum products and other substances that may contaminate groundwater must be stored and handled over impervious surfaces that are designed to contain spills. The spill prevention, control and countermeasures plan must be posted at the site.
- (11) Dust Control. Dust generated by activities at an excavation site, including dust associated with traffic to and from the excavating site, must be controlled by sweeping, paving, watering or other best management practices for control of fugitive emissions. Dust control methods may include the application of calcium chloride, as long as the manufacture's guidelines are followed. Visible emissions from a fugitive emission source may not exceed

opacity of 20% for more than 5 minutes in any one-hour period.

- (12) On slopes greater than 25 percent, there shall be no grading or filling within 100 feet of the normal high-water mark except to protect the shoreline and prevent erosion.
- (13) No part of any extraction operation shall be permitted within one hundred (100) feet of any property or street line, except for drainage ways to reduce run-off into or from the extraction area. Natural vegetation shall be left and maintained on the undisturbed land.
- (14) If any standing water accumulates, the site shall be fenced in a manner adequate to keep children out.
- (15) No working slopes steeper than three (3) feet horizontal to one (1) foot vertical shall be permitted at any extraction site unless a fence at least five (5) feet high is erected to limit access to such locations.
- (16) No equipment debris, junk or other waste material shall be permitted on an extraction site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith shall be removed following completion of active extraction operations.
- (17) Within six (6) months of the completion of extraction operations at the site, or for any portion of the site if approved as a phased operation, the site shall be reclaimed in accordance with a closing plan approved at the time of application.

**(18) Reclamation**

- (a) Ground levels and grades shall be established in accordance with the approved closing plan.
- (b) All debris, brush, stumps, boulders, and similar materials shall be removed or disposed of in an approved location and manner.
- (c) Storm drainage and watercourses shall leave the location at the original natural drainage points and in a manner, such that the amount of drainage at any point is not significantly increased.
- (d) All disturbed areas shall be reseeded and restored to a stable condition adequate to meet the provisions of the "Environmental Quality Handbook, Erosion and Sediment Control," as a mended or revised, published by the Maine Soil and Water Conservation Commission.
- (e) No permanent slope greater than three (3) feet horizontal to one (1) foot vertical shall be permitted.

**(19) Conditions of Operation**

- (1) All access/egress roads leading to or from the extraction site to public ways shall be treated with suitable materials to reduce dust and mud for a distance of at least one hundred (100) feet from such public ways.
- (2) All areas used for excavation, processing, storage of materials or equipment or operations on the site shall be screened from view from public streets and from abutting property, which is used for residential or institutional uses. The screening shall consist of landscaping, earth berms, fencing or a combination thereof.

- (3) The site shall be secured to prevent entry during times when the facility is not operating.
- (4) The Planning Board CEO may attach conditions in writing to the permit for earth moving activities to safeguard the neighborhood and the municipality which may include those relating to:
  - a. methods of filling, grading, or removal;
  - b. hours of operation;
  - c. type and location of temporary structures;
  - d. routes for transporting material to or from the site;
  - e. area and depth of excavations;
  - f. provision of temporary or permanent drainage;
  - g. disposition of stumps, brush and boulders;
  - h. cleaning, repair and/or resurfacing of streets which have been adversely affected by said activity
  - i. the date after which bare ground shall not be exposed; and
  - j. the date by which revegetation of the site shall occur.

**(20) Existing Operation**

Discontinuance of any existing operation for a period of more than one (1) year shall require application for a new permit. Continuation of any existing operation for more than three (3) years shall require approval from the Planning Board.

**F. DEVELOPMENT IN AREAS OF SPECIAL FLOOD HAZARD**

Any development or activity in an area identified as having a special flood hazard by the Federal Emergency Management Agency as shown on the Flood Hazard Boundary Map of the Town of Richmond shall be carried out in accordance with the provisions of the Floodplain Management Ordinance of the Town of Richmond, as it is amended from time to time.

**G. GLARE**

Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Direct or indirect illumination shall not exceed 0.5 foot-candles upon abutting residential properties.

**H. HAZARDOUS, SPECIAL AND RADIOACTIVE MATERIALS**

The handling, storage, use, and disposal of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive shall be done in accordance with the standards of these agencies; including the disposal of such wastes at a licensed disposal facility.

No hazardous, special or radioactive waste shall be imported into the Town of Richmond for processing or disposal except for sludge and ash used for

spreading on agricultural land in accordance with a permit issued by the Maine Department of Environmental Protection.

No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line (forty (40) feet for underground storage). All materials shall be stored in a manner and location, which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

### **I. HEIGHT OF BUILDINGS**

No structure shall exceed the building height listed below as well as in Article 4 under dimensional standards for each district.. Features of buildings which normally extend above the roof line, such as chimneys, towers, ventilators, silos, and spires may exceed the height limit but shall be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of this Ordinance.

Agricultural District	2½ stories or 35 feet
Village District	2½ stories or 35 feet
Residential District	2½ stories or 35 feet
Commercial-Industrial District	3 stories or 45 feet

### **J. DEMOLITION/ REMOVAL OF BUILDINGS LOCATED IN THE RICHMOND HISTORIC AREA**

No building permit for the removal or demolition of any building that is located in the Richmond Historic Area as entered on the National Register of Historic Places, or that is located within any other designed historic or archaeological resource, shall be issued by the CEO unless at least one of the following conditions is met.

(a) If such building or resource has been identified by the Planning Board upon consultation with the Maine Historic Preservation Commission, as not of historic significance and as incompatible with the Richmond Historic Area as Registered on the National Register of Historic Places and described in Article 4, Sec. G (4)(4) Special Performance Standards.

(b) If the property owner has demonstrated to the Planning Board that he/she is not capable of earning an economic return on the value of the property in its present location, as supported by an appraisal by a qualified real estate appraiser. If such a demonstration can be made, issuance of a permit for removal or demolition shall be delayed for a period of one hundred eighty (180) days. Such time period shall commence when the property owner has filed an application for a demolition permit.

(c) If the property owner has demonstrate to the Planning Board that he/she has not been able to sell the building or resource in a reasonable amount of time. In such event, prior to the issuance of demolition permit, the owners shall demonstrate to the Planning Board that the property has been offered for sale, that no bona fide offer has been made, and that no contract for sale has been executed with interested parties. In addition, prior to the issuance of a demolition permit, the owner shall make a bona fide offer to sell building or structure, and the land pertaining thereto, at a price reasonably related to its fair



market value, to a person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto. Prior to making such offer to sell, an owner shall first file a statement with the Planning Board identifying the property, the offering price, and the date the offer to sell shall begin.

(d) If the CEO has determined that the building or resource presents an irreparable or unreasonable safety hazard to the public. In such event, notice of the scheduled demolition shall be posted on the premises of the building or resource proposed for demolition in a location clearly visible from the street for at least the seven (7) days prior to the date of the scheduled demolition. In addition, notice shall be published in a newspaper of general local circulation once a week for three (3) consecutive weeks prior to the scheduled demolition, the final notice of which shall be published not less than fifteen (15) days prior to the date of the scheduled demolition.

#### **K. HOME OCCUPATIONS**

1. Home occupations shall be carried on wholly within the principal building or within a building or other structure accessory to it.
2. Not more than two (2) persons outside the family shall be employed in the home occupation.
3. There shall be no overnight exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.
4. The scale of the home occupation use shall be clearly secondary to the primary use of the property as a residence.
5. Signs shall conform to the requirements of this Ordinance.
6. Off-street parking shall be provided in accordance with the requirements of this
7. Home occupations shall not include auto repair and service, motor and equipment repair, bottle redemption centers, or food preparation for consumption on the premises.

**L. HOTELS/MOTELS AND INNS**

For traffic safety on and immediately adjoining each motel, hotel, or inn and to assure health, safety, and welfare of occupants and of the neighborhood generally, the following land, space, building, traffic, utility, and service design requirements shall be compiled with. For the purposes of this section, the terms hotel, motel, and inn are used interchangeably.

1. No part of any building shall be closer than sixty (60) feet to the front lot line, rear lot line or either sideline of such lot. A green space, not less than twenty (20) feet wide, shall be maintained open and green with grass, bushes, flowers or trees all along each side lot line, the rear lot line, and the front line of such lot, except for entrance and exit driveways. The green space shall not be used for automobile parking.
2. Buildings on a motel lot shall not cover more than fifteen (15) percent of the area of the lot.
3. If cooking or eating facilities are provided in hotel rental units, each such rental unit shall be considered a dwelling unit and the hotel with more than three (3) such units shall be required to meet all the standards of multifamily developments.
4. Minimum room size: not less than two hundred (200) square feet habitable floor area and not less than twelve (12) by fifteen (15) feet horizontal dimensions, exclusive of bath. Each rental unit shall include private bathroom facilities.
5. Hotel building construction plans shall be reviewed and approved by the State Fire Marshall's Office.

**M. KENNELS AND VETERINARY HOSPITALS**

1. Structures or pens shall be located not less than two hundred (200) feet from the nearest residence other than the owner's.
2. All pens, runs, or kennels and other facilities shall be designed, constructed, and located on the site to minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.
3. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in a manner that they will not provide breeding place for insects, vermin or rodents.
4. If outdoor dog "runs" is created, they shall be completely fenced in.
5. Any incineration device for burning excrement-soaked waste papers and/or animal organs or remains shall be located a minimum distance of

four hundred (400) Feet from nearest residence other than the applicant's, and shall meet all State Applicable Permit Requirements.

**N. MANUFACTURED HOUSING – UNITS NOT IN A MOBILE HOME PARK**

The following standards shall apply to the placement or installation of any manufactured housing unit on a lot located out of a mobile home park. All standards shall be met prior to occupancy of the manufactured housing unit.

1. Manufactured housing units may only be placed or installed on lots where single-family dwelling units are allowed, and such placement or installation shall require a permit from the CEO prior to such placement of installation. All dimensional standards of the zoning district shall be met.
2. The wheels, axles, detachable transporter unit and tongue shall be removed and the unit shall be placed on a permanent foundation.
3. The foundation for modular home shall comply with the requirements of the Town's Building Code. The foundation for newer mobile homes shall comply with the standards established by the Manufactured Housing Board.
4. In the absence of a full basement, suitable screening shall be provided to screen view of any fuel tank serving the unit.
5. Exterior siding must be residential in appearance. These materials may include clapboards, simulated clapboards (such as conventional vinyl or metal siding), wood shingles, shakes or similar materials, but shall not include smooth, ribbed or corrugated metal or plastic panels.
6. All mobile home shall be equipped with adequate skirting to enclose the underside of mobile homes. The skirting shall be vinyl, metal or painted T1-11.
7. The unit shall have pitched roof having a pitch of 4 in 12 or greater, covered with roofing shingles or manufactured metal roofing.
8. The unit shall be at least fourteen (14) feet in width and thirty-two (32) in length.
9. All plumbing, electrical and utility connections shall be comply with all applicable local, State and national codes.
10. The unit shall be sited on the lot so that its longest dimension is within 30 degrees of being parallel to the front property line of the lot (or the chord connecting the two points where the side lot lines meet the front line if the front property line is curved). This requirement shall not apply if the width of the front building face is more than 24 feet wide. The width of the front building shall include the width of the manufactured housing unit plus the width of any permanent addition.

11. Any permanent addition to a manufactured housing unit shall meet the following criteria:
  - A. The addition shall be of a similar architectural design and constructed of similar materials as the manufactured housing unit.
  - B. The addition shall be permanently attached to the unit to create one integral structure; and
  - C. Any living space addition to a manufactured housing unit shall be placed on a foundation similar to the original unit. Any addition other than living space shall have frost wall protection.
12. All disturbed areas of the site, not otherwise revegetated, shall be loamed (with a minimum of 4 inches of loam), fertilized and seeded. The CEO may approve the delay of the revegetation until the growing season for units occupied between November and May.
13. All exterior doors shall be provided with steps of a suitable design and construction to provide all-season access.
14. No manufactured housing unit that was manufactured before June 15, 1976 may be brought in to the Town of Richmond unless suitable evidence is provided to the CEO that the unit does not contain aluminum electrical wiring, that the unit contains two exterior exits, and the roof is constructed to support a live load of thirty (30) pounds per square foot.
15. No manufactured housing unit may be temporarily placed, stored or located in any zoning district. Manufactured housing units cannot be used for storage. Notwithstanding the foregoing provision, in the event of an emergency situation, as determined by the CEO in his/her sole discretion, one (1) temporary means of housing unit per lot may be used as a dwelling unit for a period not to exceed three (3) months, unless a written request for an extension of the time is granted by the CEO. Any housing unit used as temporary dwelling under this subparagraph must be approved by the CEO and meet all other requirements of the Ordinance.
16. No manufactured housing unit may be placed or installed in the town of Richmond unless proof of payment of sales tax on the manufactured home and proof of payment of property tax in the sending municipality is first provided to the Town in compliance with 30-A M.R.S.A § 4358 (4) [sales tax proof], as may be amended, and 30-A M.R.S.A § 4103 (3) (C) [property tax proof], as may be amended.

**O. MANUFACTURED HOUSING UNITS IN A MOBILE HOME PARKS**

All mobile home parks shall conform to the standards set forth in this section and shall meet all requirements for a residential subdivision and shall conform to all applicable State laws and local ordinances and regulations.

**1. Placement of Units on Lots**

Manufactured housing units in mobile home parks shall be placed upon lots. Each lot shall be occupied by only one (1) unit. Each unit shall be placed upon a suitable foundation consisting of a poured or block frost wall, a cement or concrete slab and permanent, properly attached and residential appearing skirting, or full basement. No manufactured housing unit may be placed or installed in the town of Richmond unless proof of payment of sales tax on the manufactured home and proof of payment of property tax in the sending municipality is first provided to the Town in compliance with 30-A M.R.S.A § 4358 (4) [sales tax proof], as may be amended, and 30-A M.R.S.A § 4103 (3) (C) [property tax proof], as may be amended.

**2. Lot Requirements**

Notwithstanding the other requirements of this Ordinance, lots shall meet the following dimensional requirements:

<b>Public Sewer System Operated by the Richmond Utilities District</b>	
Minimum Lot Area	6000 S.F
Minimum Lot Width	50 FT
<b>Lots Served by Individual Subsurface Waste Water Disposal Systems</b>	
Minimum Lot Area	20,000 S.F
Minimum Lot Width	100 FT
<b>Lots served by one (1) or more centralized subsurface waste disposal systems serving two (2) or more dwelling units and approved by the Maine Department of Human Services</b>	
Minimum Lot Area	12,000 S.F
Minimum Lot Width	75 FT

Mobile home park lots located within any designated shoreland area shall meet the lot area, lot width, and shore frontage requirements of the district in which it is located.

**3. Overall Density**

The overall density of any park served by any on-site wastewater disposal system shall not exceed one (1) dwelling unit for each twenty thousand (20,000) square feet of total park area.

The total area of a mobile home park shall not be less than the sum of the following:

- a. The combined area of the mobile home park lots which shall each meet the minimum lot requirements,

- b. The area required for road rights-of-way,
- c. The area required for buffer strips,
- d. For parks served by public sewer, a minimum of open space area equal to ten (10) percent of the combined area of the lots.
- e. The area within the shoreland setback.

#### **4. Setbacks**

Manufactured housing units shall meet the following minimum setbacks:

On lots, which abut a public way: the setback required for other residential uses.

On lots, which are located in a shoreland area: the setback from the high-water mark required in that district.

Units shall be located a minimum of fifteen (15) feet from all boundary lines and a minimum of thirty (30) feet from any other unit

Garages or accessory structures shall be so located on individual lots so that all parts of the structures are a minimum of 15 feet from all lot lines and 30 feet from any unit or other structure on either the same lot or adjacent lot.

#### **5. Buffering**

The park shall be designed with a seventy-five (75) foot wide buffer strip along all property boundaries. The buffer strip shall be maintained as a landscaped area containing no structures. In those areas where natural vegetation fails to provide a dense and continuous buffer, the Planning Board may require dense evergreen plantings of either natural massing configurations or up to 3 staggered rows of evergreen plantings. Roads may cross the buffer strip to provide access to the park.

#### **6. Road Standards**

- a. The road system shall be designed to provide safe and convenient access to all lots within the park and shall provide for all-season emergency vehicle access to every unit in the park.
- b. Roads that the applicant proposes to dedicate as public ways, shall be designed and constructed in accordance with the Town of Richmond Street Design and Construction Standards Ordinance
- c. Roads, which the applicant proposes to remain private ways, shall:
  - (1). Be designed in accordance with the Town of Richmond Street Design and Construction Ordinance.
  - (2). Be designed by a Maine licensed engineer.
  - (3). Have a minimum right-of-way width of 23 feet.
  - (4). Have a paved travel surface with a minimum width of 20 feet.
  - (5). Meet the standards of the Manufactured Housing Board.
  - (6). No lot within the park shall have direct vehicular access onto an existing public street.
  - (7). Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least 2 street connections with existing public streets. Any street within a park

with an average daily traffic of two hundred (200) trips per day or more shall have at least two (2) street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.

- (8) The intersection of any street within a park and an existing public street shall meet the following standards.
- i Minimum Angle of Intersection shall be 75.
  - ii Maximum Grade within 100 feet of intersection shall be 3 percent.
  - iii Minimum Sight Distance shall be ten times the posted speed limit, measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3½ feet above the pavement and the height of object 4¼ feet.
  - iv Distance from other intersections shall be no less than 125 feet from the centerline of any other street intersecting that public street.
  - v The application shall contain an estimate of the average daily traffic projected to be generated by the park, based on the Trip Generation Manual, 1987 edition or the most recent edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis, prepared by a registered professional engineer with experience in transportation engineering.

**7. Ownership of Park**

The land within the mobile home park shall remain in a single, unified ownership. No lots or interest in lots shall be individually conveyed.

**8. Conversion of Park**

No development or subdivision, which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board. The conversion shall meet the appropriate lot size, lot width, setback and other requirements for the proposed use.

**9. Utility Requirements**

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

**10. Signs**

Signs and advertising devices shall be prohibited in a mobile home park except:

- a. One (1) identifying sign at each entrance of the mobile home park no larger than twenty-four (24) square feet, which may be externally lit, but not flashing.

- b. Unlit directional and informational signs for the convenience of tenants and the public relative to parking, office, traffic movement, etc. Said signs shall not be illuminated.
- c. Mobile/manufactured home "for sale" signs, provided that such signs that face a public road shall be no more than ten (10) square feet and shall be limited to two (2) signs per mobile home park.
- d. Mobile/manufactured home address signs.  
The styles and location of the identifying sign shall not interfere with vehicle sight distance and shall be constructed in accordance with the sign standards of this Ordinance.

**11. Affordability**

The developer of the proposed mobile home park shall submit evidence, and the Planning Board shall determine that the sale and/or rental of at least 50% of the housing units and lots within the proposed mobile home park can be afforded by households at or below 80% of the Town's median household income (per figures published by the State Planning Office or National Planning Data Corporation). In making a determination on the affordability of the units, the Planning Board shall find that "shelter expenses" do not exceed 30% of the 80% median household income figure. Shelter expenses shall include the following: mortgage and/or rental costs, taxes, homeowners/tenant insurance, heat and utilities.

**12. Groundwater Impacts**

***a. Assessment Submitted*** – Accompanying the application for approval of any mobile home park, which is not served by public sewer, shall be an analysis of the impacts of the proposed mobile home park on groundwater quality and supply. The hydro geologic assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, and shall conform to an analytical approach that meets the requirements of the Maine Department of Environmental Protection.

***b. Standards for Acceptable Groundwater Impacts***

- i Projections of groundwater quality shall be based on the assumption of drought conditions (assuming sixty (60) percent of annual average precipitation).
- ii No mobile home park shall increase any contaminant concentration in the groundwater to more than one half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the groundwater too more than the Secondary Drinking Water Standards.
- iii If groundwater contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.



- iv If groundwater contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed one hundred fifty (150) percent of the ambient concentration.

***c. Subsurface wastewater disposal systems and drinking water wells***

Shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.

**13. Walkways**

The mobile home park shall contain pedestrian walkways that link all units and all service and recreational facilities and connect the park to existing sidewalks if such exist in the vicinity of the park. Such walkways shall be adequately surfaced and lit. A portion of the road surface may be reserved for walkways provided the roadways width is increased accordingly. Walkways shall be a minimum width of three (3) feet.

**14. Lighting**

Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties.

**15. Storage**

At least three hundred (300) cubic feet of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

**16. Park Administration**

The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites.

Compliance with this Ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.

**P. MULTIFAMILY DWELLING UNITS**

**1. Two-Family Dwelling Units**

Lots for two-family units shall meet all of the dimensional requirements for single-family dwelling units, and the road frontage shall exceed by 50 percent the requirement for a single-family dwelling unit.

**2. Multifamily Dwelling Units**

Multifamily (3 or more) dwelling units shall meet all of the following criteria:

- a. Lot area and shoreline frontage shall be equal to that required for the equivalent number of single-family dwelling units when not connected to public water and sewer. For multifamily and two-family dwelling units connected to public water and sewer, a minimum of 5,500 square feet lot area is required for each unit, in the Village District, except in the Main Street Commercial District, in which a minimum of 3,000 square feet lot area for new residential, non-residential or commercial uses is required for each unit connected to public water and sewer.
- b. Minimum road frontage: shall be the minimum road frontage for the district in which the building is located except that in the Village district minimum road frontage shall be 80 feet for buildings with up to 3 units and there shall be an additional 20 ft of frontage required for each additional unit up to a maximum of 200 ft of frontage.
- c. Lots for multifamily dwelling units shall meet all other dimensional requirements for single-family dwellings including minimum setbacks, maximum building coverage and height limits.
- d. No building shall contain more than (10) dwelling units. Each residential unit shall be a complete dwelling unit with its own kitchen, bathroom, and facilities for sleeping and eating. Each dwelling unit shall have a minimum of four hundred fifty (450) square feet of living area. Each dwelling unit shall have an individual entrance from the outside or common hallways.
- e. All multifamily dwellings shall be connected to a common water supply and distribution system, and central sewage collection and treatment system, either public or private, at no expense to the municipality.
- f. All multifamily dwelling units shall be connected to a public sewer system, if available, or to a central collection and treatment system in accordance with the sanitary provisions of this Ordinance.
- g. All multifamily dwellings shall comply with the provisions of section J of this Article and Article 4, ' 4 " (4).
- h. Multifamily dwelling buildings in the Village district shall have maximum total floor areas no greater than 2 times the area allowed by the maximum building coverage.
- i. All exterior trash receptacles shall be screened.

### **3. Parking**

- a. There shall be a minimum of 2 off-street parking spaces per dwelling unit in a multifamily dwelling building. If building is ADA accessible then parking must adhere to ADA Standards. The total number of parking spaces may be distributed between all dwelling units so long as the off-street parking is sufficient to accommodate the normal parking demand of each individual unit.
- b. No off-street parking spaces shall be located between the building and the front property line or within any of the required setbacks. All multifamily dwellings shall comply with all other provisions of section S of this Article ("Off-Street Parking and Loading Requirements").
- c. No un-inspected and/or unregistered motor vehicles shall be parked on the property. All motor vehicles shall park in designated parking areas.

#### 4. Buffering and Landscaping

a. Buffering - All multifamily dwellings must provide for the buffering of adjacent uses and for screening of mechanical equipment trash receptacles, service and storage areas. Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof. A multifamily dwelling must provide sufficient buffering when topographical or other barriers do not provide reasonable screening and where there is a need to:

1). shield neighboring properties from any adverse external effects of the development, or

2). shield the development from the negative impacts of adjacent uses.

The width of the buffer may vary depending on the treatment of the area. Within densely built-up areas, a buffer with dense plantings, fencing, or changes in grade may be as little as five (5) feet in width. A buffer with moderate levels of planting should be ten (10) feet in width. Areas adjacent to service, loading, or storage areas should be screened by dense planting, berms, fencing, or a combination thereof with a width of a minimum of five (5) feet.

b. Landscaping -Landscaping must be provided as part of all multifamily dwelling developments. A landscape plan for the entire site must be submitted to the planning board. The landscape plan shall use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties. Landscaping may include plant materials such as trees, shrubs, groundcovers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences and paving materials.

c. Landscaping Review - Landscaping plans for all multifamily dwellings in the Village district shall require approval by the Planning Board based upon a review by a registered landscape architect.

The Planning Board may waive the requirement for a review by a registered landscape architect upon a finding that because of the size of the project or circumstances of the site, such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety, and welfare of the Town. All requests for waivers must be made in writing, shall state the basis for the requested waiver and shall be submitted to the Planning Board at a meeting of the Board. The applicant shall have the burden of proving the basis for any waiver including that 1) the landscape plan integrates the landscape elements on site, preserves and enhances the particular identity of the site, creates a pleasing site character, defines street edges, breaks up parking areas, softens the appearance of the development, and protects abutting properties, 2) review by a registered landscape architect would not be applicable or would be an unnecessary burden upon the applicant, and 3) that such waiver would not adversely affect the abutting landowners or the general health, safety, and welfare of the Town.

**5. Exterior Lighting**

- a. All multifamily dwellings must have adequate exterior lighting to provide for its safe use during nighttime hours. Lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways.
- b. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky. Direct or indirect illumination must not exceed 0.5 foot-candles at the lot line or upon abutting residential properties.
- c. Wiring to light poles and standards must be underground.
- d. All exterior lighting, except security lighting, must be turned off between 11 P.M. and 6 A.M.

**Q. NOISE**

- 1. The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity shall be limited by the time period and land use, which it abuts, listed below. Sound levels shall be measured at least four (4) feet above ground at the property boundary of the source.

Sound Pressure Level Limits Using the Sound Equivalent Level of One Minute  
(leq 1) (Measured in dB(a) Scale)

<b>Abutting Use</b>	<b>7am – 9pm 40 pm</b>	<b>9pm – 10 pm 7am</b>
Residential	55	45
Residential located in a commercial-industrial district	65	55
Public, semipublic and institutional	60	55
Vacant or rural	60	55
Commercial	65	55
Industrial	70	60

- 2. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI S1 4-1961) "American Standards Specification for General Purpose Sound Level Meters."

3. No person shall engage in construction activities, on a site abutting any residential use between the hours of 9 p.m. and 7 a.m. Otherwise, the following activities shall be exempt from these regulations:
  - a. Sounds emanating from construction and maintenance activities conducted between 7 a.m. - 9 p.m.
  - b. Sounds emanating from safety signals, warning devices, emergency pressure relief valves and other emergency activities.
  - c. Manufacturing conducted within the Commercial-Industrial District between 6 a.m. – 9 p.m.

## **R. Off-Street Parking and Loading Requirements**

### **1. Basic Requirement**

No use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged unless there is provided off-street automobile parking space within three hundred (300) feet of the principal building, structure, or use of the premises, in accordance with the following requirements.

### **2. Minimum Off-Street Parking Requirements**

The objectives in requiring the provision of off-street parking are to ensure that vehicles are off the public streets at night, that unsafe conditions and congestion do not exist and that there is a turnover in spaces designed to serve the general public.

To accomplish these objectives, shall provide at least the following minimum off-street parking

- a. Dwelling:
  - i. Two (2) spaces per unit (one space/dwelling in Main Street Commercial District).
  - ii. Two (2) spaces per unit for multi-family dwellings
- b. Tourist home, boarding or lodging house, motel or hotel: one (1) space for each sleeping room.
- c. Campground: one (1) space for each recreational vehicle, tent or shelter site.
- d. Hospital: One (1) space for each two (2) beds.
- e. Institutions devoted to the board, care, or treatment of persons: One (1) space for each four (4) beds.
- f. Retail, wholesale, or service establishment or office or professional building located outside the Historic District: One (1) space for each 300 square feet or fraction thereof, of floor area.
- g. Restaurants, and other places serving food or beverage, and for theaters, auditoriums, and other places of amusement or assembly: one (1) space for each three (3) seats, permanent or otherwise, for patron use.
- h. Commercial, industrial, or other permitted uses: One (1) space for each person employed or anticipated to be employed on the largest shift.
- i. Home occupation: One (1) space for each commercial vehicle parked overnight on a regular basis.

- j. Adequate spaces shall be provided to accommodate customers, patrons, and employees at automobile service stations, drive-in establishments, open-air retail businesses and amusements and other permitted uses not specifically enumerated.

**3. Off-Street Loading**

Commercial or industrial uses shall provide off-street loading facilities on the same lot as the building or use to be served so that trucks, trailers, and containers shall not be located for loading or storage upon any public way.

**4. Joint Use of Parking Spaces**

The Planning Board may allow the same parking spaces to be used in meeting the parking requirement for two (2) or more uses if the Board finds that the demand for parking for the uses occurs at different times of day or on different days of the week.

**5. Reduction in the Main Street Commercial District**


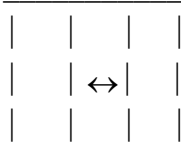
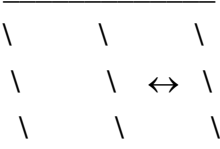
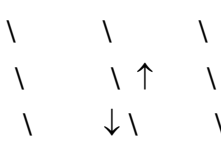
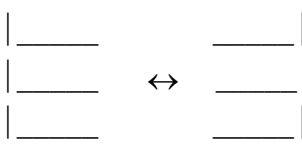
The Planning Board may reduce or waive the off-street parking and loading requirements for projects involving the reuse of buildings existing within the Main Street Commercial District as of June 1, 1990, upon finding that:

- a. The use will involve only floor area existing as of June 1, 1990, and will not involve any expansion or enlargement of the envelope of the building except for provisions of necessary access,
- b. The parking demand for the use will be less than the parking requirement set forth in item (2) above based upon an estimate of the projected parking demand-
- c. The applicant has demonstrated that adequate parking is available to meet the projected demand identified in b. either in off-street parking on the site, in other off-street private parking facilities within 300 feet of the structure or in public parking facilities. This provision may take into account joint use of parking facilities as provided for in item (4) above.

**6. Parking Layout and Design**

- 1. Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.
- 2. All parking spaces and access drives shall be located at least five (5) feet from any side or rear lot line, except for the additional requirements in buffer yards. No parking spaces shall be located in the required front setback unless the Planning Board finds that the visual environment will not be adversely impacted by parking or loading in the setback area.

3. Parking stalls and aisle layout shall conform to the following standards:

Parking Angle	Stall Width	Skew Width
		
90°	9' – 0"	
60°	8' – 6"	10' – 5"
45°	8' – 6"	12' – 9"
30°	8' – 6"	17' – 0"
	Stall Depth	Aisle Width
		
	18' – 5"	24' – 0"
	10' – 0"	16' – 0" one way only
	17' – 5"	12' – 0" one way only
	17' – 0"	12' – 0" one way only

- In lots utilizing diagonal parking, the direction of proper traffic flow shall be indicated by signs, pavement markings or other permanent indications.
- Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
- Provisions shall be made to restrict the overhang of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

**S. Private Roads**

A private road may be used for access to a lot or lots and for fulfillment of the frontage requirement provided that it complies with the following standards:

- The right-of-way of the private road shall be a minimum of twenty-five (25) feet in width if it serves one (1) lot and a minimum of fifty (50) feet in width if it serves two (2) or more lots.

2. A plan showing the private road shall be prepared by a registered land surveyor. The plan shall delineate the proposed road and each of the lots to be served by the private road, If the private road is part of a subdivision, the plan shall be included as part of the subdivision application. If the private road is not part of a subdivision, the plan shall be labeled "Plan of a Private Road" and recorded in the Sagadahoc County Registry of Deeds.

Where new street intersections or driveway curb-cuts are proposed, site distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below:

Posted Speed Limit (MPH)	25	30	35	40	45	50	55
Sight Distance (feet)	200	250	305	360	425	495	570

3. Private roads which are part of a subdivision or other activity requiring development review shall comply with the plan submission requirements of the Street Design and Construction Standards Ordinance,
4. The applicant shall provide for street name signs and all other traffic control signs as determined to be necessary by the Planning Board.
5. The plan of the private road shall bear notes that the Town of Richmond shall not be responsible for the maintenance, repair, or plowing of the private road.
6. The plan shall also contain notes that the creation of additional lots on the private road shall not occur without the filing of a revised plan and the approval of The Planning Board, if otherwise necessary.
7. If the private road is to provide access to two (2) or more lots, a maintenance agreement shall be prepared and recorded in the Registry of Deeds with the plan. The maintenance agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the private road. For a private road serving five (5) or more lots, the agreement shall provide for the formation of a road association, which shall be responsible for the ownership, and maintenance of the private road.
8. The construction of private roads shall meet the following minimum standards:

**Number of Lots Served**

	<b>1</b>	<b>2-5</b>	<b>16-19</b>
<b>Minimum roadway width</b>	12'	16'	20'
<b>Minimum sub base (Heave road gravel)</b>	12"	15"	18"



<b>Wearing surface (Fine gravel)</b>	2"	2"	2"
<b>Maximum grade</b>	12%	10%	10%
<b>Minimum grade</b>	0.5%	0.5%	0.5%
<b>Turn around at dead end</b>	Hammer Head or T	Hammer Head or T	Hammer Head or T

One turnout to provide space for 2 vehicles to pass shall be provided for every private road longer than 1,000 feet.

9. Cleanup: Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If onsite disposal of the stumps and debris is proposed, the site shall be indicated on the Plan and be suitable covered with fill and topsoil, limed, fertilized, and seeded.

**T.. PHOSPHORUS CONTROL - PLEASANT POND**

1. Within the watershed of Pleasant Pond, all uses and structures to which this Ordinance applies shall meet the following phosphorus export standards:

<u>Watershed</u>	<u>Phosphorus Export Standards</u>
Lower Pleasant Pond	- .0491 pounds of phosphorus/acre/year
Upper Pleasant Pond	- .0215 pounds of phosphorus/acre/year

2. Single-Family Dwelling, Duplex

In addition to the dimensional requirements contained in Article 4, the following provisions shall apply to all new single-family dwellings and duplexes. Where the standards of this Section and the standards of Article 4 conflict, the higher standard shall apply.

- a. Phosphorus Control Requirement. Permit applicants must show how they will comply with the phosphorus export standards of Subsection 1, above.
- b. Buffer Strip. A new single-family dwelling or duplex shall be deemed to comply with the phosphorus export standards of Subsection 1 if a permanent, vegetated buffer is located downhill from the developed portion of the lot according to the requirements of Table 1 or Table 2 of this standard, whichever applies. On an existing lot of record that is smaller in size than what is required in the table, the applicant shall meet the buffer width requirement to the maximum extent possible.
- c. DEP Phosphorus Control Methodology. As an alternative to Tables 1 and 2 of this standard, an applicant may utilize the phosphorus control methodology contained in DEP's Phosphorus Control Guide to calculate lot size or buffer width, or to design other phosphorus control measures

that meet the phosphorus export standard. A copy of supporting documents shall be submitted with the application.

- d. Maintenance and Use of Buffer Strips, Other Measures. Homeowners and occupants shall maintain vegetated buffer strips and, if applicable, other phosphorus control measures in accordance with the buffer maintenance requirements contained in Section 5.3 of DEP's Phosphorus Control Guide.

<b>TABLE 1</b>
<b>LOWER PLEASANT POND WATERSHED</b>
Note: Lot sizes shown below are for lots with greater than 10,000 sq. feet of clearing per lot. For lots with less than 10,000 sq. feet of clearing per lot, the lot sizes in parentheses shall apply.

<b>Hydrologic Soils Group</b>	<b>50 feet</b>	<b>← Buffer Width →</b>	
		<b>100 feet feet</b>	<b>150</b>

Hydrologic Soils Group	Average Slope within Buffer	Lot Size Acres	Lot Size Acres	Lot Size Acres
<b>A</b>	0-3%	1.4	.7 (.5)	.4 (.3)
<b>A</b>	3-8%	(1.1)	1.1 (.8)	.5 (.4)
<b>A</b>	8-15%	1.8 (1.4)	1.4 (1.1)	.7 (.5)
<b>A</b>	15-30%	2.1 (1.6) 2.7 (2.1)	2.0 (1.6)	1.6 (1.2)
<b>B</b>	0-3%	2.0	1.0 (.65)	.5 (.3)
<b>B</b>	3-8%	(1.3)	1.5 (1.0)	.7 (.5)
<b>B</b>	8-15%	2.5 (1.6)	2.0 (1.3)	1.0 (.6)
<b>B</b>	15-30%	3.0 (2.0) 3.7 (2.4)	3.0 (2.0)	2.2 (1.5)
<b>C-1</b>	0-3%	3.0	2.1 (1.2)	1.5
<b>C-1</b>	3-8%	(1.7)	2.7 (1.6)	(.9)
<b>C-1</b>	8-15%	3.8 (2.3)	3.2 (1.9)	2.1 (1.2)
<b>C-1</b>	15-30%	4.4	4.1 (2.4)	2.4

		(2.6)		(1.4)
		4.7		3.2
		(2.8)		(1.9)
<b>C - 2</b>	0-3%	4.1	3.2 (1.9)	2.7
<b>C - 2</b>	3-8%	(2.4)	3.8 (2.3)	(1.6)
<b>C - 2</b>	8-15%	4.4	4.1 (2.4)	3.2
<b>C - 2</b>	15-30%	(2.6)	4.7 (2.8)	(1.9)
		4.7		3.5
		(2.8)		(2.1)
		5.0		4.1
		(2.9)		(2.4)

**TABLE 2**  
**UPPER PLEASANT POND WATERSHED**

**Note: Lot sizes shown below are for lots with greater than 10,000 sq. feet of clearing per lot. For lots with less than 10,000 sq. feet of clearing per lot, the lot sizes in parentheses shall apply.**

<b>Hydrologic Soils Group</b>	<b>50 feet</b>	<b>← Buffer Width →</b>	
		<b>100 feet</b>	<b>150 feet</b>

<b>Hydrologic Soils Group</b>	<b>Average Slope within Buffer</b>	<b>Lot Size Acres</b>	<b>Lot Size Acres</b>	<b>Lot Size Acres</b>
<b>A</b>	0-3%	3.3	1.6 (1.3)	.8 (.6)
<b>A</b>	3-8%	(2.5)	2.4 (1.9)	1.2 (.9)
<b>A</b>	8-15%	4.1	3.3 (2.5)	1.6
<b>A</b>	15-30%	(3.1)	4.9 (3.8)	(1.3)
		4.9		3.7
		(3.8)		(2.8)
		6.1		
		(4.7)		
<b>B</b>	0-3%	4.6	2.3 (1.5)	1.1
<b>B</b>	3-8%	(3.0)	3.4 (2.2)	(.7)
<b>B</b>	8-15%	5.7	4.6 (3.0)	1.7
<b>B</b>	15-30%	(3.7)	6.8 (4.5)	(1.1)
		6.8		2.3
		(4.5)		(1.5)
		8.6		5.1

		(5.6)		(3.3)
<b>C – 1</b>	0-3%	6.7	4.7 (2.8)	3.4
<b>C – 1</b>	3-8%	(3.9)	6.1 (3.6)	(2.0)
<b>C – 1</b>	8-15%	8.8	7.4 (4.3)	4.7
<b>C – 1</b>	15-30%	(5.1)	9.4 (5.5)	(2.8)
		10.1		5.4
		(5.9)		(3.2)
		10.8		7.4
		(6.3)		(3.3)
<b>C – 2</b>	0-3%	9.4	7.4 (4.3)	6.1
<b>C – 2</b>	3-8%	(5.5)	8.8 (5.1)	(3.6)
<b>C – 2</b>	8-15%	10.1	9.4 (5.5)	7.4
<b>C – 2</b>	15-30%	(5.9)	10.8	(4.3)
		10.8	(6.3)	8.1
		(6.3)		(4.7)
		11.5		9.4
		(6.7)		(5.5)

### 3. Subdivisions

In addition to the requirements of the Town of Richmond Subdivision Ordinance, the following provisions shall apply to new or expanded portions of subdivisions.

- a. Phosphorus Control Requirement. Applicants for subdivision approval must show how they will comply with the phosphorus export standards of Subsection 1.
- b. Fees. If, in the Planning Board's judgment, consulting services are required to evaluate the phosphorus impact of the proposed subdivision application, an additional fee shall be required based on the estimated costs of such consulting services. These funds may be used by the Town for reasonable costs contracted for by the Town through the Planning Board, which relate directly to the review of the phosphorus impact of the subdivision application.
- c. Application Requirement. All subdivision applications utilizing buffer strips to meet the phosphorus export standards of Subsection 1 shall include:
- d. Buffer Location. A plan showing the location and dimensions of vegetated buffer strips, and classification of the buffer as wooded or non-wooded, to be designed and maintained in accordance with the buffer-maintenance provisions contained in Section 5.3 of DEP's Phosphorus Control Guide.
- e. Deed Restrictions. A copy of all covenants and deed restrictions, if any, to be placed on the amount of clearing on individual lots and by which vegetated buffer strips are to be permanently maintained.

- f. Buffer Maintenance. A written plan for the maintenance of buffer strips.
  
- g. Minor Subdivisions. Minor subdivisions shall be deemed to comply with the phosphorus export standards of Subsection 1 if a permanent, vegetated buffer is located downhill from the developed portion of the lot according to the requirements of Subsection 2, Table 1 or Table 2, whichever applies. As an alternative to these tables, an applicant may prepare a phosphorus control plan as set forth for major subdivisions in paragraph U.3.h below.
  
- h. Major Subdivisions. Applications for major subdivisions shall include:
  - i. An Erosion and Sedimentation Control Plan prepared in accordance with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," prepared by the Cumberland County Soil and Water Conservation District and Department of Environmental Protection, March, 1991.
  - ii. A Phosphorus Control Plan to meet the phosphorus export standard of Subsection 1 and prepared in accordance with the methodology contained in DEP's Phosphorus Control Guide. A copy of supporting documents shall be submitted with the application, including the worksheets contained in DEP's Phosphorus Control Guide, engineering calculations, a site plan showing drainage patterns and buffer locations, and detailed construction specifications and diagrams for all structural measures. The Board shall require the use of vegetated buffers, limits on clearing and minimizing road lengths, and shall encourage other non-structural measures such as clustering and reduction in the number of lots, prior to allowing the use of high-maintenance structural measures such as wet ponds and infiltration systems.
  
- i. Maintenance and Use of Buffer Strips, Other Measures. The applicant shall include provisions for monitoring, inspecting and maintaining vegetated buffer strips and other phosphorus control measures in accordance with DEP's Phosphorus Control Guide, including the buffer maintenance provisions contained in Section 2.D.

#### **4. Other Uses and Structures**

In addition to requirements of the Town of Richmond Land Use Ordinance, applicants for permits and approvals for the following uses shall comply with all of the requirements of a major subdivision as set forth in Subsections 1 and 3 of this standard: 1) new or expanded portions of: mobile home parks, campgrounds, commercial (new development, or expansions of existing commercial structures in excess of 1500 square feet), hazardous or solid waste disposal facilities; and 2) new principal structures, other than single-family dwellings and duplexes, requiring a permit under the provisions of the Town of Richmond Land Use Ordinance. Property owners shall maintain vegetated buffer strips and other phosphorus control measures in accordance with DEP's Phosphorus Control Guide, including the buffer maintenance requirements contained in Subsection 1.

## **5. Administration**

Within the watershed of Pleasant Pond, no new or expanded portion of a subdivision may be approved under the provisions of the Town of Richmond Subdivision Ordinance except in strict conformance with the provisions of this Ordinance; and no permit may be issued under the provisions of the Town of Richmond Land Use Ordinance for:

1. New or expanded portions of: mobile home parks, campgrounds, commercial (new development, or expansions of existing commercial structures in excess of 1500 square feet), hazardous or solid waste disposal facilities; or
2. New principal structures; except in strict conformance with the provisions of this Ordinance, provided that this requirement shall not apply to any existing residence or to any other existing structures or to new accessory structures

## **U. REFUSE DISPOSAL**

All owners and occupants shall provide for the disposal of all solid and liquid wastes on a timely basis and in a manner provided for by Federal and State law and the Town of Richmond ordinances.

## **V. SANITARY STANDARDS**

1. Sewer System. All sanitary sewage from new or expanded uses shall be discharged into the public sewage collection and treatment system when the system has adequate capacity to handle the projected waste generation and:
  - a. Such facilities are currently available at the lot line or:
  - b. If the public collection system is available by public right-of-way within one hundred (100) feet for a single-family home, duplex, or other use with a design sewage flow of less than five hundred (500) gallons per day or within three hundred (300) feet of a use with a design sewage flow of five hundred (500) or more gallons per day.

### **2. On-Site Disposal.**

If the public system cannot serve or be extended to serve a new or expanded use, the sewage shall be disposed of by an on-site sewage disposal system meeting the requirements of the State Plumbing Code.

- a. Engineered System. Any new on-site disposal of sewage involving the use of an "engineered system" as defined by the State Plumbing Code shall provide a backup location meeting the requirements of the Plumbing Code and of sufficient size to allow the installation of a replacement system to serve the use.
- b. When two or more lots or buildings in different ownership share a common subsurface disposal system, the system shall be owned and maintained in common by an owners' association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

### **3. Industrial, Commercial Waste.**

Industrial or commercial wastewaters may be discharged to public sewers only and in such quantities and/or of such quality as to be compatible with sewage treatment operations. The disposal of industrial or commercial wastewaters by means other than the municipal sewerage system shall comply with the laws of the State of Maine concerning water pollution. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to public treatment processes.

## **W. SIGNS**

### **1. General**

Signs shall be permitted on premises only to identify the occupants, advertise the rental or sale of the property, advertise goods or services available on the property or provide notice of public events, governmental regulations and similar information. All signs shall conform to State law. The following provisions of this section shall apply to all signs within the Town, except for municipal and State signs, unless otherwise stated within the Ordinance.

A sign, as defined in Article 3, of this Ordinance, is an object, device or structure, or part thereof, situated outdoors or displayed in a window, visible from a public and or a private way, free standing or attached, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location, by any means including words, letters, figures, design, symbols, advertising flags, banners, fixtures, colors, streamers, placards, illuminations or projected images. Each face of a sign shall constitute a separate sign except that a sign with two sign faces shall be counted as one sign.

### **2. Permit Required**

A permit shall be required prior to installation of a sign or sign structure. Such application shall be submitted to the Code Enforcement Officer along with payment of the applicable fee listed in the Town of Richmond Fee Schedule. The application shall include the name and address of the sign owner, a scale drawing defining the proposed location relative to lot lines and roadway(s), design, dimensions and position of the sign and other information the CEO may require.

### **3. Non-Conforming Signs**

Non-conforming signs may receive normal maintenance and repair. Any change in size, construction, location or lighting of a sign in existence at the time of the adoption of this Ordinance shall constitute a new sign, and such changes shall be governed by the terms of this Section W.

#### **4. Residential Uses**

- a. Unless otherwise provided in this Section W, one (1) on-premise sign per lot is permitted. Such sign shall not be placed on the roof of the building and shall not be larger than 4 square feet.
- b. Rental vacancies may be advertised with a non-illuminated sign no larger than 4 square feet. Such sign shall be displayed only during such times, as the rental property is vacant.
- c. The sale of real estate may be advertised by non-illuminated temporary signs, no larger than six (6) square feet in area. Each broker or person advertising the sale shall be permitted only one (1) sign on any premise, except property with frontage on more than one (1) right-of-way may display a sign on each right-of-way. All such signs shall be removed within thirty (30) days of closing.

#### **5. Commercial, Industrial and Institutional Uses**

- a. Signs shall relate to the premises on which they are located and only identify the occupants of the premises or advertise the service or goods available within the premises. Signs relating to goods and services sold on the premises shall be permitted, provided such signs shall not exceed six (6) square feet in area, and shall not exceed two (2) signs per premises. Signs relating to goods and services not rendered on the premises shall be prohibited.
- b. The total area of all signs displayed upon a single premise shall be a maximum of 100 sq. ft. and no one sign shall be greater than 32 sq. ft. in size, except that:
  - i. In the Village Zone and Main Street Commercial District, the total area of all signs displayed upon a single premise shall be a maximum of 50 sq. ft. and no one sign shall be greater than 24 sq. ft. in size; and
  - ii. In the I-295 Commercial-Industrial District, the total area of all signs displayed upon a single premise shall be a maximum of 200 sq. ft. and no one sign shall be greater than 64 sq. ft. in size.
- d. Signs shall not be placed on a roof of any building, tree, fence or natural feature in its natural state.
- e. Free-Standing Signs. Freestanding signs shall be no higher than 16 feet vertical measure above the average ground level from the base of the sign, except for the I-295 Commercial-Industrial District where the maximum vertical measurement shall be 25 feet. Limited in number to one per premises, the sign shall not interfere with the vision of the operators of vehicles entering or exiting from the premises. A freestanding sign shall not be closer than ten (10) feet to the street right-of-way or twelve (12) feet to either of the side lot lines. Where an existing principal building is within fifteen (15) feet of the street right-of-way, a freestanding sign may be located no closer than two (2) feet from the street right-of-way.



f. Attached Signs. Signs attached to the structure by way of frame or bracket, which overhangs a pedestrian sidewalk, shall not project more than six (6) feet from the structure face. Height clearance between the sign bottom and average grade at the base of the sign shall not be less than eight (8) feet. Signs attached to the structure without the use of overhanging frames or brackets shall not extend or project more than (12) Inches from the structure surface. Cut out letters shall not project more than six (6) inches from the building.

## **6. Sponsor Signs within Sporting Complexes**

Sponsor signs shall be permitted in sporting complexes such as ball fields along fences to be viewed only from the complex area. Sponsor signs shall not exceed 24 sq. ft. in size.

## **7. Illumination**

Internal-illumination fixtures are prohibited. Lighting fixtures shall be hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Illumination of signs shall be permitted only between the hours of 7:00 a.m. and 11:00 p.m., except that this time restriction shall not apply to the illuminated signs of emergency facilities and retail, commercial and industrial establishments during such hours as the establishments are lawfully open to the public or work hours are regularly in effect. Illuminating signs whose specific purpose is outlining any part of a building, such as a gable, roof, sidewalk or corner, are prohibited.

## **8. Prohibited Signs and Sign Parts**

- a. There shall be no moving signs or signs with moving parts.
- b. No sign or sign parts shall be illuminated with changeable, flashing, moving, or animated-type lights.
- c. No sign shall be internally illuminated.
- d. No sign shall be located off the site of the lot on which the related services are located, except as provided for in this Ordinance and except for directional signs

## **9. Exempt Signs**

Notwithstanding anything herein to the contrary, the following signs shall be permitted without limitation:

- a. Flags and insignia of any government, not to exceed 64 square feet.

b. Legal notices, identification, information, or directional signs erected or required by governmental bodies.

c. Signs, not to exceed 3 square feet, directing and guiding traffic and parking on private property, but bearing no advertising matter or commercial identification.

d. Yard and garage sale signs posted for less than three (3) days.

e. Non-illuminated, temporary advertisements in windows or an exterior bulletin board, of goods, services and events not sold on the premises. A bulletin board shall not exceed more than one per premises or 24 sq. ft.; and

f. Internally illuminated, changeable signs located within the I-295 Commercial-industrial District, if constructed in accordance with 23 M.R.S.A. § 1914 (11-A) and compliant with all other applicable requirements contained in the Ordinance.

## **10. Signs With Message Boards**

Signs with changeable message boards shall be permitted, but must conform to all other sections within this section and Ordinance.

## **11. Official Business Directional Signs**

Any business may erect off-premises business directional signs in accordance with State Law and the standards of the Maine Department of Transportation. No official business directional signs shall be located along Main Street within the Commercial District.

## **12. Portable Signs and Sandwich Board Signs**

Any business may use a single portable, free-standing sign, not to exceed ten (10) square feet, to place along the road-side to advertise daily specials or announcements during business hours, such sign must be removed at the end of the daily business. Such sign shall not inhibit or impede vehicular or pedestrian traffic and must conform to all State and local laws and ordinances.

## **13. Calculation of Sign Area**

Double faced signs shall be counted as one (1) sign and the area of only one (1) face shall be included in the total sign area.

## **14. Temporary Signs**

Temporary signs, not to exceed 16 sq. feet in size, may be erected in conjunction with, subject to the following limitations:

a. Signs may be erected no sooner than thirty (30) days prior to the activity.;

b. Signs must be maintained in good condition and solidly affixed, and

c. Signs must be removed within seven (7) days following the event or activity.

## **X. STORAGE OF MATERIALS**

All materials stored outdoors shall be stored in such a manner as to prevent the breeding and harboring of insects, rats or other vermin. This shall be accomplished by enclosures in containers, raising materials above ground, separation of material, prevention of stagnant water, extermination procedures or other means.

Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse shall have sufficient setbacks and screenings (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

All dumpsters or similar receptacles shall be located on level surfaces, which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it shall be screened by fencing or landscaping. The lids or openings shall be kept in a closed position except when the container is being filled or emptied.

Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and maintained in good condition.

## **Y. TRAILERS**

### 1. Maintenance and Use of Recreational Trailers

Recreational trailers are not required to meet the requirements under this ordinance for manufactured housing units. However, occupancy for over four (4) months in a 12-month period is prohibited.

### 2. Office Trailers

Office trailers located in Richmond for more than fifteen (15) days shall require a building permit and shall be removed with thirty (30) days of completion of the project or expiration of the permit, whichever is sooner.

### 3. Construction Trailers

Construction trailers may be located on the construction site for length of the construction project and shall be removed after the construction is complete or terminated, whichever is sooner.

4. Agricultural Trailers

Agricultural trailers used for housing temporary or migrant workers are prohibited.

**Z. WILDLIFE HABITAT**

No building or structure shall be located in high value wildlife habitat areas, including deer wintering areas, as identified in the Comprehensive Plan or by Maine Inland Fisheries & Wildlife unless the applicant for a building permit can demonstrate that there is no suitable alternative location on the site for the building or structure.

The Board shall take into consideration that deer wintering areas as delineated by the Town of Richmond Deer Wintering Areas map, shift on a seasonal basis, and actual field determination by an IF&W Biologist or Game Warden should be made to verify that these areas are currently being used as deer wintering habitat, and this determination should be made part of the review.

**AA. RETAIL MARIJUANA**

These standards apply to retail marijuana establishments and retail marijuana social clubs, as those terms are defined in Article 3.

1. A retail marijuana establishment or retail marijuana social club may not be located within 1,000 feet of the lot lines of any of the following:
  - a. a church, synagogue or other house of religious worship;
  - b. a public or private elementary or secondary school;
  - c. a residence;
  - d. a day care facility;
  - e. a public park or public recreational facility; or
  - f. another retail marijuana establishment or retail marijuana social club.

For purposes of this requirement, the distance shall be measured between any structure used as a retail marijuana establishment or retail marijuana social club and the lot line of the site of the use listed in subparagraph (a) through (f) above at their closest points.

2. A retail marijuana establishment or retail marijuana social club must have a separate driveway entrance, parking area and signage at least 200 feet from any driveway entrance or signage of any of the following:
  - a. a church, synagogue or other house of religious worship;
  - b. a public or private elementary or secondary school;
  - c. a residence;
  - d. a day care facility;
  - e. a public park or public recreational facility; or
  - f. another retail marijuana establishment or retail marijuana social club.

3. A retail marijuana establishment or retail marijuana social club must have a continuous six (6) foot high solid fence along all boundary lines it has in common with any of the following:
  - a. a church, synagogue or other house of religious worship;
  - b. a public or private elementary or secondary school;
  - c. a residence
  - d. a day care facility;
  - e. a public park or public recreational facility; or
  - f. another retail marijuana establishment or retail marijuana social club.
4. All signage related to a retail marijuana establishment or retail marijuana social club shall meet the requirements of the Land Use Ordinance and shall not use any pictorial representations of any portion of a marijuana plant, products, by-products, or paraphernalia associated with the use or distribution of recreational retail marijuana. No advertising that is designed to appeal to minors.
5. No consumption of marijuana within a retail marijuana establishment.
6. No sale of any other products not containing marijuana (i.e., cigarettes, alcohol or edible products that do not contain marijuana, such as sodas, candies and baked goods). No retail marijuana products that resemble candy that would otherwise be consumed by children.
7. No automatic dispensing machines that contain marijuana.
8. Retail marijuana establishments/social clubs must be in a fixed location (i.e., no kiosks, trucks/carts or farm stands).
9. Odor management. For all retail marijuana establishments, the odor of marijuana must not be perceptible at the exterior of the building at the premises or at any adjoining use of the property. Retail marijuana cultivation facilities must implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. Retail marijuana stores, retail marijuana product manufacturing facilities, and retail marijuana testing facilities are not required to install filtration equipment on the licensed premises but must satisfy the same odor standard contained herein. While the Town does not mandate any particular equipment specifications with regard to filtration, all retail marijuana establishments are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.
10. Enclosed locked facilities and enclosed outdoor areas must be locks sufficient to discourage theft and unauthorized entrance.

(END OF ARTICLE V)