

Searsport

2018 - 2027



Comprehensive Plan

Developed by the Searsport Comprehensive Plan Committee

In compliance with the State of Maine

Growth Management Act Title 30-A, M.R.S.A. §4301 et seq.

Contents

- Acknowledgements.....6**
- Introduction7**
- Vision Statement.....7**
- Public Participation Summary.....7**
- Regional Coordination Program.....8**
- Conflicts with Other Towns Policies/Strategies.....9**
- Summary of Regional Coordination Efforts.....9**
- 1. History and Archaeological Resources.....11**
 - A. State Goal..... 11
 - B. Analyses 11
 - C. Conditions and Trends 17
 - D. Policies..... 18
 - E. Strategies 18
- 2. Water Resources.....19**
 - A. State Goal..... 19
 - B. Analyses 19
 - C. Conditions and Trends 20
 - D. Policies..... 22
 - E. Strategies 23
- 3. Natural Resources25**
 - A. State Goal:..... 25
 - B. Analyses 25
 - C. Conditions and Trends 26
 - D. Policies..... 26
 - E. Strategies 27
- 4. Agricultural and Forest Resources35**
 - A. State Goal:..... 35
 - B. Analyses 35
 - C. Conditions and Trends 36
 - D. Policies..... 37
 - E. Strategies 37

5. Marine Resources	39
A. State Goal and State Coastal Policies	39
B. Analysis.....	40
C. Conditions and Trends	41
D. Policies.....	42
E. Strategies	43
6. Population and Demographics	44
A. State Goal:.....	44
B. Analyses	44
C. Conditions and Trends	45
D. Policies.....	45
E. Strategies	45
7. Economy	46
A. State Goal.....	46
B. Analysis.....	46
C. Conditions and Trends	48
D. Policies.....	50
E. Strategies	50
8. Housing.....	51
A. State Goal / Minimum Policy	51
B. Analyses	51
C. Conditions and Tends.....	52
D. Policies.....	53
E. Strategies	53
9. Recreation	55
A. State Goal.....	55
B. Analyses	55
C. Conditions and Trends	56
D. Policies.....	57
E. Strategies	58
10. Transportation.....	60
A. State Goal.....	60

B. Analyses	60
C. Conditions and Trends	64
D. Policies.....	66
E. Strategies	66
11. Public Facilities and Services	68
A. State Goal.....	68
B. Analysis.....	68
C. Conditions and Trends	71
D. Policies.....	75
E. Strategies	75
12. Fiscal Capacity and Capital Investment	77
A. State Goal.....	77
B. Analyses	77
C. Conditions and Trends	78
D. Policies.....	79
E. Strategies	80
F. Capital Investment Plan.....	80
13. Existing Land Use.....	82
A. State Goals	82
B. Analyses	82
C. Conditions and Trends	83
D. Policies.....	86
E. Strategies	86
Section 4. FUTURE LAND USE PLAN	87
1. State Goal.....	87
2. Future Land Use Plan Overview.....	87
3. Review Criteria for Future Land Use Plan Designations	87
A. Growth Areas	87
B. Growth Area Exemptions.....	90
C. Shared Growth Area.....	91
D. Transitional Areas.....	91
E. Rural Areas.....	91

F. Critical Natural Resources.....	92
G. Critical Rural Areas and Critical Waterfront Areas.....	92
A. Analyses.....	92
B. Components	94
C. Policies	97
D. Strategies.....	97
5. Criteria for Growth Area Exemptions	98

Appendix 1 – Community Wide Survey

Appendix 2 – History and Archaeological Resources Data

Appendix 3 – Water Resources

Appendix 4 – Natural Resources

Appendix 5 – Agricultural and Forrest Resources

Appendix 6 – Marine Resources

Appendix 7 – Population and Demographics

Appendix 8 – Economy

Appendix 9 – Housing

Appendix 10 – Recreation

Appendix 11 – Transportation

Appendix 12 – Public Facilities and Services

Appendix 13 – Fiscal Capacity and Capital Investment

Appendix 14 – Existing Land Use

Acknowledgements

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Introduction

As a result of the Comprehensive Planning and Land Use Regulation Act of 1989 MRSA Title 30A Section 4861, the Town of Searsport wrote and adopted the first Comprehensive Plan on March 7, 2009.

Using the past efforts as a starting point, the current Comprehensive Planning committee appointed by the Board of Selectmen undertook the challenge of studying and quantifying the successes and/or failures of meeting the goals then established by the mission statement.

The Purpose of the Comprehensive Plan for the Town of Searsport remains the same. This plan and its supporting documents will provide the framework and support for future planning, community and economic development.

The Mission of the Comprehensive Plan Committee is to review, periodically revise and recommend any other appropriate changes to the Comprehensive Plan that represent the collective thinking, vision and insight of the community for its future growth and anticipated needs. In addition, the committee is charged with, at least annually, reviewing and recommending any appropriate changes to the Land Use Ordinance to Board of Selectmen.

The result will be the continuing progress toward keeping and enhancing Searsport as a place where people want to live; a place where business large and small can prosper in an environmentally pleasing community.

Vision Statement

Searsport will be a friendly cooperative town that provides economic opportunities balanced with safety and quality of life. We will build on our seafaring heritage to grow a central intermodal port supporting central and northern Maine. We will provide educational opportunities to support these industries. We will provide public and/or attract private support services for the convenience of our citizens and industries.

Public Participation Summary

The Searsport Comprehensive Plan update was performed by relying on input from residents through a series of public outreach activities to assure that the vision and future planning were shaped by a broad cross-section of Searsport's population. Leading the public participation effort was an eight (8) member Comprehensive Planning Committee. The committee met regularly to update the Comprehensive Plan; the process included an aggressive approach for engaging residents in the public participation activities to have their voices heard.

A community-wide survey was developed with the assistance of Eastern Maine Development Corporation to ask a series of questions to determine:

- Satisfaction with the quality of life/living in Searsport Maine
- Benefits of living in Searsport (i.e., cost of living, caring community, access to medical and social services, education, etc.)
- Disadvantages for living in Searsport (i.e., property taxes, lack of housing, low population growth, quality of streets and roads, etc.)
- Assessment of the quality of life (better, same, worse)
- Satisfaction with economic growth
- Identification of preferences for economic development and community improvements
- Ranking (satisfied or dissatisfied) of services and community characteristics
- Preferences for communications regarding community meetings or news

In addition to these questions, the survey (attached in Appendix 1) encouraged participants to share additional comments. The survey was mailed to approximately 800 individual households with prepaid posted return envelopes, and an electronic version was also posted on the Searsport town web site. In all, 200 responded which represents 25% of the total households.

Complementing the survey were three public meetings at different locations in Searsport including the junior/senior high school, a church located in the country outside of the town center, and one at a hall in the center of town. The public meetings were posted on the town's web site, local media periodicals and other key town hubs. A summary of input from these meetings is provided in Appendix 1 of this plan. The priorities, preferences, and challenges identified through the public participation opportunities are reflected in the Comprehensive Plan and served to frame Searsport's vision for the future.

Regional Coordination Program

Throughout the updated Comprehensive Plan, the Town identifies itself as part of a larger region and looks for productive ways to help advance initiatives that benefit both Searsport and the region. It continuously looks for opportunities to support and strengthen transportation, solid waste disposal/recycling, fire protection, ambulance service, septic waste disposal, recreation and public works related joint purchasing.

Searsport is a long-standing member community of the Eastern Maine Development Corporation (EMDC), with representation on the EMDC Board of Directors. This representation gives the Town a voice in the types of economic development programs that EMDC offers. The Town also participates in county and state directed regional coordination efforts in such areas as transportation, housing, tourism, and hazard mitigation. There is also considerable opportunity to cooperate in the protection of shared natural resources by working toward consistent zoning standards.

The goal is to enhance the regional economy by:

- Meeting residents' needs, increasing efficiencies with public facilities, infrastructure and services,
- Preserving natural resource-based industries such as agriculture and marine.
- Improve and/or protect the area's environment and cultural resources.

Conflicts with Other Towns Policies/Strategies

Searsport directly borders the towns of Prospect and Stockton Springs to the northeast, Belfast to the southwest, Swanville to the northwest, and Frankfort to the north. The towns of Frankfort, Prospect, and Swanville do not have Comprehensive Plans; however, Belfast and Stockton Springs have active Plans. Searsport proposes to provide these towns with a copy of this updated Comprehensive Plan, and discussions will be encouraged to consider ways to improve consistency with their policies and procedures. A local review of the most current Comprehensive Plans including their goals, policies and strategies for the transportation, public infrastructure/facilities sections did not identify any conflicts

Summary of Regional Coordination Efforts

Water and Natural Resource Strategies

- Cooperate with neighboring communities to address regional stormwater management.
- Shellfish Conservation: The mission of the Shellfish Conservation Committee is legislated by Searsport town ordinance and state statutes. The program allows for the sustainable harvest of both mussels and soft-shell clam resources in Searsport's intertidal zones by ensuring a workable procedure for harvesters to use.
- Coordinate shellfish conservation efforts pursued to assure efficiencies of resources and continuity of missions.
- Strategy: Promote continuing efforts of local community conservation groups such as Friends of Sears Island, Coastal Maine Land Trust, and Belfast Bay Watershed.
- Conservation.
- Cooperate with other local, regional and State entities in the conservation of natural resources of shared interest related to rivers/streams and the ocean coastline.
- Participate in ongoing discussions related to Searsport deep port and dredging.

Transportation Strategies

- Share resources including public transportation cost sharing, taxicab services across communities, and promotion of other alternative transportation choices to bridge the gap for those lacking private vehicles. The Midcoast Transportation provides public transportation from Belfast to points of destination including Searsport, serving to connect Searsport residents in need to far reaching cities including Augusta, Bangor, and Waterville as well as other surrounding communities. Examples of regional alternative modes of transportation include community and county services for transporting the elderly, disabled, and low income to healthcare and social services appointments.
- Seek funding from MaineDOT to construct or repair paved shoulders along Route 1-A and 1.
- Signage. Strategy is to improve signage to direct out-of-town traffic to available parking and services.
- Participate in regional transportation planning initiatives including Penobscot County, Waldo County, and EMDC.
- Assess rail for needed upgrades and work with rail provider to improve service to Searsport's business and industry districts, and tie rail service to economic development planning and regional efforts.

Public Facility/Service Strategies

- Educate citizens of all ages through the Recycling and Conservation Committee about the benefits of recycling, recommend ambitious goals to dramatically reduce waste production in the Town of Searsport within three years, and use the Comprehensive Plan to guide an investigation of regional opportunities for conservation and implementation of best policies and practices for sustainable waste and resource management.
- Fire and Emergency Response - Participate in local, county and state mutual aid plans for providing fire and emergency response services.
- Promote the extension of natural gas to the area.
- Expand broadband and connectivity.

Recreation Strategies

- Identify and promote hiking trails.
- ATV and snowmobile trails (Maine ATV interconnecting trail system/MATS) and adequate access to trails.

Economic Development

- Collaborate with area communities on a shared economic development vision.

1. History and Archaeological Resources

A. State Goal

To preserve the State's historic and archeological resources.

B. Analyses

(1) Are historic patterns of settlement still evident in the community?

Searsport is a town of approximately twenty-nine square miles located nearly at the head of Penobscot Bay, on the western shore. With the growth of shipbuilding and trade the village of West Prospect grew. At that time there were two centers of population. At the eastern end of what was to become Searsport was known as the Harbor district. With homes, a school and a Post Office, the business trade and commerce largely centered around the shore line. By the 1840's there began talk of organizing a new town. Accordingly, the people of the area known as East Belfast and West Prospect petitioned the legislature to be set off as a separate town. The legislature incorporated the town on February 13, 1845 with a population of approximately 2,200 residents. The town name was chosen to honor a prominent citizen, David Sears.

In the early days the heart of the settlement, mainly two rows of frame buildings consisting of shops and homes, had moved along the major roadway in the center of town known as Searsport Village. As the town grew these were gradually replaced with brick buildings, the first being the "Leach Block", built around 1836, along the roadway east of Mt. Ephraim Road. On the south side of the thoroughfare, using locally produced brick, the "Merithew Block" was built around 1847. Prominent among the occupants was the first bank of Searsport. By 1853 another brick building, and the tallest was built on the westerly side of Mt. Ephraim Road. Known as the "Smart Block", this three-story structure, like the others previously mentioned, has housed a variety of business and professional enterprises. Today this building remains the tallest of the original buildings still in use. Around 1891 the buildings on the south side of the road expanded when the original Merrill Trust Bank building was built on the easterly corner of Main Street and Mosman Avenue. This iconic building, with its unusual and ornate architecture, has also seen many varied tenants over the years and remains a cornerstone building in the downtown district. Most of these early buildings still stand today, buttressing both sides of U S Route # 1.

Today this business district is still populated by a variety of business and professional establishments to meet the needs of today's population. A supermarket, restaurants, antique shops, other small businesses and the Penobscot Marine Museum have found homes in and among the original brick structures of the 1800's. The Harbor district is largely residential with citizens using the Post Office in Searsport and the children attending school in RSU#20 along with the children from neighboring Stockton.

Early to mid-18th century found the population moving away from the shoreline and land toward the northern section of Searsport became the home for lumbermen and farmers' families. As the land was cleared logs were used in the shipbuilding industry and shipped to Europe. An agrarian community grew as did the road network which included a major route from Searsport to the Prospect Ferry. This provided a path to the Penobscot River. Evidence of

these early agricultural enterprises that thrive today such as Brown's Hidden Gardens and Latham's Blueberries. A major blueberry producer, Merrill Company also uses many acres of fields in this area, as do small farms and woods operations. To meet the needs of a growing population, this section of town has its own Fire Station, and a loyal group of supporters maintains the Methodist Church, built there in 1842. Attached to the cemetery, the church elders also own and maintain a small community building that was once a neighborhood school. This unique building, the only remaining school structure of the turn of the century, is used for many civic functions.

Over the years, however, the area closest to the bay has continued to see the major changes and growth. In 1903 an agent of the Bangor and Aroostook Railroad began buying properties on the harbor side of US Route # 1 in Searsport and surrounding towns. A charter was granted and the B and A extended its line from LaGrange to Searsport in 1905. With this newly available means of transportation, C.H.Sprague and Son, recognizing the opportunity to meet the growing energy needs in New England, opened the Penobscot Coal and Wharf Company. This enterprise was located in what has become known as "the docks", where it is still thriving today as Sprague Energy. In 1925 the Bangor and Aroostook Railroad built a new pier near Sprague's. With the importing and shipping of dry cargo such as potatoes, newsprint, and chemicals for the growing fertilizer industry, the port activity increased, providing employment for many. This remains an important major employer, with new businesses and their attending products being added regularly.

In addition to fuel needs, other major imports today include road salt, clay slurry, and wind mill components, while scrap metal, logs and timber comprise major exports. Always meeting the changing needs of the state and New England, these are far different cargoes than the foods, arms and ammunition shipments which went out of Searsport during World War II. Searsport is poised to play a continuing major role as sea traffic up and down the east coast grows.

In 1907 the American Agricultural Company built a large fertilizer plant and pier in the area of town referred to as "the harbor" in the eastern part of the town. In 1909 the Hubbard Fertilizer Company- later Armour- built a plant nearer the docks which operated until it was razed in 1960. Summers Fertilizer Company in 1919 erected its manufacturing plant at Kidders Point, also in the eastern part of the town. In 1944 Northern Chemical Industries built a large plant for fertilizer manufacturing, adding, in 1956, an anhydrous ammonia facility later purchased and operated by W.R.Grace. This facility, operated for a time as Delta Chemical, is today a major employer operated by General Alum and Chemical Corporation. This company supplies materials to support the paper industry, waste-water treatments, food-grade chemicals, beer-fermentation products and leather-tanning oils.

In the same general area near the docks, in 1951-52 Shell Oil Company established a marine terminal with the construction of seven storage tanks. Other-fuel handling companies continue to use the tanks. As a part of this complex, the U S Government operated a large military petroleum facility from which pipelines serviced Limestone and Dow Air Bases. Closed in 1984, the pipeline, now not operating, is still in place and currently studies are underway to reuse the pipeline for other purposes including natural gas.

In 2014 the Central Maine and Quebec Railway acquired the rail line and connected Searsport to several Canadian destinations, continuing the important rail/sea connection that has helped to maintain Searsport's role as a major port in Maine and New England.

Throughout its history the Town of Searsport has always been connected to the sea, building and supplying ships, sailing ships and sending and receiving ship's cargoes. Today, one of the best deep water ports on the eastern seaboard still allows large vessels to call, while smaller vessels enjoy the beautiful bay, its islands and an attractive shore side town. Local clammers, lobstermen and fishing parties regularly use the Hamilton Wharf at the foot of Steamboat Avenue as a launching site.

Visitors come to Searsport to visit the world-renown Penobscot Maritime Museum, and to see the many old and grand homes, and businesses highlighted on the walking tour recently installed. Mosman Park, in the middle of town, remains one of the very few places where the public can visit, picnic, and access the beach without charge. All of these sites are maintained and preserved as the forbearers of this community envisioned. More recently a group of like-minded citizens have worked with the State of Maine to preserve a portion of Sears Island as a nature conservancy. Site of one of the earliest homesteads, this is open to the public without charge.

(2) What protective measures currently exist for historic and archaeological resources and are they effective?

Over the history of Searsport, elected officials and interested citizens' groups have continually exerted efforts to preserve and maintain the physical history of the town. Both the Port and the historic buildings remain a vibrant part of modern day Searsport.

The first Post Office was established in what was then West Prospect in 1819 and relocated to the village area in 1846, in the Merithew Block. In 1961 the Post Office moved off Route # 1 onto Water Street, still in the center of town. The former space, now on the National Register, has seen many uses over the years, most recently as an Art Gallery. In 1896 a Post Office was established in the Harbor District on the east end of town in a building that remains there today. Since its closing in 1914 it is now privately owned and has also seen many changes in occupancy.

Union Hall, standing on the corners of Reservoir and Union Streets, was built by a local entrepreneur in 1863 as a venue for community activity. Later acquired by the town, this old hall has been the hub of many events, at times functioning as a school and gymnasium, a place to vote and a performance arts center. There are few residents who have not enjoyed time within its walls. Renovations over the decades have kept the solid building in repair and functional as needs changed. In 1964 the street level of the building was remodeled to meet the needs of a growing town office staff. The upstairs remained a Scout Hall, school practice space, the home of the Ebb Tide Players and a place for large meetings of all kinds including the annual Town Meeting. In 1995 this space underwent a major face lifting, and was made handicapped assessable with the installation of an elevator. New heating, lighting and a sprinkler system

brought the building up to new codes. An original artifact, a rolled canvas curtain on the stage, features a large clipper ship painting surrounded by ads for local businesses, most long gone. In 2007 this treasure was professionally conserved and ropes replaced. This project was possible through the efforts of the Searsport Historic Preservation Committee. A velvet curtain with pulley system was also installed for everyday use and to protect the canvas art. Through a grant written by volunteers in 2011, new window drapes and hardware were purchased and installed, increasing the usefulness of the area.

In 1854 the Town of Searsport organized the Penobscot Engine Company Number 1, bringing organized fire protection to the citizens. They were reorganized in 1933 as the Barney Hose Company to honor William Barney. This group remains active today both firefighting and with many charitable activities to support the modern day fire department. Several pieces of antique fire apparatus and other artifacts are now housed in a newly reconstructed building at the site of the Searsport Historical Society in the Harbor District on the Sears Island Road.

Following a fatal fire at the McIntyre farm on Loop Road in 1995, Charles Howard and John Lenfest Sr. formed the North Searsport Fire Department. A two-bay garage type station was constructed on land loaned by Charles Howard. The first engine was a military surplus 6x6 with 500-gallon tank and about 250 gallon per minute pump. This engine was well suited to the rural response needs in the winter when the roads may not be plowed. About 1960 this engine was replaced with a two-wheel drive engine with a larger pump and tank. In 1976, the original station was replaced with a two-bay, larger, steel building and the land deeded to the town. In 1991 a 22x40 foot addition was added to this building to support a modern heavy tanker. The North Searsport Fire Department operated separate from the Searsport Fire Department until the 1992 town meeting, when they were combined. The modified North Searsport Fire Station continues in use today. A proposal to build a new station was voted down in 2012.

The Searsport Historical Society was incorporated in 1964 and met in a building on Route # 1 in the Leach Block, on the south side of the highway. This space was the former Post Office. When the building underwent a foreclosure in 2000, the group struggled until its revitalization in 2002. A dedicated group secured an old homestead and had it moved nearer to Route # 1 on the Sears Island Road. With the donation of land by the General Alum Corporation and the gift of the building by Central Maine Power Company, along with generous contributions of time and manpower by several local business people, the Crary/ Carlin/Colman House became the new home of the Historical Society. A grant from MBNA and a variety of fund-raising events allowed a legion of volunteers to restore, room by room, the entire building. Open to the public weekends for tours and exhibits during summer and fall hours the house is also available for private and community events. The latest addition to this cultural center is the post-and-beam barn, donated and reconstructed on this new site. Again business and private citizens made this structure possible and the ideal spot for displaying our antique fire equipment and other farm and ship building antiquities.

The Penobscot Marine Museum was founded in 1936 by a group of former sea captains who wished to preserve, interpret and celebrate the maritime culture of the Penobscot Bay region and beyond through collections, education and community engagement. The original museum was a brick building, formerly the town hall (c. 1845) and then a jail. Subsequently all the historic

early 19th century buildings on Church Street (with the exception of the Congregational Church) as well as the Whitcomb Pendleton Block (c 1845) on Route # 1, have been acquired by the museum for exhibits, education, planning and business management. The Stephen Phillips Memorial Library and Carver Art Gallery were constructed in 1985. Today the photo archives and visible storage share space with the extensive research library.

Many buildings in Searsport have attained National Register status. A list of the specific structures is contained here and in Appendix 2.

1. Penobscot Marine Museum Historic District
2. Searsport Historic District
3. Captain John Nichols House
4. Captain John McGilvery House
5. Captain William McGilvery House
6. Union Hall
7. Mortland Family Farm
8. East Main Street Historic District
9. Union School
10. Carver Memorial Library
11. James G. Pendleton House
12. College Club Inn

MUSEUM IN THE STREETS is designed as a bilingual history walking tour. French has been chosen as the second language in recognition of the Franco-American community within Maine and our French speaking visitors. The text on all panels is in both English and French. This heritage walking tour of Searsport Maine will provide you with a historic tour of 17 places in Searsport's history. See Appendix 2 for more information.

In 1995 the Town of Searsport selectmen appointed a Cemetery Committee, which took on the responsibility for preserving the physical appearance of the six cemeteries. They also began the task of gathering all the information on every stone in every cemetery. Over the past 20 years a data base has been constructed which is now available on line for anyone wanting to do genealogical or other family research for the families who built Searsport.

See the following table and Appendix 2 for a list of cemeteries with their locations.

Cemetery Name	Location
Evergreen	Mt. Ephraim Rd. North Searsport
Merithew	Mt. Ephraim Rd. North Searsport
Mount Hope	Back Searsport Rd.
Gordon	West US Rt. 1
Village	Mt. Ephraim Rd. Downtown
Elmwood	East US Rt. 1
Bowditch	East US Rt. 1

In addition to buildings and organizations, there are several important natural features of the Town of Searsport that have been and are being preserved and protected for the present and future generations.

One such feature is the Town Dock and mooring area at the foot of Steam Boat Avenue. Once a major part of the transportation network for the east coast, the original dock and buildings were the point of arrivals and departures for the Boston Boat. Since the day of steamship travel has dwindled, today the dock is home to local fishermen and pleasure-crafters. The town supports a Harbor Master and an Assistant Harbor Master, whose duty it is to keep the dock a viable and safe place for all to enjoy. Assigning mooring space, setting and removing moorings keeps them busy summer and fall. Through grant funding and local taxation, the extensive dock and parking area are maintained in excellent condition for all to use and enjoy.

As Searsport grew, a forward-thinking group of citizens realized that the shore side parcel enjoyed by many for ball games and picnics through the generosity of the current owners might not remain so. In the early 1900's the area now known as Mosman Park, was a 4-acre lot on the shore in the center of town known as David Mosman's lower pasture. Through his generosity the general public was allowed to use this for picnics, ball games and family outings. Destined to become one of the first subdivisions in Waldo County, a group took on the task of raising the funds to buy the four acre lot. Through fund drives and money raising events the group succeeded in the purchase. On August 3, 1922, a meeting was held to form the Mosman Park Association. Two months later, on October 12, 1922, a flagpole was raised and a memorial stone dedicated. Located at the foot of Mosman and Water Streets the park is maintained with the cooperative effort between the Mosman Park Association and the Town of Searsport. With a modern playground area, picnic tables and hibachis, a basketball court and a softball field and access to a decent beach, this park is a busy place. It is one of the very few places along this shore where the public has free access to its pleasures.

(3) Do Local site plan and/or subdivision regulations require applicants proposing development in areas that may contain historic or archaeological resources to conduct a survey for such resources?

No, however the Site Plan Ordinance states under Standards of Approval "Adverse Effects: The development shall not have unreasonable adverse effects upon designated historic sites, important wildlife habitats or rare and irreplaceable natural areas or property values."

The Subdivision Ordinance states under Performance & Design Standards "If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan, National Register of Historic Places, or Maine Historic Preservation Commission, appropriate measures for the protection of historic or prehistoric resources shall be included in the plan. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in

reviewing such plans.” Buildings on the National Register and owned by the town are well-maintained according to National Register standards.

- (4) Have significant historic resources fallen into disrepair, and are there ways the community can provide incentives to preserve their value as an historical resource?

The community does not provide incentives to preserve the value of significant historic resources that have fallen into disrepair.

C. Conditions and Trends

- (1) The community’s Comprehensive Planning Historic Preservation Data Set prepared and provided to the community by the Historic Preservation Commission, and the Office, or their designees.

See Appendix 2 for data sets

- (2) An outline of the community’s history, including a brief description of historic settlement patterns and events contributing to the development and character of the community and its surroundings.

See the Searsport History on page 11

- (3) An inventory of the location, condition, and use of any historical or archaeological resource that is of local importance.

Name	Location	Condition	Use	Threat	Historical/Archaeological
	Eight sites on shore of Kidder Point or Sears Island	Subject to climate change		climate change	Prehistoric Archaeological Site
Gaulin Farm	Sears Island	Subject to climate change		climate change	Historic Archaeological Site
Sears Island Settlement	Sears Island	Subject to climate change		climate change	Historic Archaeological Site
3 Schooner Wrecks	Penobscot Bay	Under Water		climate change	Historic Archaeological Site
Scow Wreck	Penobscot Bay	Under Water		climate change	Historic Archaeological Site
Penobscot Marine Museum Historic District	US Rt. 1 Downtown	Some repair needed	Museum	Disrepair	Historic Building Listed on the National Register
Searsport Historic District	US Rt. 1 Downtown	Some repair needed of some buildings	Commercial stores	Disrepair	Historic Building Listed on the National Register
Captain John Nichols House	East Main St.	Some repair needed	B&B	Disrepair	Historic Building Listed on the National Register
Captain John McGilvery House	East Main St.	Some repair needed	B&B	Disrepair	Historic Building Listed on the National Register
Captain William McGilvery House	East Main St.	Some repair needed	Residential	Disrepair	Historic Building Listed on the National Register
Union Hall	Union Street	Some repair needed	Town Hall	Disrepair	Historic Building Listed on the National Register
Mortland Family Farm	Mortland Rd.	Good	Residential	Disrepair	Historic Building Listed on the National Register
East Main St. Historic District	East Main St.	Some repair needed	Mixed	Disrepair	Historic Building Listed on the National Register
Union School	Mt. Ephraim Rd.	Good	Apartments	Disrepair	Historic Building Listed on the National Register
Carver Memorial Library	Mortland Rd.	Good	Library	Disrepair	Historic Building Listed on the National Register
James G. Pendleton House	US Rt. 1 West	Good	Residential	Disrepair	Historic Building Listed on the National Register
College Club Inn	US Rt. 1 West	Some repair needed	Residential	Disrepair	Historic Building Listed on the National Register

- (4) A brief description of threats to local historic resources and to those of state and national significance as identified by the Maine Historic Preservation Commission.

See above table and Appendix 2

D. Policies

In order to accomplish the State's goal, the Searsport policy is to protect to the greatest extent practicable the significant historic and archaeological resources located in Searsport.

E. Strategies

In order to further Searsport's policy stated above, we will endeavor to accomplish the following strategies through calibration between the Planning Board, Selectmen, and other appropriate committees.

- (1) For known historic archeological sites and areas sensitive to prehistoric archeology through local land use ordinances require subdivision or non-residential developers to take appropriate measures to protect those resources, including but not limited to, modification of the proposed site design, construction timing, and/or extent of excavation.
- (2) Adopt or amend land use ordinances to require the Planning Board (or other designated review authority) to incorporate maps and information provided by the Maine Historic Preservation Commission in their review process.
- (3) Require the Planning Board to continue investigate the advantages of incorporating maps and information provided by the Maine Historic Preservation Commission into their review process within the next five years.
- (4) Work with the Searsport Historic Preservation Committee and the Maine Historic Preservation Commission to assess the need for, and if necessary plan for, a comprehensive Searsport survey of historic and archaeological resources.

2. Water Resources

A. State Goal

To protect the quality and manage the quantity of the State's water resources, including lakes, aquifers, great ponds, estuaries, rivers, and coastal areas.

B. Analyses

- (1) Are there point sources (direct discharges) of pollution in the community? If so, is the community taking steps to eliminate them?

Yes. The following are point source discharges in Searsport:

One outfall at the Wastewater Treatment Plant on Navy Street

Oil terminal, stormwater runoff, one at Sprague Energy Corp (Mack Point)

Oil terminal, stormwater runoff, three at Irving (52 Station Ave.)

One license with two outfalls at General Alum Chemical (Kidders Point Rd)

The point sources of pollution are currently monitored for compliance and are not currently a significant source of pollution.

- (2) Are there non-point sources of pollution? If so, is the community taking steps to eliminate them?

Yes almost all groundwater contamination in Maine originates from non-point source pollution, rather than point source pollution. Most important non-point contamination sources include: agriculture, hazardous waste spills sites, landfills, petroleum products and leaking underground storage tanks, road salt storage and application, septic systems, saltwater intrusion, shallow well injection, and waste lagoons. In addition to these major sources, things as diverse as golf courses, cemeteries, burned buildings and automobile service stations are potential threats to groundwater. We are controlling some of these with our ordinances and other by inspection of the Code Enforcement Officer.

- (3) How are groundwater and surface water supplies and their recharge area protected?

The ground water and surface water supplies and recharge areas are protected in our Land Use Ordinance, Site Plan Review Ordinance, and Shoreland Zoning Ordinance, and onsite inspection by the Code Enforcement Officer.

(4) Do public works crews and contractors use best management practices to protect water resources in their daily operations (e.g. salt/sand pile maintenance, culvert replacement, street sweeping, and public works garage operations)?

Yes, the public work crews are trained in BMP's and the contractors are controlled by the regulations in the Land Use Ordinance and the Code Enforcement Officer.

(5) Are there opportunities to partner with local or regional advocacy groups that promote water resource protection?

Yes, we partner with the Friends of Sears Island, the Friends of Penobscot Bay and other Penobscot Bay organizations.

C. Conditions and Trends

(1) The Community's Comprehensive Planning Water Resource Data Set

See Map 1 Water Resources & Riparian Habitats and Appendix 3

(2) Description of each great pond, river, surface drinking water supply, and other water bodies of local interest including ecological value, threats to water quality or quantity and documented water quality and/ or invasive species problems.

Within its boundaries, the Town of Searsport has Cain's Pond, McClure's Pond, Halfmoon Pond, and a portion of Swan Lake. Cain's Pond is 38 acres with an elevation of 223 feet and is located in the Eastern Coastal Rivers Watershed. McClure's Pond is 46 acres with an elevation of 225 feet and is located in the Eastern Coastal Rivers Watershed. Halfmoon Pond is 176 acres with an elevation of 327 feet and is located in the Penobscot River Watershed. Swan Lake is 1370 acres with an elevation of 202 feet and is located in the Eastern Coastal Rivers Watershed.

(3) A summary of past and present activities to monitor, assess, and/or improve water quality, mitigate sources of pollution, and control or prevent the spread of invasive species.

We have in the past and will continue to have available, at our town office, brochures on invasive species, water quality and pollution for our residents. We support the Swan Lake Association, which inspects boats for Milfoil and distributes brochures at the lake in Searsport.

(4) A description of the location and nature of significant threats to aquifer drinking water supplies.

Our Shore Land Ordinance and Land Use Ordinance, along with onsite inspections by the Code Enforcement Officer, have helped and will continue to help protect our lakes, ponds and rivers.

(5) A summary of existing lake, pond, river, stream, and drinking water protection and preservation measures including local ordinances.

Our Shore Land Ordinance and Land Use Ordinance along with onsite inspections by the Code Enforcement Officer have and will continue to help protect our lakes, ponds, and rivers.

D. Policies

Minimum policies required to address state goals:

In order to protect and preserve the quality of the state's water resources, including lakes, aquifers, great ponds, estuaries, and rivers the following policies will be implemented:

The water district through its comprehensive and strategic plans will continue to explore ways in which to protect and improve the municipal water supply.

The town will protect water resources including lakes, aquifers, great ponds, rivers, and wetlands.

(1) To protect current and potential drinking water sources.

We have no public drinking water sources in Searsport. We protect private wells in our Land Use Ordinance

(2) To Protect significant surface water resources from pollution and improve water quality where needed.

Our Shoreland Zone Ordinance is state-approved and with the inspections of the Code Enforcement Officer we protect our water resources.

(3) To protect water resources in growth areas while promoting more intensive development in those areas.

In our Land Use Ordinance and Site Plan Review Ordinance we have incorporated low-impact development techniques

(4) To minimize pollution discharges through the upgrade of existing public sewer systems and wastewater treatment facilities.

Our wastewater treatment facility is at 60% of capacity and we are looking at funding to increase the coverage of the public sewer system at this time.

(5) To cooperate with neighboring communities and regional/local advocacy groups to protect water resources.

We partner with other towns, the Friends of Sears Island and other Penobscot Bay organizations in an effort to protect the town's water resources.

E. Strategies

Minimum strategies to meet state goals:

(1) Adopt or amend local land use ordinances as applicable to incorporate stormwater runoff performance standards consistent with:

a. Maine Stormwater Management Law and Maine Stormwater regulations. (Title 38 M.R.S.A. §420-D and 06-096 CMR 500 and 502).

b. Maine Department of Environmental Protection's allocations for allowable levels of phosphorus in lake/pond watersheds.

c. Maine Pollution Discharge Elimination System Stormwater Program

We are currently and will continue to review, yearly, all ordinances.

(2) Consider amending local land use ordinances, as applicable, to incorporate low-impact development standards.

Our Subdivision and Land Use Ordinance currently incorporate LID standards.

(3) Where applicable, develop an urban impaired stream watershed management or mitigation plan that will promote continued development or redevelopment without further stream degradation.

We currently have a Best Management Practice plan in place.

(4) Maintain, enact or amend public wellhead and aquifer recharge area protection mechanisms, as needed.

We have no public wellheads or aquifer recharge areas in Searsport.

(5) Encourage landowners to protect water quality. Provide local contact information at the municipal office for water quality best management practices from resources such as Natural Resource Conservation Service, University of Maine Cooperative Extension, Soil and Water Conservation District, Maine Forrest Service, and/or Small Woodlot Association of Maine.

Our Code Enforcement Officer has that information and does provide it to our residents.

(6) Adopt water quality protection practices and standards for construction and maintenance of public and private roads and public properties and require their implementation by contractors, owners, and community officials and employees.

These practices are currently overseen by our Code Enforcement Officer and are required in our ordinances.

(7) Participate in local and regional efforts to monitor, protect, and where warranted improve water quality.

We are currently partnering with other towns, the Friends of Sears Island and other Penobscot Bay organizations in an effort to protect the town's water resources.

(8) Provide educational materials at appropriate locations regarding aquatic invasive species.

Educational material is presently available at our Town Office and Swan Lake.

3. Natural Resources

A. State Goal:

To protect the State's other critical natural resources, including without limitation, wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas, and unique natural areas.

B. Analyses

- (1) Are any of the community's critical natural resources threatened by development, overuse, or other activities?

The Town of Searsport has identified the following critical natural resources:
See Map

Clam Flats
Mosman Park
Sears Island
Probert Forest
Sloam Property
Moose Point State Park
Swan Lake
Half Moon Pond

With the exception of the clam flats, no critical natural resources are threatened by development, overuse or other activities.

- (2) Are local shoreland zone standards consistent with state guidelines and with the standards placed on adjacent shorelands in neighboring communities?

The Town of Searsport updated our Shoreland Zoning Standards in 2015 to maintain consistency with State guidelines in our plan; and the neighboring communities, Stockton Springs, Belfast, Prospect, Swanville and Frankfort, have adopted the State guidelines.

- (3) What regulatory and non-regulatory measures has the community taken or can the community take to protect critical natural resources and important natural resources?

The Town of Searsport ensures that land use ordinances are consistent with applicable state law regarding critical natural resources through the work of the Searsport Planning Board. In addition, Swan Lake is managed by a volunteer committee through the Swan Lake Association. Regular monitoring helps control the Milfoil invasion. The community's critical natural resources are reasonably safe other than the clam flats, which are threatened by over-digging and overuse. The Shellfish Committee now monitors what is taken out, performs random water tests, and reseeds sections regularly.

- (4) Is there current regional cooperation or planning underway to protect shared critical natural resources? Are there opportunities to partner with local or regional groups?

The Town of Searsport has in place its Land Use Ordinance and Shoreland Zoning Ordinance, which are reviewed by the Planning Board. The Town of Searsport also has in place the Shellfish Committee. The Town of Searsport also has collaborated with the Swan Lake Association regarding cleaning up the water in Swan Lake.

C. Conditions and Trends

Minimum data required to address Analyses:

- (1) The Comprehensive Plan Data Sets.

See Appendix 4 and maps at the end of this chapter

- (2) A map or description of scenic areas and scenic views of local importance, and regional or statewide importance, if available.

The Bay as viewed from Mosman Park, Moose Point State Park, and Hamilton Warf. The mountains to the North West as viewed from the Blueberry fields on Mt. Ephraim Rd.

D. Policies

Minimum policies required to address state goal:

- (1) To conserve critical natural resources in the community.
- (2) To coordinate with neighboring communities and regional and state resources agencies to protect shared critical natural resources.

In order to protect the state's critical natural resources, including without limitation, wetlands, wildlife, and fisheries habitat, sand dunes, shorelands, scenic vistas, and unique natural areas; in order to protect the state's marine resources industry, ports and harbors, from incompatible development; and in order to promote access to the shore for commercial fishermen and the public the following policies will be implemented by Searsport:

1. The town will continue to protect and preserve natural resources.
2. The town will continue to update and conform to the minimum standards for the protection of natural resources as determined by the state and federal government.
3. The town will continue to protect marine resources.
4. The town will encourage forest management practices that do not have a long lasting negative impact on forestland and other natural resources.
5. The town will ensure the preservation of access to the coastal waters necessary for commercial fishermen, commercial mooring, docking, and related facilities.

6. The town will continue to protect shellfish resources.
7. The town will continue to protect wildlife habitat including existing waterfowl/wading bird habitats and deer wintering areas.
8. The town will require phosphorus-loading mitigation for all new subdivision developments on the town's great pond watersheds and will work to minimize the further degradation of great pond water quality.
9. The town will support agricultural activities.

E. Strategies

Minimum strategies required to address state goals:

- (1) Ensure that land use ordinances are consistent with applicable state law regarding critical natural resources.

The Town of Searsport ensures that land use ordinances are consistent with applicable state law regarding critical natural resources by placing the responsibility for review oversight with the Searsport Planning Board.

- (2) Designate critical natural resources as Critical Resource Areas in the Future Land Use Plan.

- (3) Through local land use ordinances, require subdivision or non-residential property developers to look for and identify critical natural resources that may be on site and to take appropriate measures to protect those resources, including but not limited to, modification of the proposed site design, construction timing, and/or extent of excavation.

The Town of Searsport, through local land use ordinances, requires subdivision or non-residential property developers to look for and identify critical natural resources that may be on site and to take appropriate measures to protect those resources, including but not limited to, modification of the proposed site design, construction timing, and/or extent of excavation

- (4) Through local land use ordinances, require the planning board (or other designated review authority) to include as part of the review process, consideration of pertinent BwH maps and information regarding critical natural resources.

The Town of Searsport, through local land use ordinances, requires the Planning Board to include as part of its review process consideration of pertinent BwH maps and information regarding critical natural resources.

- (5) Initiate and/or participate in interlocal and/or regional planning, management, and/or regulatory efforts around shared critical and important natural resources

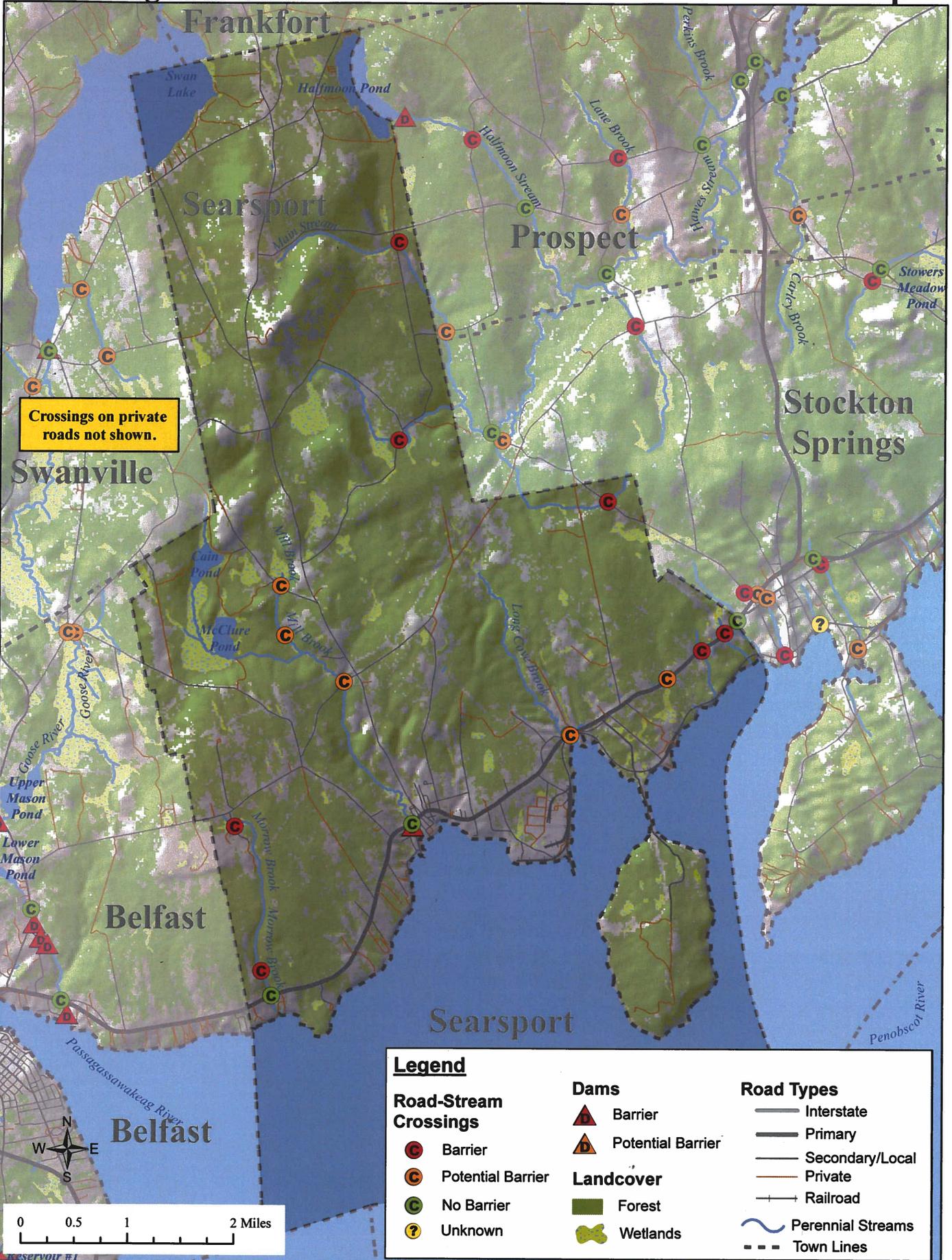
The Town of Searsport will continue to search for opportunities to initiate and/or participate in interlocal and/or regional planning, management, and/or regulatory efforts around shared critical and important natural resources, and will continue to update existing ordinances as appropriate.

- (6) Pursue public/private partnerships to protect critical and important natural resources such as through purchase of land or easements from willing sellers

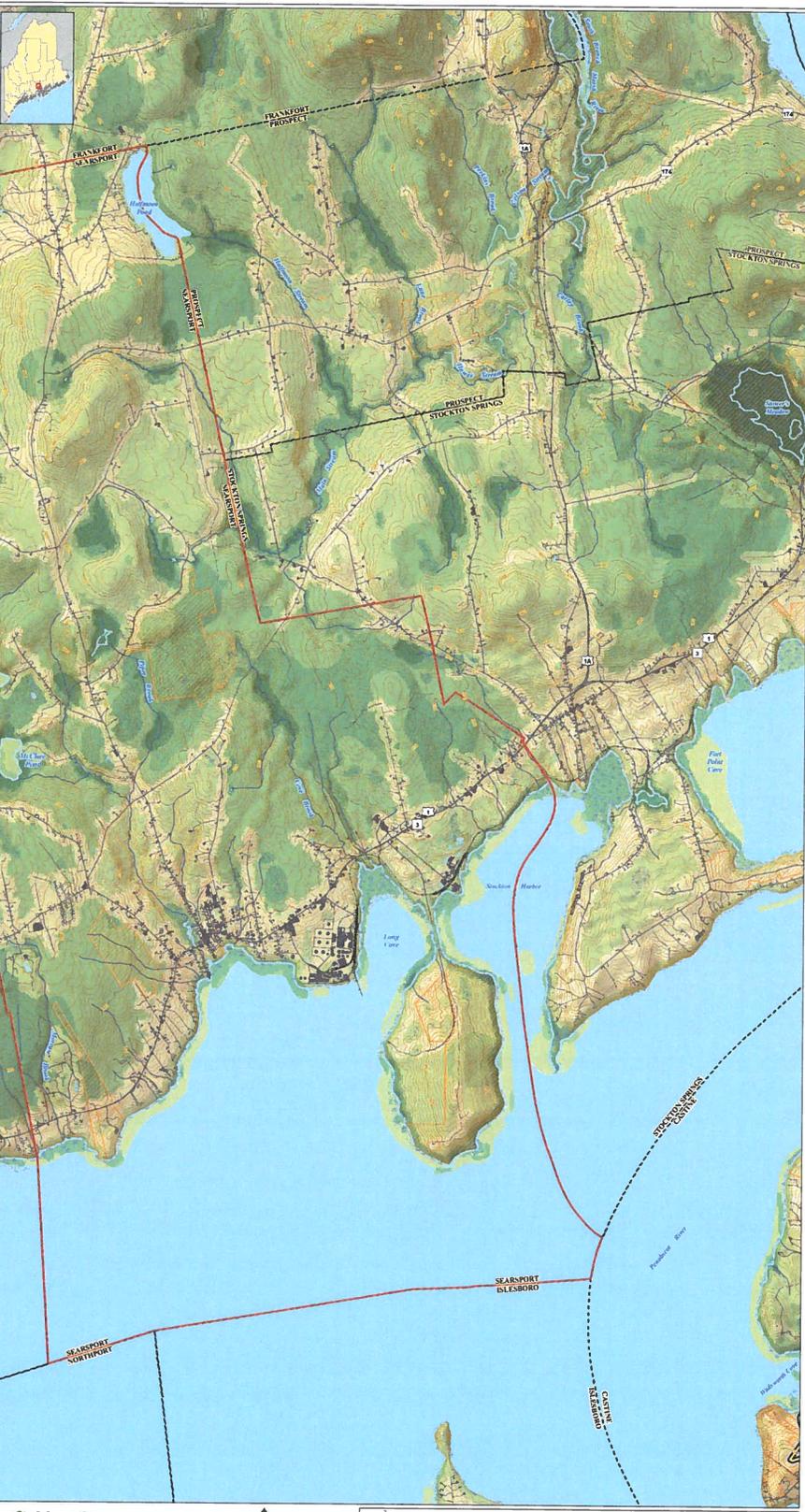
The Town of Searsport will continue to pursue public/private partnerships to protect critical and important natural resources such as through purchase of land or easements from willing sellers. The Town of Searsport continues to work with the Friends of Sears Island in the protection of that natural resource.

- (7) Distribute or make available information to those living in or near critical or important natural resources about current use tax programs and applicable local, state, or federal regulations.

The Town of Searsport will continue to distribute or make available information to those living in or near critical or important natural resources about current applicable local, state, or federal regulations. The Town of Searsport currently makes information available at the Town Office, on the Town's website, and through the Town's Code Enforcement Officer, ensuring the CEO is up-to-date with all necessary information.



Beginning with HABITAT
 An Approach to Conserving Maine's Natural Space for Plants, Animals, and People
 An Agricultural Information System
Supplementary Map
Natural Resource Co-occurrence
Searsport
This map is non-regulatory and is intended for planning purposes only.



Legend

- This map represents the concentration of selected environmental asset data layers overlaid on the landscape. Its purpose is to highlight areas where relative conservation values are high and in planning. It offers a generalized and subjective view and should be considered as a starting point for discussion. The layers on this map include buffer zones around water features, important natural communities, listed plant and animal species, areas of undeveloped land, and conserved properties. Some of these layers have been weighted based on qualitative features, such as rarity or size, and are noted below. Co-occurrence modeling is extremely flexible, allowing for the addition, substitution, and relative weighting of data and attributes that best reflect the characteristics and priorities of a given state or community. This map draws on data that is depicted on the standard Beginning with Habitat map set, but should still be considered as both supplementary and as work in development.
- Organized Township Boundary
 - Unorganized Township
 - Selected Town or Area of Interest
 - Developed: Impervious surfaces such as buildings and roads
 - Conservation Land

Selected Resource Layers and Assigned Values

- Geographic Information System (GIS) software provides a ready means to help identify areas of high resource concentrations. The selected data layers of interest are assigned a relative weight, or value, and then overlaid on one another. The values are then summed, classified, and symbolized, revealing the concentration of attributes in a given landscape. (Some of the layers listed may not apply to, or be present on, the area represented by this map.)
- Rare and Exemplary Natural Communities**
 - S1 (Critically Imperiled): Value of 4
 - S2 (Imperiled): Value of 4
 - S3 (Rare): Value of 3
 - S4 and S5 with A or B Viability (Exemplary): Value of 3
 - Rare Plants**
 - R1 (Endangered): Value of 3
 - R1R2 - R2 (Threatened): Value of 2
 - R2R3 - R3 (Special Concern): Value of 1
 - Listed Animals**
 - Endangered Species (with buffer): Value of 3
 - Threatened Species (with buffer): Value of 2
 - Species of Special Concern (with buffer): Value of 1
 - Significant Wildlife Habitats**
 - Shoreland Habitat: Value of 3
 - Seaside Nesting Islands: Value of 3
 - Essential Wildlife Habitat: Value of 3
 - Wetland and Wetland Habitat (land and tidal): Value of 2
 - Deer Wintering Area: Value of 1
 - Significant Vernal Pools (with 500' buffer): Value of 1
 - Atlantic Salmon Habitat: Value of 2
 - Heritage Brook Trout Waters: Value of 2
 - Shellfish Beds: Value of 1
 - Riparian Zones and Water Resources**
 - Tide waters 250' buffer: Value of 2
 - Great Ponds 250' buffer: Value of 1
 - Rivers 250' buffer: Value of 1
 - Streams 75' buffer: Value of 1
 - Wetlands greater than 10 acres plus 250' buffer: Value of 1
 - Wetlands less than 10 acres plus 75' buffer: Value of 1
 - Groundwater Aquifers: Value of 1
 - Undeveloped Habitat Blocks**
 - Areas over 1200 acres: Value of 3
 - Areas of 600 to 1200 acres: Value of 2
 - Areas of 200 to 600 acres: Value of 1
- Sum of Attribute Values**
- 0
 - 1-2
 - 3
 - 4-5
 - 6-8
 - 9-12
 - Over 12

Focus Areas

Focus Areas of Statewide Ecological Significance
(noted and present in all regions)
 Focus Areas of Statewide Ecological Significance have been designated based on an unusual combination of rare plant and animal occurrences, high value habitat, and relatively intact natural landscapes (the combined elements of Beginning with Habitat Maps 1-3). Focus area boundaries were drawn by M&AIP and M&DPA biologists, generally following drainage divides and/or major fragmenting features such as roads. Focus Areas are intended to draw attention to these study special places in the landscape, municipalities, and local land trusts. For descriptions of specific Focus Areas, consult the Beginning with Habitat notebook or the following website: <http://www.maine.gov/dacf/mag/focusareas/index.htm>

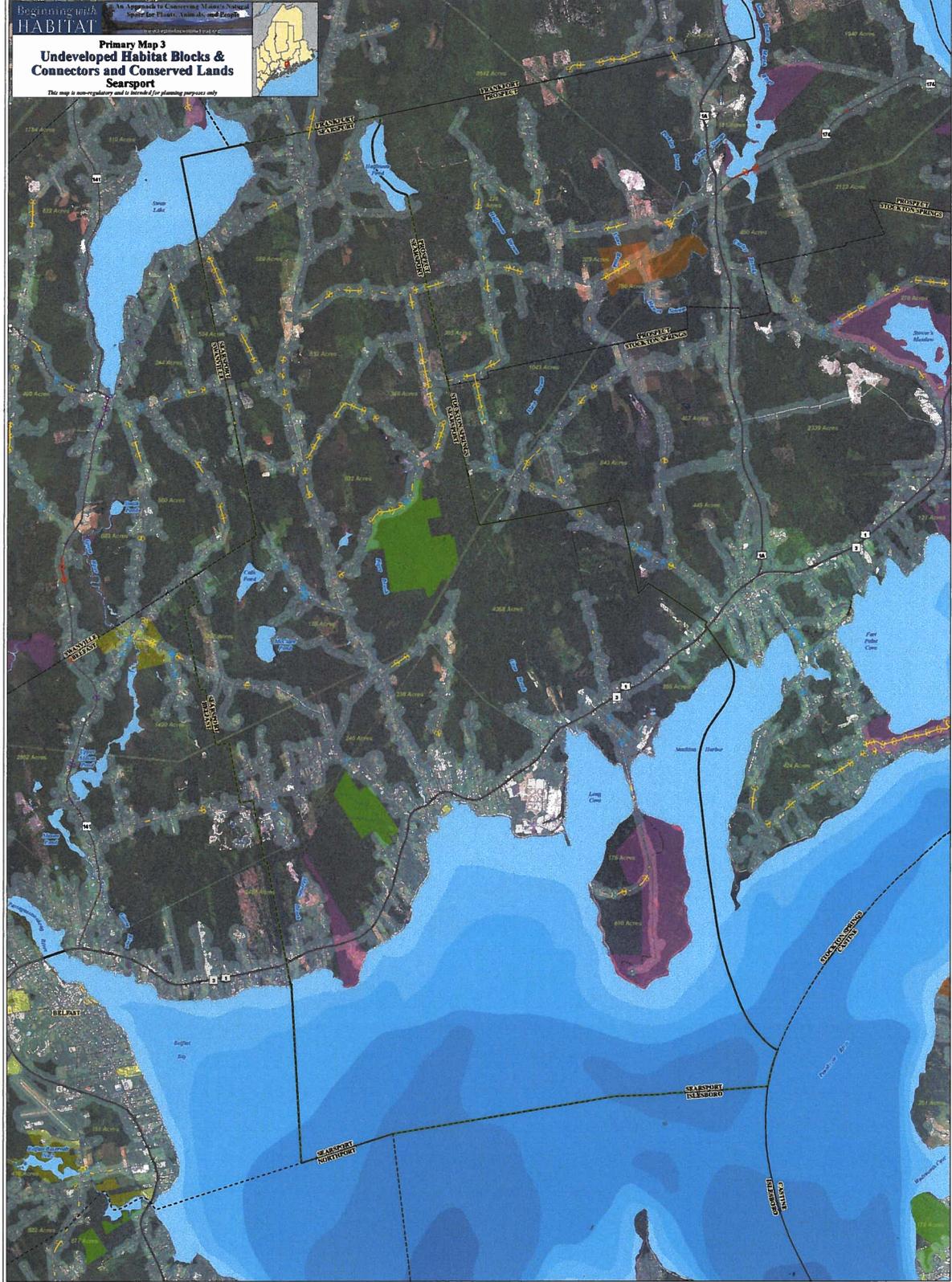
Data and Information Sources

- DATA SOURCES**
- TOWNSHIP BOUNDARIES**
Maine Office of GIS: Mbnwp24 (2013)
 - ROADS**
Maine Office of GIS: Maine Department of Transportation (MaineDOT) (2015)
 - HYDROLOGY**
U.S. Geological Survey National Hydrography Dataset (NHD) (Maine) (2012)
 - DEVELOPED**
Maine Office of GIS: Maine Department of Inland Fisheries and Wildlife and multiple other agencies: Inland (2013)
 - ESSENTIAL & SIGNIFICANT WILDLIFE HABITATS**
Maine Office of GIS: Maine Department of Inland Fisheries & Wildlife, DWA, ETSC, Elyon, Elyon, JWHW, Srs, Shoreland TFWH (2003-2015)
 - RARE NATURAL COMMUNITIES & PLANTS**
Maine Natural Areas Program: MNAIP, nna (2015)
 - ATLANTIC SALMON HABITAT**
Maine Office of GIS: Maine Atlantic Salmon Commission, U.S. Fish & Wildlife Service: ASMA3 (2013)
- DATA SOURCE CONTACTS**
- Maine Office of GIS: <http://www.maine.gov/mega/catalog/>
 - Maine Natural Areas Program: <http://www.maine.gov/dacf/mag/ndas/index.htm>
 - Maine Department of Inland Fisheries & Wildlife: <http://www.maine.gov/difw/>
 - U.S. Fish & Wildlife Service, Gulf of Maine Program: <http://gulfatlanticsalmon.fws.gov/>
 - Maine Atlantic Salmon Commission: <http://www.maine.gov/dacf/>
 - Maine Department of Transportation: <http://www.maine.gov/dot/>
- DIGITAL DATA REQUEST**
 To request digital data for a town or organization, please visit our website: http://www.beginningwithhabitat.org/the_mapset/data_request.html

Beginning with HABITAT
 An Approach to Conserving Maine's Natural
 Splendor for Plants, Animals, and People

**Primary Map 3
 Undeveloped Habitat Blocks &
 Connectors and Conserved Lands
 Searsport**

This map is non-regulatory and is intended for planning purposes only.

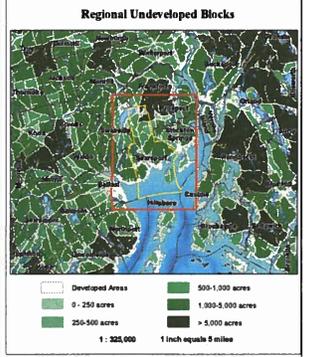


LEGEND

- This map highlights undeveloped natural areas likely to provide core habitat blocks and habitat connectors that facilitate species movements between blocks. Undeveloped habitat blocks provide relatively unaltered habitat conditions realized by many of Maine's species. Habitat connectors provide necessary opportunities for wildlife to travel between preferred habitat types in search for food, water, and mates. Roads and development fragment habitat blocks and can be barriers to moving wildlife. By maintaining a network of interconnected blocks towns and land trusts can protect a wide variety of Maine's species—both rare and common—to help ensure rich species diversity long into the future. Maintaining a network of these large rural open spaces also protects future opportunities for forestry, agriculture, and outdoor recreation.
- Organized Township Boundary
 - Unorganized Township
 - Selected Town or Area of Interest
- Habitat Blocks**
- Development Buffer (dark transparency)
 - 200-500 foot buffer around improved roads and developed areas based on development intensity.
 - Undeveloped Habitat Block
 - Remaining land outside of Development Buffers. Blocks greater than 100 acres are labeled with their estimated acreage.
- Approximate Road Crossing Habitat Connections**
- Represented habitat connections identified through computer modeling highlight locations where quality habitat is likely to occur on both sides of a given road between undeveloped habitat blocks greater than 100 acres and between higher value wetlands. These representations are approximate and have not been field verified.
- Undeveloped Block Connectors**
- Likely road crossing areas linking undeveloped habitat blocks greater than 100 acres. The broad of habitat fragmentation and animal mortality corresponds to traffic volume.
- Yellow lines represent habitat road crossings with daily traffic volumes less than 2000 vehicles per day.
 - Red lines represent habitat road crossings with daily traffic volumes greater than 2000 vehicles per day.
- Riparian Connectors**
- Likely crossing locations for wetland dependent species moving between waterways and wetlands by roads.
- Blue lines represent riparian road crossings with daily traffic volumes less than 2000 vehicles per day.
 - Purple lines represent riparian road crossings with daily traffic volumes greater than 2000 vehicles per day.
- Highway Bridge Connectors**
- Highway bridges along I-95 and I-295 that span riparian habitat connecting adjacent but separate habitat blocks. These are locations where species are likely to take advantage of infrastructure to move between habitat blocks.
- Conserved Lands**
- The State of Maine's conserved lands database includes lands in federal, state and non-profit ownership. It does not include many privately owned conservation lands, especially those protected by local land trusts, or town owned conservation lands. For the most accurate and current information about land ownership, consult with the local supervisor or other local land management agencies. If public access potential to any of the properties displayed here is uncertain, landowners should be contacted to determine if permission is necessary.
- Ownership Type (transparency keys)**
- Federal
 - National parks, forests, and wildlife refuges (includes Canadian conserved lands)
 - State
 - Wildlife Management Areas and other properties managed by the Department of Inland Fisheries and Wildlife, state parks, and parks managed by the Bureau of Parks & Lands
 - Municipal
 - Town parks, water district properties, community forests, etc.
 - Private Conservation
 - Properties owned and managed by private (usually non-profit) organizations such as The Nature Conservancy, Maine Coast Heritage Trust, Trust for Public Land, and local land trusts.
 - Easement
 - Voluntary legal agreements that allow landowners to realize economic benefit by permanently restricting the amount and type of future development and other uses on all or part of their property as they continue to own and use it.

Aerial Imagery

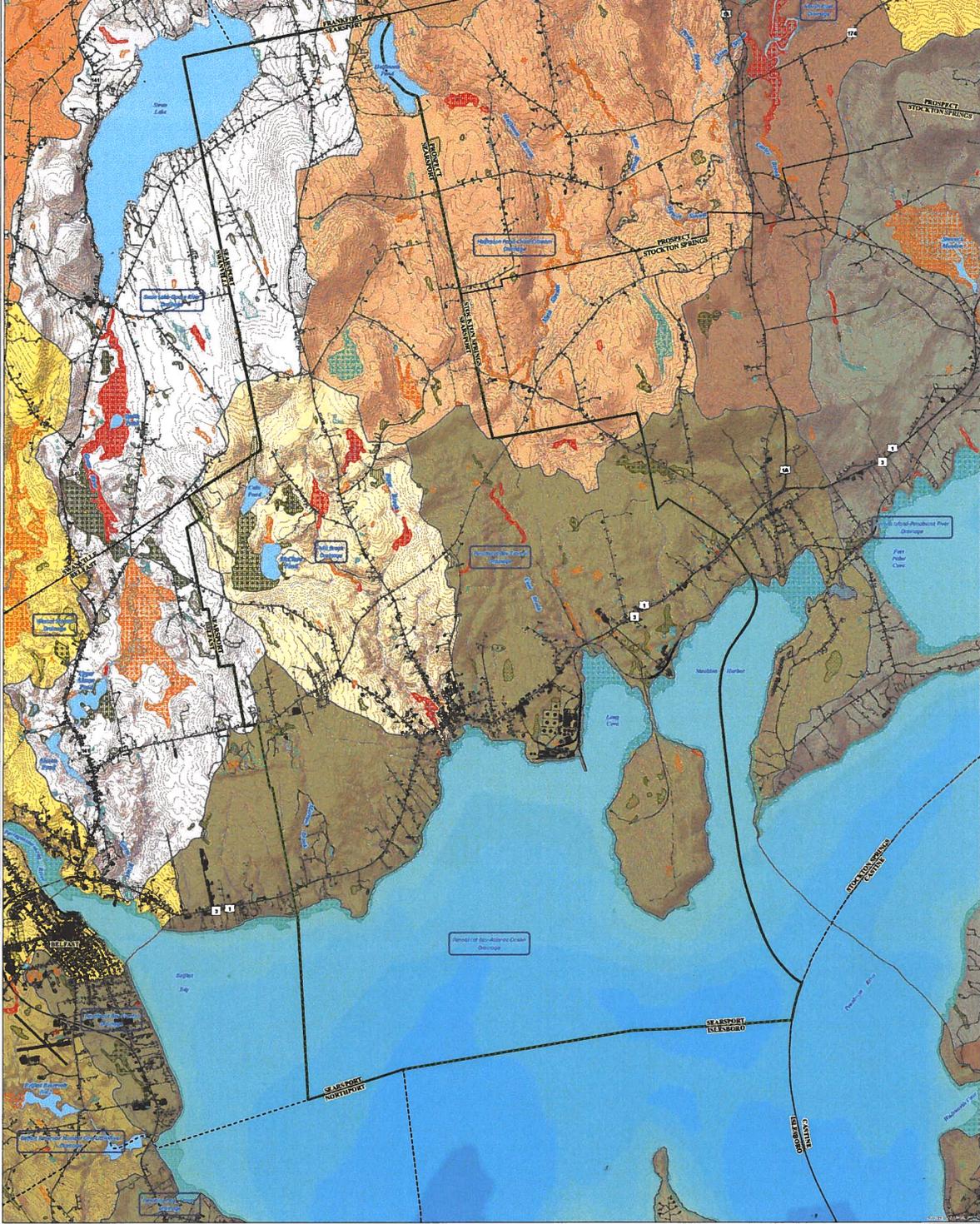
Aerial imagery is often the best tool available to visualize existing patterns of development and resulting changes in the natural landscape. By depicting undeveloped habitat blocks, habitat connectors and conserved lands with aerial photos, the map user can more easily identify opportunities to expand the size and ecological effectiveness of local conservation efforts.



- Data Sources**
- DATA SOURCE INFORMATION**
- TOWNSHIP BOUNDARIES**
 Maine Office of GIS, MaineDOT (2013)
- ROADS**
 Maine Office of GIS, Maine Department of Transportation; mainedot (2015)
- HYDROLOGY**
 U.S. Geological Survey NHD, Maine (2012)
- UNDEVELOPED HABITAT BLOCKS, DEVELOPMENT BUFFER, CONNECTORS**
 Maine Department of Inland Fisheries and Wildlife (2015)
- CONSERVATION LANDS**
 Maine Department of Agriculture, Conservation, and Forestry, Land Use Planning Commission, Maine Department of Inland Fisheries and Wildlife
- Conserved Lands (2015)**
 U.S. Department of Agriculture, NADP 2013 - state-wide 1-meter color orthomosaic
- DATA SOURCE CONTACT INFORMATION**
 Maine office of GIS: <http://www.maine.gov/legis/statelibrary/>
 Maine Dept. of Agriculture, Conservation and Forestry - <http://www.maine.gov/acf/>
 Maine Dept. of Inland Fisheries & Wildlife - <http://www.maine.gov/ifw/>
 Maine Department of Transportation - <http://www.maine.gov/dot/>
 Maine Department of Environmental Protection - <http://www.maine.gov/dep/>
- DIGITAL DATA REQUEST**
 To request digital data for a town or organization, visit our website: http://www.beginningwithhabitat.org/other_mapinfo_data_request.html

Supplementary Map 7
Wetlands Characterization
Searsport

This map is non-regulatory and is intended for planning purposes only.



LEGEND

This map depicts all wetlands shown on National Wetland Inventory (NWI) maps, but categorized from based on a subset of wetland functions. This map and the depiction of wetland features neither constitute nor eliminate the need to perform on-the-ground wetland delineation and functional assessment. In no way shall use of this map constitute or alter the regulatory jurisdiction of any Federal, State, or local government. NWI maps depict general wetland locations, boundaries, and characteristics. They are a substitute for on-ground, site-specific wetland delineation.

Elizabeth Herzog at the Maine Department of Conservation (2017-237-8961) elizabeth.herzog@maine.gov

The Wetlands Characterization model is a planning tool intended to help identify likely wetland functions associated with significant wetland resources and adjacent uplands. Using GIS analysis, this map provides basic information regarding what ecological services various wetlands are likely to provide. These ecological services, each of which has associated economic benefits, include: floodwater control, sediment retention, fish habitat, and/or shellfish habitat. There are other important wetland functions and values not depicted in this map. Data from the Maine Geographic Information Inventory (MGII) and additional information regarding wetland functions and values. Forested wetlands and small wetlands such as vernal pools are known to be underrepresented in the National Wetland Inventory (NWI) maps used to create this map. The model developed to estimate the functions provided by each wetland could not capture every wetland function or value. Therefore, it is important to use local knowledge and other data sources when evaluating wetlands, and each wetland should be considered relative to the whole landscape/watershed when assessing wetland resources at a local level.

- Organized Township Boundary
- Unorganized Township
- Selected Town or Area of Interest
- Developed: Impervious surfaces including buildings and roads

Subwatersheds: The shaded, background polygons are subwatersheds areas that drain to a particular lake, wetland pond, river, stream, or the ocean. The subwatersheds are shaded to show topographic relief. This "shading" assumes the sun is shining from the northwest, so ridges and north-facing slopes appear light, whereas valley and south-facing slopes appear dark. Because many areas of Maine are relatively flat, the topographic relief shown here has been exaggerated to make the details easier to see.

Wetland Functions: Fill Pattern

Some wetlands may have more than one function (fill pattern).

- RUNOFF/FLOODFLOW ALTERNATION**
Wetlands provide natural sediment control capabilities. As natural barriers in the landscape, wetlands are able to receive, detain, and slowly release sediment and silt to stabilize soil and slow water flows, thereby reducing scouring and bank erosion. This map assigns Runoff Control/Sediment Detention Functions to wetlands that are (a) contained in (i) a stream or (ii) associated with a surfacewater course or waterbody, and (c) with slope < 3%.
- ADJUSTED SEDIMENT CONTROL/RETENTION**
Wetlands act as natural sponges that can hold water, allowing suspended particles such as sediment to settle out. The dense vegetation in most wetlands helps to stabilize soil and slow water flows, thereby reducing scouring and bank erosion. This map assigns Runoff Control/Sediment Detention Functions to wetlands with (a) slope < 3%, (b) emergent vegetation, and (c) identified shellfish habitat.
- FRESHWATER HABITAT**
Wetlands with documented fish populations, including wetlands adjacent to a river, stream, or lake.
- SHELLFISH HABITAT**
Wetlands and streams can directly affect the status of coastal shellfish harvest areas. Freshwater wetlands and wetlands naturally receive from land use changes away from the coast can travel via surface water to harvestable areas. One local specific system near a stream carries a muffled several miles away. Excessive nutrients can reduce water clarity and stimulate algal growth that increases nitrogen loads. Construction of freshwater wetlands and stream buffers in coastal watersheds is a key component in marine resource conservation. This map assigns a Shellfish Habitat Function to wetlands within 0.5 miles of (a) identified shellfish habitat, (b) identified shellfish closure areas, or (c) mapped seepage basins OR protective wetlands directly connected by a stream of 1.5 miles in length to (a) identified shellfish habitat, (b) identified shellfish closure areas, or (c) mapped seepage basins.
- PLANTANIMAL HABITAT**
Many of the species, and many of the Maine plant species, depend on wetlands during some part of their cycle. For the purposes of this map, wetlands containing open water or emergent vegetation, 3 or more wetland vegetation classes (see below), and within 1/2 mile of a riparian area, threatened or endangered plant or animal occurrence, within 1/2 mile of a mapped significant or essential habitat, or within 1/2 mile of a rare or exemplary natural community have been assigned this function. Rare element occurrences and mapped habitats can be found on map 2 High Value Plant & Animal Habitats.
- OTHER FUNCTIONS**
CULTURAL/EDUCATIONAL: Wetlands within 1/2 mile of a boat ramp or school have been assigned this value as wetlands are likely candidates for use as outdoor classrooms, or similar social benefits. Wetlands rated for other functions listed above may also demonstrate cultural/educational values although not explicitly shown.
- NO DOCUMENTED FUNCTION:** The basis of this characterization is high altitude aerial photos. Photo quality often limits the information that can be interpreted from small wetland features, or those with dense canopy cover. Although not assigned a function under this study, ground surveys may reveal that these wetlands have multiple functions and values.

- Wetland Class: Fill Color**
- Aquatic Bed (floating or submerged aquatic vegetation), Open Water
 - Emergent (Parasitic vegetation), Emergent/Forested Mix (woody vegetation >20 ft tall), Emergent/Shrub-Scrub Mix (woody vegetation <20 ft tall)
 - Forested, Forested/Shrub-Scrub
 - Shrub-Scrub
 - Other (rocky shore, streambed uncolonized shore, reef, rocky bottom)

National Wetland Inventory (NWI) maps (the basis of wetlands shown on this map) are interpreted from high altitude photographs. NWI Wetlands are identified by vegetation, hydrology and geography in accordance with "Classification of Wetlands and Deepwater Habitats" (FWS/OBS-76/1, Dec. 1979). The aerial photographs used were collected for the year they were taken. There is no attempt to either the design or products of this inventory, to imply the limit of proprietary jurisdiction of any Federal, State, or local government. NWI maps depict general wetland locations, boundaries, and characteristics. They are a substitute for on-ground, site-specific wetland delineation.

- Data Sources**
- DATA SOURCE INFORMATION**
 Note: All data and file names can be downloaded from Maine Office of GIS:
 TOWNSHIP BOUNDARIES: Maine Office of GIS (2015); mdoivp2
 ROADS: Maine Office of GIS, Maine Department of Transportation (2015); mdoivp2
 HYDROLOGY: Maine Office of GIS, U.S. Geological Survey (2010); AHD
 DEVELOPMENT: Maine Office of GIS, Maine Department of Inland Fisheries and Wildlife (2015); NATIONAL WETLANDS INVENTORY (NWI)
 NATIONAL WETLANDS INVENTORY (NWI): Maine Office of GIS (2015); MWI
 DRAINAGE DIVISIONS: Maine Office of GIS (2015); mdoivp2
- DATA SOURCE CONTACT INFORMATION**
 Maine Office of GIS: <http://www.maine.gov/gis/>
 Maine Department of Transportation: <http://www.maine.gov/dot/>
 Maine Department of Agriculture, Conservation and Forestry: <http://www.maine.gov/dacf/agriculture/index.html>
 Maine Geological Survey: <http://www.maine.gov/dacf/geology/index.html>
- DIGITAL DATA REQUESTS**
 To request digital data for a town or organization, visit our website: http://www.beginningwithhabitat.org/the_mappings_data_request.html

Beginning with HABITAT
 An Approach to Conserving Maine's Natural World for Plants, Animals, and Fishes
Regional Map
Building a Regional Landscape Searspport
 This map is interpretive and is intended for planning purposes only.



LEGEND

The data presented here represents a compilation of core Beginning with Habitat map products. Comprehensive field surveys do not exist for all areas in Maine, so some important habitats may not be mapped. Habitat features on this map are based on aerial field surveys, aerial photo interpretation and computer modeling. Habitat data is updated regularly. Map users should contact the Beginning with Habitat program to verify that data illustrated on this map is still current prior to utilizing it for planning purposes.

This regional map provides a landscape view of water resources, high value plant and animal habitats, and undeveloped habitat blocks. For more detailed information, please consult the 1:24,000 scale Beginning with Habitat Water Resources and Riparian Habitats, "High Value Plant and Animal Habitats" and "Undeveloped Habitat Blocks" maps. Availability of town level maps can be found at www.beginningwithhabitat.org/the_maps_map_availability.html

- Organized Township Boundary
- Unorganized Township
- Selected Town or Area of Interest
- Developed Area of Impervious surfaces including buildings and roads

MAP 1: Water Resources and Riparian Habitats

Riparian Buffer
 Ponds > 10 acres (Great Ponds), rivers, coastal waters, and wetlands > 10 acres to state are surrounded by a 200-foot riparian buffer zone. Streams are surrounded by a 75-foot riparian buffer zone.

NW1 Wetlands > 10 Acres
 The National Wetlands Inventory (NWI) uses aerial photographs from the mid-1980s to identify wetlands based on visible signs of wetland vegetation, hydrology, and geology. The NW1 maps are not based on field wetland data and do not give the limits of aerial photo interpretation, do not respect all wetlands that occur. Ground verification should be used to determine that wetland boundaries and NW1 maps should be considered as only a planning tool to determine potential wetland locations.

MAP 2: High Value Plant and Animal Habitats

Essential Wildlife Habitats (EWH)
 Maine's Department of Inland Fisheries & Wildlife (MDIFW) uses Maine geospatial maps areas currently or historically providing habitat essential to the conservation of endangered or threatened species including rosette fern, piping plover, and least terns as directed by the Endangered Species Act. These regulated species may require special management. Identification of Essential Habitat areas is based on species observations, occurrence, or information about Essential Wildlife Habitats. Go to www.maine.gov/ifw/wildlife/species/endangered_species_essential_habitats.html for more information about Essential Wildlife Habitats from the Maine Office of GIS Data Catalog at http://info.maine.gov/gis/data_catalog

Significant Wildlife Habitats (SWH)
 Maine's Natural Resources Protection Act (NRPA, 1988) was intended to slow further degradation and loss of Maine's natural resources. This act regulates activities within and adjacent to streams, rivers, and other natural resources, but also regulates activities that could threaten the state's Significant Wildlife Habitats. Mapped Significant Wildlife Habitats include riparian areas, wetlands, and other natural resources, including nesting areas, seabird nesting islands, shorebird areas, and significant vernal pools. For more information about NRPA, go to www.maine.gov/ifw/wildlife/swihabitats/rppage.html

Natural Heritage Network Occurrences (Plant/Animal/Community)
 Plants: Observations of plants cataloged by the Maine Natural Area Program (MNAP) that are rare in Maine. Locations have been field-verified within the last 20 years.
 Animals: Observations of wildlife species that are endangered, threatened, or rare in Maine. Mapped by the Maine Department of Inland Fisheries and Wildlife.
 Communities: The MNAP has identified and distinguished 98 different natural community types that collectively cover the state's landscape. These include such habitats as Georgian forests, for species of white and purple spruce-fir, deer, white-tailed ptarmigan, and other species. Each type is assigned a rarity rank of 1 (rare) through 5 (common). Mapped rare natural communities or ecosystems are based on field surveys and aerial photo interpretation. Consult with an MNAP ecologist to determine conservation needs of particular communities or ecosystems.

High Value Habitat for Priority Trust Species (USFWS)

This data layer portrays the highest value habitat from the Gulf of Maine Watershed Habitat Analysis, a habitat suitability model developed by the U.S. Fish & Wildlife Service (USFWS) Gulf of Maine Coastal Program. The analysis evaluated existing field data and aerial photographs for species of white and purple spruce-fir, deer, white-tailed ptarmigan, and other species. Each type is assigned a rarity rank of 1 (rare) through 5 (common). Mapped rare natural communities or ecosystems are based on field surveys and aerial photo interpretation. Consult with an MNAP ecologist to determine conservation needs of particular communities or ecosystems.

MAP 3: Undeveloped Habitat Blocks

Undeveloped Habitat Blocks (MDIFW)
 Undeveloped habitat blocks are areas with relatively little development and that provide opportunity for meaningful habitat conservation. These areas remain mostly unfragmented and are likely to include habitat conditions of a quality that could be expected to support most terrestrial species known to occur in the given region. Undeveloped habitat blocks have been depicted on this map by removing areas within 500-foot buffer based on all improved roads identified by the Maine Department of Transportation and all developed areas identified in the 2008 MELCO Land Use and Cover and 2008 Impervious Surface data.

Development Buffer (MDIFW)
 (note: transparent layer)
 Areas within a 250-500-foot buffer-based zones of influence around all improved roads identified by the Maine Department of Transportation and all developed areas identified in the 2008 MELCO Land Use and Cover and 2008 Impervious Surface data.

Focus Areas

Focus Areas of Statewide Ecological Significance
 (note: not present in all regions)
 Focus Areas of Statewide Ecological Significance have been designated based on an unusual rich convergence of rare plant and animal occurrences, high value habitat, and relatively intact natural landscapes (the combined elements of Beginning with Habitat Maps 1, 2, 3). Focus area boundaries were drawn by MDIFW and MDIFW biologists, generally following drainage divides and/or major fragmenting features such as roads. Focus Areas are intended to draw attention to these truly special places in hopes of building awareness and generating support for land conservation by landowners, municipalities, and local land trusts. For descriptions of specific Focus Areas, consult the Beginning with Habitat notebook or the following website: <http://www.maine.gov/ifw/focusareas/index.html>

Data and Information Sources

- DATA SOURCE INFORMATION**
- TOWNSHIP BOUNDARIES: Maine Office of GIS, metshp24
 - ROADS: Maine Office of GIS, Maine Department of Transportation, metshp24, EIT Inc, metshp24
 - HYDROLOGY: U.S. Geological Survey, MICH Maine
 - DEVELOPED: Maine Office of GIS, Maine Department of Environmental Protection, metshp24
 - FOCUS AREA BOUNDARIES: Maine Natural Area Program
 - NATIONAL WETLANDS INVENTORY: U.S. Fish & Wildlife Service, NW1
 - RIPIARIAN BUFFERS: Maine Natural Area Program
 - HIGH VALUE PLANT & ANIMAL HABITATS: Maine Office of GIS, Maine Dept. of Inland Fisheries & Wildlife, Maine Natural Area Program, U.S. Fish & Wildlife Service, ptarmigan, shorebird, least tern, piping plover, and other species, metshp24, metshp24, metshp24
 - PLANTS, ANIMALS, AND NATURAL COMMUNITIES: Maine Department of Inland Fisheries & Wildlife, Maine Natural Area Program
 - UNDEVELOPED HABITAT BLOCKS, DEVELOPMENT BUFFER: Maine Department of Transportation, metshp24, metshp24
- DATA SOURCE CONTACT INFORMATION**
- Maine Office of GIS: <http://www.maine.gov/gis/>
 - Maine Natural Area Program: <http://www.maine.gov/natural/>
 - Maine Department of Inland Fisheries & Wildlife: <http://www.maine.gov/ifw/>
 - U.S. Fish & Wildlife Service: <http://www.fws.gov/>
 - Maine Department of Transportation: <http://www.maine.gov/transportation/>
- DIGITAL DATA REQUEST**
 To request digital data for a town or organization, visit our website: http://www.beginningwithhabitat.org/the_maps_data_request.html

4. Agricultural and Forest Resources

A. State Goal:

To safeguard the State's agricultural and forest resources from development which threatens those resources.

B. Analyses

Over the last fifty years the trend is to divide large family farms into much smaller parcels. Over the last ten to twenty years this trend has stabilized. This reflects the state trend in general. Searsport has limited agricultural enterprises, which include the pumpkin farm, blueberries, horse farms and a perennial garden. Forestry is practiced within 800 acres in the state tree growth program, and numerous small-woodlot owners practice forestry for sale and their own use.

- (1) How important is agriculture and/or forestry and are these activities growing, stable or declining?

Agriculture and forestry activities remain stable over the last ten years in the Town of Searsport and remain a small percentage of income.

- (2) Is the community currently taking regulatory and/or non-regulatory steps to protect productive farming and/or forestry lands? Are there local or regional land trusts actively working to protect farms or forest lands in the community?

Currently the community are doing nothing regulatory to protect productive farming and/or forestry lands. Coastal Land Trust and Small Woodlot Owners Association of Maine (SWOAM) are actively working to protect farms and forest lands in the community.

- (3) Are farm and forest land owners taking advantage of the state's current tax laws?

Farm and forest land owners are taking advantage of the state's current tax laws.

- (4) Has proximity of new homes or other incompatible uses affected the normal farming and logging operations?

The proximity of new homes or other incompatible uses has not affected the normal farming and logging operations.

- (5) Are there large tracts of agricultural or industrial forest land that have been or may be sold for development in the foreseeable future? If so, what impact would this have on the community?

There are no large tracts of agriculture or industrial forest land that have been or may be sold for development in the foreseeable future.

- (6) Does the community support community forestry or agriculture (i.e. small woodlots, community forests, tree farms, community gardens, farmers markets, or community-supported agriculture)? If so, how?

There is no formal plan for supporting community forestry or agriculture, however local products are well-supported at farmers' markets and roadside stands.

- (7) Does the community have town or public woodlands under management, or that would benefit from forest management.

The community does own a small woodlot at the site of the transfer station and income is derived for the town from that woodlot management.

C. Conditions and Trends

- (1) The community's Comprehensive Planning Agriculture and Forestry Data Set prepared and provided to the community by the Department of Agriculture, the Maine Forest Service, and the Office, or their designees.

See Appendix 5

- (2) A map and/or description of the community's farms, farmland, and managed forest lands and a brief description of any that are under threat.

Searsport is not an agricultural community, there are no commercial farms other than hay fields, blueberry fields and small operations. Some residents are getting into Christmas tree farms. The community's farms, farmland and managed forest lands are not under threat. Farming in Searsport is done on small family farms; those people are reclaiming land, not losing it.

- (3) Information on the number of parcels and acres of farmland, tree growth, and open space enrolled in the state's farm, tree growth, and open space law taxation programs, including changes in enrollment over the past 10 years.

	Farmland	Tree Growth	Open Space
Number of Parcels	1	20	0
Acres	6	920	0
Changes in Enrollment	None	None	None

- (4) A description of any community farming and forestry activities (e.g. Community garden, farmer's market, or community forest).

There are no community gardens, farmer's markets or community forests in Searsport.

D. Policies

- (1) To safeguard lands identified as prime farmland or capable of supporting commercial forestry.
- (2) To support farming and forestry and encourage their economic viability.

E. Strategies

- (1) Minimum strategies required to address state goals: Consult with the Maine Forest Service district forester when developing any land use regulations pertaining to forest management practices as required by 12 M.R.S.A. § 8869.

Searsport will consult with the Maine Forest Service district forester when developing any land use regulations pertaining to forest management practices as required by 12 M.R.S.A. § 8869.

- (2) Consult with Soil and Water Conservation District staff when developing any land use regulations pertaining to agricultural management practices.

Searsport will consult with Soil and Water Conservation District staff when developing any land use regulations pertaining to agricultural management practices.

- (3) Amend land use ordinances to require commercial or subdivision developments in critical rural areas, if applicable, maintain areas with prime farmland soils as open space to the greatest extent practicable.

Searsport does not designate any critical rural areas. The Land Use Ordinance is reviewed annually and the Subdivision Ordinance is reviewed as needed, and both ordinances are working well.

- (4) Limit non-residential development in critical rural areas (if the town designates critical rural areas) to natural resource-based businesses and services, nature tourism/outdoor recreation businesses, farmers' markets, and home occupations.

Searsport does not designate any critical rural areas. The Land Use Ordinance is reviewed annually and the Subdivision Ordinance is reviewed as needed, and both ordinances are working well.

- (5) Encourage owners of productive farm and forest land to enroll in the current use taxation programs.

The Town of Searsport supplies bulletins #19, 20 and 21 to encourage owners of productive farm and forest land to enroll in the current use taxation programs.

- (6) Permit land use activities that support productive agriculture and forestry operations, such as roadside stands, greenhouses, firewood operations, sawmills, log-buying yards, and pick-your-own operations.

The Town of Searsport will review the Land Use Ordinance to be sure that the ordinance permits and promotes land use activities that support productive agriculture and forestry operations such as roadside stands, greenhouses, firewood operations, sawmills, log-buying yards, and pick-your-own operations.

- (7) Include agriculture, commercial forestry operations, and land conservation that supports them in local or regional economic development plans.

The Town of Searsport will encourage the Town's Economic Development Coordinator to include agriculture, commercial forestry operations and land conservation that supports them in local or regional economic development plans.

5. Marine Resources

A. State Goal and State Coastal Policies

- (1) To protect the State's marine resources industry, ports and harbors from incompatible development and to promote access to the shore for commercial fisherman and the public.
- (2) State coastal management policies
 - a. To promote the maintenance, development, and revitalization of the State's ports and harbors for fishing, transportation and recreation;
 - b. To manage the marine environment and its related resources to preserve and improve the ecological integrity and diversity of marine communities and habitats, to expand our understanding of the productivity of the Gulf of Maine and coastal waters and to enhance the economic value of the State's renewable marine resources;
 - c. To support shoreline management that gives preference to water-dependent uses over other uses, that promotes public access to the shoreline and that considers the cumulative effects of development on coastal resources;
 - d. To discourage growth and new development in coastal areas where, because of coastal storms, flooding, landslides or sea-level rise, it is hazardous to human health and safety;
 - e. To encourage and support cooperative state and municipal management of coastal resources;
 - f. To protect and manage critical habitat and natural areas of state and national significance and maintain the scenic beauty and character of the coast even in areas where development occurs;
 - g. To expand the opportunities for outdoor recreation and to encourage appropriate coastal tourist activities and development;
 - h. To restore and maintain the quality of our fresh, marine and estuarine waters to allow for the broadest possible diversity of public and private uses; and
 - i. To restore and maintain coastal air quality to protect the health of citizens and visitors and to protect enjoyment of the natural beauty and maritime characteristics of the Maine coast.

B. Analysis

- (1) Is coastal water quality being monitored on a regular basis?

Coastal water quality is not currently being monitored by the Town of Searsport on a regular basis, however it is monitored by the Department of Environmental Protection as well as Sprague and General Alum Corporation. Searsport District High School also participates in the monitoring of water quality.

- (2) Is there a local or regional plan in place to identify and eliminate pollution sources?

There is no local or regional plan in place to identify and eliminate pollution sources.

- (3) Has closing of clam or worm flats threatened the shellfishing industry, and are sources of contamination known? If so, are sources point (direct discharge) or nonpoint sources?

The closing of clam or worm flats has threatened the shellfish industry. Sources of contamination are known and many have been mitigated in the last five years. The sources are source point sources, and source points have been identified. Pet waste on Sears Island continues to be a problem.

- (4) Are traditional water-dependent uses thriving or in decline? What are the factors affecting these uses? If current trends continue, what will the waterfront look like in 10 years?

We have several different locations for water-dependent uses. Traditional water-dependent uses have been relatively constant for the last ten to fifteen years. The factors affecting these uses are the economic development in the region and the intermodal transportation demands. The other factors affecting these uses are the volume of recreational users on all of the bodies of water. If the current trends continue, the waterfront will face increased activities in ten years.

- (5) Is there reasonable balance between water-dependent and other uses, and between commercial and recreational uses? If there have been recent conversions of uses, have they improved or worsened the balance?

There is reasonable balance between water-dependent and other uses, and between commercial and recreational uses. The recent conversions of uses have not changed the balance.

- (6) How does local zoning treat land around working harbors?

Shoreland Zoning controls our shorelines, and we strictly adhere to all of those regulations.

- (7) Is there a local or regional harbor or bay management plan? If not, is one needed?

There is no local or regional harbor or bay management plan. No local or regional harbor or bay management plan is needed for the Town of Searsport.

- (8) Are there local dredging needs? If so, how will they be addressed?

The Town of Searsport has no local dredging needs at this point.

- (9) Is there adequate access, including parking, for commercial fishermen and members of the public? Are there opportunities for improved access?

There is adequate access, including adequate and free parking, for commercial fishermen and members of the public at the Hamilton Wharf. There are opportunities to improve access at Mosman Park, and several options are being explored. Parking is provided for access to the Sears Island recreational area and Hamilton Wharf. (See Town of Searsport Shore Access packet).

- (10) Are important points of visual access identified and protected?

The state has not identified any important points of visual access in the Town of Searsport.

C. Conditions and Trends

- (1) The community's Comprehensive Planning Marine Resources Data Set prepared and provided by the Department of Marine Resources, and the Office, or their designees.

See Appendix 6

- (2) A map and/or description of water-dependent uses.

Recreational boating on Swan Lake. Sprague, Irving Terminal, Town Wharf, Elwive Fishers, any fishing or clamming, lobstering, kayak rental.

- (3) A brief summary of current regulations influencing land use patterns on or near the shoreline.

See Shoreland Zoning map and Ordinance.

(4) A description of any local or regional harbor or bay management plans or planning efforts.

There are no regional planning efforts. There is the Penobscot Bay Stewards training program for adults, which includes five weeks of training, with a 30-hour minimum, during which volunteers work on watershed management efforts

(5) The location of facilities (wharves, boat ramps, pump-out stations, etc.), with a brief description of any regional or local plans to improve facilities.

The location of facilities include Hamilton Wharf, Sprague Dock and the State Dock. Regional or local plans to improve facilities including the planning for dredging. The planning is currently underway.

(6) A description or map showing public access points to the shore. Include a brief description of their use, capacity, physical condition, and plans to improve, expand, or acquire facilities such as parking or toilets.

Public access points to the shore are in good physical condition and are well-maintained. The public access points are at Mosman Park, Sears Island, the Town Dock (Hamilton Wharf) and Summer Street.

See Appendix 6 Shore Access Packet for additional shore access.

(7) A list of scenic resources along the shoreline, including current ownership (public or private) and any protections.

The state survey did not identify any scenic resources along the Searsport shoreline.

D. Policies

(1) To protect, maintain and, where warranted, improve marine habitat and water quality.

(2) To foster water-dependent land uses and balance them with other complementary land uses.

(3) To Maintain and, where warranted, improve harbor management and facilities.

(4) To protect, maintain and, where warranted, improve physical and visual public access to the community's marine resources for all appropriate uses including fishing, recreation, and tourism.

E. Strategies

In order to further the Town of Searsport's policies stated above, the Searsport community has adopted and will endeavor to accomplish the following strategies and implementation ideas below as coordinated by the Planning Board or the Board of Selectmen, as applicable, in consultation with appropriate Town committees.

- (1) Identify needs for additional recreational and commercial access (which includes parking, boat launches, docking space, fish piers, and swimming access).

The Board of Selectmen and Harbormaster to identify needs for additional recreational and commercial access (which includes parking, boat launches, docking space, fish piers and swimming access).

- (2) Encourage owners of marine businesses and industries to participate in clean marina/boatyard programs.

The Harbormaster will contact Sprague Energy to do an educational piece at a Board of Selectmen meeting in coordination with the Town of Searsport Harbormaster and Assistant Harbormaster.

- (3) Provide information about the Working Waterfront Access Pilot Program and current use taxation program to owners of waterfront land used to provide access to or support the conduct of commercial fishing activities.

The Harbormaster will investigate the Working Waterfront Access Pilot Program and current use taxation program for owners of waterfront land used to provide access to or support the conduct of commercial fishing activities.

- (4) Support implementation of local and regional harbor and bay management plans.

The Board of Selectmen will continue to support implementation of local and regional harbor and bay management practices.

- (5) If applicable, provide sufficient funding for and staffing of the harbormaster and/or harbor commission.

The Board of Selectmen will continue to periodically review the Harbormaster and Shellfish Warden budget to ensure the Harbormaster and Shellfish Warden have sufficient funding and staffing to complete assigned duties.

- (6) Work with local property owners, land trusts, and others to protect major points of physical and visual access to coastal waters, especially along public ways and in public parks.

The Planning Board will continue to work with local property owners, land trusts, and others to protect major points of physical and visual access to coastal waters, especially along public ways and in public parks.

6. Population and Demographics

A. State Goal:

None required.

B. Analyses

- (1) Is the rate of population change expected to continue as in the past, or to slow down or speed up? What are the implications of this change?

The rate of population is expected to maintain fairly close to the current status over the next ten years. The new Ocean School could bring a rise in the younger population. The implications of this change are little to none. Currently our public service functions, police, fire and ambulance, can handle a small population change.

- (2) What will be the likely demand for housing and municipal and school services to accommodate the change in population and demographics, both as a result of overall change as a result of change among different age groups?

There is no likely change in demand for housing and municipal and school services to accommodate the change in population and demographics because no major change in population and demographics is expected.

- (3) Does your community have a significant seasonal population, is the nature of that population changing? What is the community's dependence on seasonal visitors?

The seasonal population of Searsport does increase significantly seasonally as people populate homes and cottages that they own. The nature of that population is not changing. The community's dependence on seasonal visitors is reflected in the uptick in local businesses.

- (4) If your community is a service center or has a major employer, are additional efforts required to serve a daytime population that is larger than its resident population?

The Town of Searsport is not a service center and has no major employer. No additional efforts are required to serve a daytime population that is larger than its resident population.

C. Conditions and Trends

The community's Comprehensive Planning Population and Demographic Data Set.

See appendix 7

D. Policies

None required

E. Strategies

None required

7. Economy

A. State Goal

Promote an economic climate that increases job opportunities and overall economic well-being.

B. Analysis

- (1) Is the economy experiencing significant change, and how does this, or might this, affect the local population, employment, and municipal tax base?

The number of local businesses have declined in recent years, leaving vacant storefronts in the downtown historic district. Some businesses in Searsport tend to be seasonal by nature due to the fluctuation in the number of tourists visiting and/or passing through our coastal community. This fluctuation does not have a significant impact on the municipal tax base. Obviously, with the loss of retail establishments, job retention becomes a concern, in addition to the overall economic health of the community.

- (2) Does the community have defined priorities for economic development? Are these priorities reflected in regional economic development plans?

Analysis of the 2015-2016 visioning survey responses shows strong balanced support for economic development in the following focus areas:

Intermodal port and marine industry expansion.
Attracting established business to provide retail, technical support, and entertainment services.
Maintaining and growing our tourist businesses.

Note: The survey data shows no statistically significant difference between these focus areas.

These priorities are not reflected in regional economic development plans.

- (3) Is there is a traditional downtown or village center(s) in the community? If so, are they deteriorating or thriving?

There is a traditional downtown in the community. This area is deteriorating, but the state has approved a 5.25 million dollar downtown revitalization project.

- (4) Is tourism an important part of the local economy? If so, what steps has the community taken to support this industry?

The revitalization project will make Searsport more inviting to tourists especially combined with effective signage, designated parking, and more aggressive marketing of the downtown. Searsport's goal should be to capture more of the tourist traffic that streams through the community.

- (5) Do/should home occupations play a role in the community?

Home occupations can be a vital part of the small business growth cycle in Searsport. Home occupations should be encouraged yet balanced with the protection of residential areas and neighboring properties to the home occupation.

- (6) Are there appropriate areas within the community for industrial or commercial development? If so, are performance standards necessary to assure that industrial and commercial development is compatible with the surrounding land uses and landscapes?

Appropriate areas within the community for industrial and commercial development have been identified. Performance standards necessary to assure that industrial and commercial development is compatible with the surrounding land uses and landscape are included and supported in the Land Use Ordinance.

- (7) Are public facilities, including sewer, water, broadband access or three-phase power, needed to support the projected location, type, and amount of economic activity, and what are the issues involved in providing them?

The growth areas of Searsport are adequately served with sewer, water, and three-phase power. Broadband is always a challenge in rural areas due to the dependence upon residential density.

For present use, sewer, water and three-phase power are adequate. Broadband access is not adequate. Before major expansion can take place in the town, water, sewer and three-phase power and broadband access would have to be reviewed. Historically Searsport has demonstrated forethought and sound planning principals regarding its location of infrastructure investment.

- (8) If there are local or regional economic development incentives such as TIF districting, do they encourage development in growth areas?

Searsport has utilized Tax Increment Financing within the Port properties and is always open to the continued use of this development tool. TIF districting will likely be utilized to encourage and/or attract development to the Searsport growth areas.

- (9) How can/does the community use its unique assets such as recreational opportunities, historic architecture, civic events, etc. for economic growth?

The community's unique assets, including self-guided historic tour with signage, the Penobscot Marine Museum, the Searsport Historical Museum, Sears Island, Mosman Park, Moose Point State Park, are open to the public. There are four major civic events, the Memorial Day Parade, Heritage Days, the community-wide Fourth of July celebration and Fling Into Fall that serve to boost our local economy by bringing tourist traffic to Searsport.

C. Conditions and Trends

- (1) The community's Comprehensive Planning Economic Data Set prepared and provided to the community by the Office or its designee.
See Appendix 8
- (2) A brief historical perspective on how and why the current economy of the community and region developed.

The Town of Searsport, once a part of Prospect and Belfast, was set off from those municipalities and incorporated in 1845. Since that time the town has historically capitalized on its 10 miles of coastline on Penobscot Bay. From the original founders to this date occupations and economic development has primarily focused on the sea. Once the home of major shipbuilding activity, other smaller business and manufacturing establishments that supported this also flourished. The majority of this early economy developed between the current US Route # 1 and the shoreline.

Today we see the major evidence of this early economic growth of the town is the physical layout of Searsport. The heavily industrialized area remains around the port.

The industrial/business part of the town has continued to develop there and away from the residential and rural sections.

Over the centuries the economy of Searsport has developed to meet the

changing needs of the population. Meeting the agricultural needs of the state, local chemical plants flourished. During World War II a major portion of the ammunitions and food needed in Europe went through the Port of Searsport. Employment was found by many "at the docks". Today that same port sees heavy traffic in the import of salt for our roads and wind mill parts for the growing wind power industry across the state. A growing business newly sited in Searsport will engage in exporting timber logs to Europe. A well-established marine supply merchant vends every product the fishermen and pleasure boaters will ever need.

Alongside the port activity small businesses have always been a part of the local economy, businesses that meet the needs of the area for the present day. Like the major employers mentioned above, the nature of these small, many home based, businesses has also changed. With little demand for hoop skirts and canning jars, local merchants now supply fireworks and frozen dinners. Restaurants offer a variety of meal offerings for busy residents and tourists. Book stores and service garages provide local employment as well as meeting the needs of Searsport and beyond.

- (3) A list of local and regional economic development plans developed over the past five years, which include the community.

The local Economic Development Plan is currently being written under the direction of the newly hired Economic Development Director. See Appendix 8

- (4) Where does the community's population work and where do employees in your community reside? A description of the major employers in the community labor market area and their outlook for the future.

The community's population works locally and in three major areas - Bangor, Belfast, and Rockland. Employees in our community reside locally and in surrounding towns, including Prospect, Stockton, Frankfort, Monroe, and other Waldo County towns. Major employers in the community include Hamilton Marine, General Alum Corporation, Sprague, Irving, Toziers, Regional School Unit #20.

- (5) A description of any economic development incentive districts, such as tax increment financing districts, in the community.

See Appendix 8

The Town of Searsport recently hired an Economic Development Director, who will continue to be our representative to the Eastern Maine Development Corporation, and who will act as a liaison between Town boards and businesses. The Planning Board and Board of Selectmen is constantly reviewing and updating Town ordinances and policies. The Town will continue to be aware of any opportunities to participate in regional planning for economic development that may arise and to take part in those opportunities.

D. Policies

- (1) To support the type of economic development activity the community desires, reflecting the community's role in the region.
- (2) To make a financial commitment, if necessary, to support desired economic development, including needed public improvements.
- (3) To coordinate with regional development corporations and surrounding towns as necessary to support desired economic development.

E. Strategies

- (1) If appropriate, assign responsibility and provide financial support for economic development activities to the proper entity (e.g., a local economic development committee, a representative to a regional economic development organization, the community's economic development director, a regional economic development initiative, or other).

The Board of Selectmen recently hired an Economic Development Director, who will continue to be our representative to the Eastern Maine Development Corporation, and who will act as a liaison between town boards and businesses. The economic development director, with the approval of the Board of Selectmen, will develop and implement strategies for achieving economic development priorities as part of the economic development planning. The Planning Board and Board of Selectmen are constantly reviewing and updating town ordinances and policies. The town will continue to be aware of any opportunities to participate in regional planning for economic development that may arise and to take part in those opportunities.

- (2) Enact or amend local ordinances to reflect the desired scale, design, intensity, and location of future economic development.

The Planning Board reviews, on a yearly basis, all Searsport Ordinances pertaining to land use.

- (3) If public investments are foreseen to support economic development, identify the mechanisms to be considered to finance them (local tax dollars, creating a tax increment financing district, a community Development Block Grant or other grants, bonding, impact fees, etc.).

If any public investments should be foreseen to support economic development, the Town of Searsport would consider all options, including local tax dollars, creating a tax increment financing district, a community development block grant or other grants, bonding, impact fees, etc.

- (4) Participate in any regional economic development planning efforts.

The Town is working with the state for downtown renovation. The Town belongs to the Eastern Maine Development Corporation. The Head of the Bay business association helps promote economic development.

8. Housing

A. State Goal / Minimum Policy

To encourage and promote affordable, decent housing opportunities for all Maine citizens.

B. Analyses

- (1) How many additional housing units (if any), including rental units, will be necessary to accommodate projected population and demographic changes during the planning period?

Searsport is fortunate to have adequate low income, disability, senior housing and a low-income trailer park given our current and expected population increases in the future. See Spreadsheet #1. Since our population continues to get older as a percentage of low income people there may be a need for more Senior Housing in the future, especially one bedroom apartments. The Comp Plan will continue to review and assess these issues every year as a part of our reviewing process.

- (2) Is housing, including rental housing, affordable to those earning the median income in the region? Is housing affordable to those earning 80% of the median income? If not, review local and regional efforts to address the issue.

Housing, including rental housing is affordable to those earning medium income and to those earning 80% of median income. Residents have taken advantage of State of Maine guaranteed programs for home ownership. We also have Section 8 and other subsidies from HUD for rental housing. Habitat for Humanity has also built two houses and is working on a third. See Medium Income Chart for Waldo County attachment.

- (3) Are seasonal homes being converted to year-round use or vice-versa? What impact does this have on the community?

No. The process of seasonal homes turning into year round housing started in the 1970's and mostly ended by the 1990's. It has been observed that lake-side seasonal cottages are being converted to year-round residences as people retire, and this may have an impact on municipal services. Habitat for Humanity has built one and is in the process of building a second home with the room for one additional home.

- (4) Will additional low and moderate income family, senior, or assisted living housing be necessary to meet projected needs for the community? Will these needs be met locally or regionally?

Yes. If, in the future, low and moderate income, assisted living and senior housing is inadequate, the regional and local governments, working with Approved Housing Non-Profit organizations and private developers will satisfy any needed housing. There is available land for housing development in properly zoned area.

- (5) Are there other major housing issues in the community, such as substandard housing?

Currently there are currently no major housing issues. Where substandard housing is apparent, the Code Enforcement Officer and Town Manager address and resolve these problems.

- (6) How do existing local regulations encourage or discourage the development of affordable/workforce housing?

The existing local regulations encourage affordable housing and workforce housing. Both the Comprehensive Plan and Land Use regulations encourage this housing. The Town assists any prospective housing developers through our Economic Director, Town Manager, Planning Board, Board of Selectmen and Code Enforcement Officer.

C. Conditions and Trends

Minimum data required to address Analysis:

- (1) The community's Comprehensive Planning Housing Data Set prepared and provided to the community by the Maine State Housing Authority, and the Office, or their designees. See Appendix 9
- (2) Information on existing local and regional affordable/workforce housing conditions or similar efforts.

Yes. We work with Eastern Maine Development Corp., a non-profit housing and planning organization, and Penquis and Waldo CAP and any other State or local entities that can provide valuable assistance. These organizations have been instrumental in our low-income developments and planning. Town officials also work with organizations to provide housing for homeless or people who could be homeless.

- (3) A summary of local regulations that affect the development of affordable/workforce housing.

The Code Enforcement Officer, Planning Board, Selectmen, Town Manager enforce and amend regulations annually and laws of the Land Use Ordinances. These local entities work in conjunction to promote low-income and workforce housing and/or negotiate any issues that may arise. We have worked with the Water District and Town to provide water and sewer to low-income/workforce housing and will continue to do so.

D. Policies

Minimum policies required to address state goals:

- (1) To encourage and promote adequate workforce housing to support the community's and region's economic development.

Town government has adequate workforce housing policies. Housing rental and workforce housing is spread out regionally across Waldo County.

- (2) To ensure that land use controls encourage the development of quality affordable housing, including rental housing.

Our Land Use Ordinance promotes all rental and home ownership. The Land Use Ordinance supports the development of quality affordable housing, especially low-income. Any issues that arise can be changed to accommodate workforce and rental housing, especially low-income housing developments.

- (3) To encourage and support the efforts of the regional housing coalitions in addressing affordable and workforce housing needs.

The Town works with Eastern Maine Development Corp. and Penquis and Waldo CAP and other organizations on housing planning issues.

E. Strategies

Minimum strategies required to address state goals:

- (1) Maintain, enact or amend growth area land use regulations to increase density, decrease lot size, setbacks and road widths, or provide incentives such as density bonuses, to encourage the development of affordable/workforce housing.

The Searsport Land Use Ordinance is reviewed yearly and changes made as deemed necessary and in accordance with all State regulations and laws. The review also includes review of issues that may arise for large or individual housing development. Minimum house lot size is very generous.

- (2) Maintain, enact or amend ordinances to allow the addition of at least one accessory apartment per dwelling unit in growth areas, subject to site suitability.

Searsport has a Land Use Ordinance that includes one accessory housing unit per dwelling in growth areas and all other areas in every zone.

- (3) Create or continue to support a community affordable/workforce housing committee and/or regional affordable housing coalition.

Searsport has a Housing Committee to assist individuals and Managers of low income housing with any issues related to their housing development. Searsport will continue to support housing coalitions that promote low-income and workforce developments.

- (4) Designate a location(s) in growth areas where mobile home parks are allowed pursuant to 30-A M.R.S.A. ss4358(3)(M) and where manufactured housing is allowed pursuant to 30-A M.R.S.A. ss4358(2).

Searsport's Land Use Ordinance has well-designated areas which allow mobile and manufactured housing in growth areas.

- (5) Support the efforts of local and regional housing coalitions in addressing affordable and workforce housing needs.

Searsport continues to support and promote local and regional housing coalitions in addressing affordable and workforce needs.

- (6) Seek to achieve a level of at least 10% of new residential development built or placed during the next decade be affordable.

Searsport will seek to achieve a level of 10% or more of residential housing to be built in the next decade to be affordable.

9. Recreation

A. State Goal

To promote and protect the availability of outdoors recreation opportunities for Maine citizens, including access to surface waters.

B. Analyses

To generate minimum analyses to address state goals, use Conditions and Trends data in Section 3.9)C) to answer the following questions

(1) Will existing recreational facilities and programs in the community and region accommodate projected growth or changes in age groups in your community?

Existing recreational facilities and programs in the community and region may not adequately accommodate all age groups in our community. Our town's potential for recreational spaces are excellent but the programs and leadership to take advantage of these spaces is wanting. The town currently has one part-time recreation director who averages 5 hours per week.

(2) Is there a need for certain types of services or facilities or to upgrade or enlarge present facilities to either add capacity or make them more usable?

There is no dedicated town facility, but we collaborate with the school system, YMCA and other non-profit organizations, and regionally we deal with other non-profit programs and facilities.

(3) Are important tracts of open space commonly used for recreation publicly-owned or otherwise permanently conserved?

Searsport offers many important tracts of open space commonly used for recreation. Publicly-owned spaces include the school grounds/ball fields. Permanently conserved spaces that are desirable recreation spaces include: Sears Island, Mosman Park, Moose Point State Park, Long Cove Preserve and Probert Forest.

(4) Does the community have a mechanism, such as an open space fund or partnership with a land trust, to acquire important open spaces and access sites, either outright or through conservation easements?

The community does not currently have a mechanism, such as an open space fund or partnership with a land trust, to acquire important open spaces and access sites, either outright or through conservation easements. Searsport does currently have agreements for citizens to freely access the above-mentioned conserved spaces.

(5) Does the public have access to each of the community's significant water bodies?

The public does have access to each of the community's significant water bodies. A causeway connects the mainland to Sears Island. Hamilton Wharf offers free boat/beach access. Swan Lake Boat Ramp, Mosman Park, Moose Point State Park and Sears Island causeway offer stair access to the coastline. Three additional access points are the Swan Lake Dam in Swanville, the Swan Lake Boat Ramp in Swanville, the Swan Lake State Park in Frankfort and are open to the public at large.

(6) Are recreational trails in the community adequately maintained? Are there use conflicts on these trails?

The snowmobile trails that were previously maintained no longer are. Age of participants and lack of interest seem to be the two main reasons for lack of maintenance.

(7) Is traditional access to private lands being restricted?

Traditional access to private lands does not appear to be restricted compared to many coastal towns. Beach access is always open, most walking and hunting areas still remain available although more land owners are posting with "use permission signs" on their properties. Residential growth in rural areas have restricted some areas traditionally used for hunting.

C. Conditions and Trends

(1) Comprehensive Plan Data Set

See appendix 10

(2) A description of important public and private active recreational programs, land and water recreation areas (including hunting and fishing areas), and facilities in the community and region, including regional recreation opportunities as appropriate, and identification of unmet needs.

Searsport has one part-time (5 hours per week) recreation director to organize a variety of programs, events and activities including: July 4th parade, Fling Into Fall, Trunk or Treat, after school K-5 soccer, basketball and baseball, and field trips. The Friends of Sears Island maintain 6 miles of walking trails and provide monthly recreational activities including bird-watching and snowshoeing, Coastal Mountain Land Trust organizes hikes and canoeing, Searsport offers a recreational clam-digging program for all local residents. Regional opportunities include the YMCA in both Belfast and Ellsworth.

Friends of Sears Island have added benches and a picnic table. They have a vigorous program of activities, all of which are open to the public at no charge, and they try to have something for all ages and interests. For example, guided

walks, including exploration of the geology of the region, common medicinal plants, the archaeology of the bay, mushroom walks, and bird walks and identification. FOSI had a Kids Week with games and exploration. They held programs for people that included activities for older adults, such as Yoga on the Beach and Tai Chi on the Beach. There was a branch-weaving workshop for the more artistic people. There was also a Citizen Scientist program, which attracted many young people who wanted to learn about the ecology of the island and how to protect native species of plants.

(3) An inventory of any fresh or salt water bodies in the community determined locally to have inadequate public access.

The town owns several rights of way to the bay which are not adequately maintained for recreation purposes.

(4) A description of local and regional trail systems, trail management organizations that provide trails for all-terrain vehicles, snowmobiling, skiing, mountain biking, or hiking.

Friends of Sears Island manages a 6-mile trail system and 30+ programs on the island (hiking/skiing). Coastal Mountain Land Trust has opened two land preserves for public recreation (hiking). Moose Point State Park offers a popular coastal trail system (hiking/skiing). Mosman Park offers beach access for exploration (hiking). Regionally, Belfast Bay Watershed maintains a 25-mile trail from Belfast to Unity (hiking/skiing) which provides a future opportunity for expansion to connect to the existing Searsport trail system.

(5) A map or list of important publicly-used open spaces and their associated facilities, such as parking and toilet facilities.

See appendix 10.

D. Policies

(1) To maintain/upgrade existing recreational facilities as necessary to meet current and future needs.

(2) To preserve open space for recreational use as appropriate.

(3) To seek to achieve or continue to maintain at least one major point of public access to major water bodies for boating, fishing, and swimming, and work with nearby property owners to address concerns.

E. Strategies

- (1) Create a list of recreational needs or develop a recreation plan to meet current and future needs. Assign a committee or community official to explore ways of addressing the identified needs and/or implementing the policies and strategies outlines in the plan.

The Town Recreation Director, in coordination with the Town Manager, is creating a list of recreation needs and developing a recreation plan to meet current and future needs. The director is actively exploring opportunities for new and expanded programs and facilities as well as aggressively seeking public input. The director has ambitious plans to provide more frequent programs and activities to serve more local and regional residents.

The Town Recreation Director will reach out to various groups such as seniors, teenagers, veterans, snowmobilers, neighboring recreation programs, etc. to get direct input on future programming and development. The goal is to make Searsport a destination for others to visit for recreation purposes and to get more of our residents to become more active on the public land the town has to offer.

- (2) Work with public and private partners to extend and maintain a network of trails for motorized and non-motorized uses. Connect with regional trail systems where possible.

The recreation director will help coordinate with land owners in forming a group to re-establish the snowmobile and bike trails that were once so prominent in the Searsport region. One idea is to connect with the regional trail system that extends from Belfast to Unity.

- (3) Work with an existing local land trust or other conservation organizations to protect important open space or recreational land.

The town will continue to support the work of the Friends of Sears Island, Mosman Park, Coastal Mountain Land Trust and other conservation entities that are working to provide better recreational opportunities and access to our open spaces.

- (4) Provide educational materials regarding the benefits and protections for landowners allowing public recreational access on their property. At a minimum this will include information on Maine's landowner liability law regarding recreational or harvesting use, Title 14, M. R. S. A. §159-A.

A recreation committee needs to be re-established. The town will provide and promote, through the town budgeting process and the recreation committee,

educational materials regarding the benefits and protections for landowners allowing public recreational access on their property. At a minimum this will include information on Maine's landowner liability law regarding recreational or harvesting use, Title 14, M.R.S.A. §159-A.

10. Transportation

A. State Goal

To plan for, finance and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development.

B. Analyses

(1) What are the transportation system concerns in the community and region? What, if any, plans exist to address these concerns?

Transportation system concerns include downtown parking, truck traffic and speeding. The town plans to address these issues with the Downtown Revitalization project.

(2) Are conflicts caused by multiple road uses, such as a major state or U.S. route that passes through the community or its downtown and serves as a local service road as well?

Searsport is a coastal community which is bisected by US Route # 1. This heavily traveled road is also Main Street through the small business section of the community. As Route # 1 leaves the village in a northerly direction it traverses the commercially developed area of the town and intersects with Trundy Road and Station Avenue. These roads handle traffic from the port area, which then travels both north and south. At times this means heavy and oversized loads cause some traffic issues. Summer tourist traffic can also cause slowing of vehicular traffic in the congested areas of the village. Major roads from the rural parts of town all intersect with US Route# 1 near the center of town as residents travel to shopping areas, local restaurants, the schools and library. Some use sections of US Route # 1 to access the town dock and local park for recreational use and commercial fishing. The Post Office, located just off Route # 1 on Water Street is also a daily destination for many citizens and small business people. At some times of the year making a right turn while headed west or a left turn onto Water Street is all but impossible.

The town also maintains 32.5 miles of urban and rural roadways, which serve to connect all parts of the town to US Route # 1 as well as to other major routes for travel out of the area. Of these miles, 32 are paved while the rest are well maintained gravel roads. These figures don't include private and state aid roads. These roads

provide year-round access to all citizens for personal travel as well as for district school busses and all emergency vehicles.

(3) To what extent do sidewalks connect residential areas with schools, neighborhood shopping areas, and other daily destinations?

In the center of town sidewalks are in place from Prospect Street to Black Road. In the business district from Water Street to Elm Street sidewalks provide safe travel for pedestrians on both sides of US Route 1, allowing for access to stores, banks, library, Laundromat, restaurants, churches and Penobscot Marine Museum. Sidewalks on one side of the side streets allow walking access to the Town Office, Penobscot Marine Museum and the Searsport District Schools complex, as well as to several housing developments on Prospect Street and Mortland Road. There are 6 crosswalks between Prospect Street and Elm Street/Church Street intersection. There are sidewalks on one side of U.S. #1 from Mortland Road to Navy Street. Future plans are to continue the sidewalks through the business district from Navy Street to Station Street. This will provide pedestrian access to several new businesses.

(4) How are walking and bicycling integrated into the community's transportation network (including access to schools, parks, and other community destinations)?

The sidewalk system in place allows for safe access to the downtown business area, the school complex, Mosman Park and the Town Dock area. There are no dedicated bicycle paths at present. The extension mentioned in #3 will add access to more business and residential areas.

(5) How do state and regional transportation plans relate to your community?

Searsport is slated to undergo a major down town revitalization in collaboration with the Maine DOT, beginning in 2018.

(6) What is the community's current and approximate future budget for road maintenance and improvement?

The town raised and appropriated \$428,508 for the Public Works Highway Department at the last annual town meeting. In addition there are 11.5 miles of State Aid road in town including Mt. Ephraim Road, North Searsport Road, and Nickels Road. Additionally, at the 2017 town meeting voters approved issuing bonds not to exceed \$1,000,000 to finance a capital improvement project for road reconstruction and paving. Work to fulfill this commitment to road improvement began during the summer of 2017. Under Article # 43 at the same town meeting, voters adopted a new ordinance entitled "Ordinance Restricting Vehicle Weight on Posted Ways" in a further attempt to preserve the surfaces of town roads and bridges. Searsport's Road Commissioner, Public Works Director and G.I.S. Coordinator annually evaluate the town roads by physically viewing every mile (32 miles). The information from this survey is used to plan the budgetary needs to maintain roads. The data and analyses is available for public review at the Town Office in the Road Book.

(7) Are there parking issues in the community? If so what are they?

With the majority of people using the downtown area arriving in vehicles, the parking for citizens is limited and not always adequate. Parking is allowed now on both sides of Main Street, with 2-hour limits in some sections. Multiple cross walks are in place. One municipal parking lot is available on Goodell Street opposite Tozier's market. Other available limited parking is found at the Post Office, Bank, Laundromat, Library and Marine Museum. Lack of parking often causes people to walk long distances, including crossing Route # 1, to reach their destination. People traveling through do not stop to shop or eat. When local churches hold services or funerals parking becomes a real issue, as it does at the local funeral home near the intersection with Prospect Street.

(8) If there are parking standards, do they discourage development in village or downtown areas?

While there are few parking standards beyond the 2-hour limits, power poles in the sidewalks are also an issue along Main Street, as is the lack of curb cuts for handicapped accessibility. These hindrances add to the limits of the available parking.

(9) Do available transit services meet the current and foreseeable needs of community residents? If transit services are not adequate, how will the community address the needs?

Currently there are few transit services available for Searsport residents. Concord Bus Lines makes four stops every day in Searsport, two each traveling north and south. This service is supported by a local business where parking and ticketing is available. Local taxi service is available on-call. The Waldo CAP Agency offers ride service to qualifying residents. The local school district provides door-to door transportation for all school-aged children. Most residents use private vehicles to meet needs. There are no plans to have the community address this issue as the available accommodations meet the needs of the populations for the present and for the foreseeable future.

(10) If the community hosts a transportation terminal, such as an airport, passenger rail station, or ferry terminal, how does it connect to other transportation modes (e.g. automobile, pedestrian, bicycle, transit)?

There are no major transportation terminals in Searsport.

(11) If the community hosts or abuts any public airports, what coordination has been undertaken to ensure that the required airspace is protected now and in the future? How does the community coordinate with the owner(s) of private airports?

Searsport neither hosts nor abuts any public airport or private airports.

(12) If you are a coastal community are land-side or water-side transportation facilities needed? How will the community address these needs?

Searsport is a coastal community, where a major port facility is well established and maintained by private enterprise, and any expansion to meet future needs will be handled by them.

(13) Does the community have local access management or traffic permitting measures in place?

When new building permits are sought, access to existing roadways is part of the consideration for granting such permits. Along US Route # 1 the Maine DOT has standards in place for entrances which also must be met.

(14) Do the local road design standards support the community's desired land use patterns?

When subdivisions are presented to the Planning Board for approval, there are standards in place for road construction to assure that access for the planned residences are adequate and that any roads built meet Town of Searsport road standards as outlined in the approval. Roads in subdivisions and private roads are required to be built and maintained to support emergency services vehicles.

(15) Do the local road design standards support bicycle and pedestrian transportation?

There are no standards to support bicycle traffic as this has never been an identified need. In the center of Searsport there are adequate sidewalks with multiple cross walks to support pedestrian traffic. During winter months all sidewalks are plowed and maintained for safe foot traffic.

- (16) Do planned or recently built subdivision roads (residential or commercial) simply dead-end or do they allow for expansion to adjacent land and encourage the creation of a network of local streets? Where dead-ends are unavoidable, are mechanisms in place to encourage shorter dead-ends resulting in compact and efficient subdivision designs?

When subdivision plans are presented to the Planning Board, attention to road placement for residential as well as for emergency vehicle use is a major concern. Dead ends are avoided whenever possible and land for future development is considered on a case-by-case basis.

C. Conditions and Trends

- (1) The community's Comprehensive Planning Transportation Data Set.

See Appendix 11.

- (2) Location and overall conditions of roads, bridges, sidewalks, and bicycle facilities, including any identified deficiencies or concerns.

Under the direction of the Highway Department, the Road Book is reviewed annually and improvements made when necessary. Searsport recently spent \$1 million on its road system. There are no bicycle facilities. The only bridge in town is the Mill Pond Bridge, and it is being assessed by state engineers and will be improved by the state.

- (3) Identify potential on and off-road connections that would provide bicycle and pedestrian connections to neighborhoods, schools, waterfronts and other activity centers.

Potential on and off-road connections that would provide bicycle and pedestrian connections to neighborhoods, schools, waterfronts and other activity centers include a boardwalk between Hamilton Wharf and Mosman Park, a sidewalk to the school system from Church Street, adding sidewalks and one-way streets, including Water Street, etc.

- (4) Identify major traffic (including pedestrian) generators, such as schools, large businesses, public gathering areas/activities, etc. and related hours of their operations.

Major traffic generators include RSU 20, Tozier's Market and the Sprague Terminal and all Route 1 traffic on the way to other locations beyond Searsport.

- (5) Identify policies and standards for the design, construction and maintenance of public and private roads.

Policies and standards for the design, construction and maintenance of public and private roads are included in Planning Board regulations. There is no standard for private roads unless they are in a subdivision. State standards govern state roads.

- (6) List and locate municipal parking areas including capacity, and usage.

Municipal parking areas include Goddell Street (behind Dino's) 60 parking spots, Hamilton Wharf 50 parking spots, Mosman Park 12 parking spots, Town Hall 15 parking spots, the Public Safety Building, Town Library, and the recently acquired Colcord property 40 parking spots.

- (7) Identify airports within or adjacent to the community and describe applicable airport zoning and airspace protection ordinances your community has in place.

There are no airports within or adjacent to the community.

- (8) Identify bus or van services.

Bus and van services are provided publicly by the Waldo Community Action Partners and the Concord Bus Line. Private taxi service in Belfast is available.

- (9) Identify existing and proposed marine and rail terminals within your community including potential expansions.

Existing marine and rail terminals are Sprague Energy, which is the terminus for both rail and marine services.

- (10) If coastal communities identify public ferry service and private boat transportation support facilities (may be covered under Marine Resources with cross reference) including related water-side (docks/piers/wharves) and land-side (parking) facilities.

There is no public or private ferry service in Searsport. Private boat owners and larger passenger vessels find adequate support as outlined in the Marine Resources section.

D. Policies

- (1) To prioritize community and regional needs associated with safe, efficient, and optimal use of transportation systems.
- (2) To safely and efficiently preserve or improve the transportation system.
- (3) To promote public health, protect natural and cultural resources, and enhance livability by managing land use in ways that maximize the efficiency of the transportation system and minimize increases in vehicle miles traveled.
- (4) To meet the diverse transportation needs of residents (including children, the elderly and disabled) and through travelers by providing a safe, efficient, and adequate transportation network for all types of users (motor vehicles, pedestrians, bicyclists).
- (5) To promote fiscal prudence by maximizing the efficiency of the state or State-aid highway network.

E. Strategies

- (1) Develop or continue to update a prioritized improvement, maintenance, and repair plan for the community's transportation network.

The town has a solid plan in place that has proven its worth when planning and budgeting improvements, repairs and maintenance of the road system. The Road Book is updated annually and priorities set for all road work.

- (2) Initiate or actively participate in regional and state transportation efforts.

The Town of Searsport is currently working very closely with the Maine Department of Transportation, and a Down Town Revitalization Project is in the planning stages with work to begin in 2018.

(3) Maintain, enact or amend local ordinances as appropriate to address or avoid conflicts with:

a. Policy objectives of the Sensible Transportation Policy Act (23M.R.S.A. §73);

b. State access management regulations pursuant to 23 M.R.S.A. §704; and

c. State traffic permitting regulations for large developments pursuant to 23 M. R. S. A. §704-A.

(4) Maintain, enact or amend ordinance standards for subdivisions and for public and private roads as appropriate to foster transportation-efficient growth patterns and provide for future street and transit connections.

When new roads are proposed in sub-divisions, the standards are well defined and the Planning Board considers ability and intensions of the developer to provide adequate roads that meet the criteria set by the Land Use Ordinance.

(5) Searsport has purchased property and will be adding a parking lot and charging station, as well as expanding that parking lot to the Carver Library parking lot.

11. Public Facilities and Services

A. State Goal

To plan for, finance and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development.

B. Analysis

- (1) Are municipal services adequate to meeting changes in population and demographics?

Searsport has police, fire and ambulance service. We also have full-time public works and wastewater staff. The wastewater has approximately 30% capacity left for growth. See chart on Page 72.

- (2) Has the community partnered with neighboring communities to share services, reduce costs and/or improve services? In what ways?

Searsport has combined with Stockton Springs to form Regional School Unit #20; Recreation services are also shared with Stockton Springs. We take a regional approach to fire and ambulance through mutual aid pacts.

- (3) If the community has a public sewer system, what issues or concerns are there currently and/or anticipated in the future? Is the sanitary district, extension policy consistent with the Future Land Use Plan as required by (38 M.R.S.A. §1163), or will it be?

We know that we will need to upgrade to a secondary system in the near future, our facility is 27 years old. It is well maintained but will need upgrades. The sanitary district policy is consistent with growth and is consistent with the future land use plan as required by (38 M.R.S.A. §1163).

- (4) If the community has a public water system, are any public water supply expansions anticipated? If so, have suitable sources been identified and protected? Is the water district extension policy consistent with the Future Land Use Plan?

Public water supply sources are adequate for the next 20 years. The Searsport Water District protects the water source. Yes, the extension policy is consistent with the Future Land Use Plan.

- (5) If the town does not have a public sewer or water system, is this preventing the community from accommodating current and projected growth?

The town does have a public water and sewer system. The Land Use Ordinance provides for growth in areas not served by the current public sewer system by requiring soil tests for planned septic systems installed by a licensed plumber.

- (6) Are existing stormwater management facilities adequately maintained? What improvements are needed? How might future development affect the existing system?

No. The state DOT is going to upgrade stormwater systems in 2020. The Land Use Ordinances collectively require that stormwater drainage is adequate in developed areas according to code.

- (7) How do residents dispose of septic tank waste? Are there issues or concerns regarding septic tank waste?

We have a policy to accept septic tank waste at the wastewater treatment plant. There are no issues or concerns regarding septic tank waste.

- (8) Is school construction or expansion anticipated during the planning period? Are there opportunities to promote new residential development around existing and proposed schools?

There are no concrete plans for school construction or expansion during the planning period. For the present RSU 20, existing buildings will be utilized. There are opportunities to promote new residential development around existing and proposed schools. Presently the Maine Ocean School is using existing facilities of RSU 20 and the Penobscot Marine Museum.

- (9) Is the community's emergency response system adequate? Are improvements needed?

Searsport's emergency response system consists of the following:

- An all-hazards Emergency Operations Plan (EOP) coordinated with the Waldo County EOP and plans for local industrial, commercial, museum and school facilities.

- The Searsport Police Department.

- The Searsport Emergency Medical Service.

- The Searsport Fire Department.

This system with our mutual aid partners provides a coordinated response to manmade and natural emergencies.

Are improvements needed?

The 2012 Emergency Response Plan is due for an update to reflect changes over the last three years. We have recently entered into agreements with two local churches to provide warming centers for natural disasters. Some additional equipment is being purchased to support this function.

The Police Department has an adequate process to fund equipment updates and repairs. The department has an excellent reputation of recruiting and training officers but faces a challenge to retain these officers who are recruited away by more affluent communities.

The Emergency Medical Services Department has an adequate process to maintain ambulance equipment up-to-date. They participate in a proactive home-care program to help keep some residents in their homes.

The Fire Department does not have a forward-looking process to maintain and update its facilities and equipment. A plan was brought before the town in 2013 to replace a degraded fire station but was not approved. We are in the process of analyzing the existing hazards in the town and our capability to respond.

Both the Fire and EMS services are pay-per-call volunteer organizations. These organizations in Searsport as in the state and nation face an increasing challenge in maintaining qualified staff.

- (10) Is the solid waste management system meeting current needs? Is the community reducing the reliance on waste disposal and increasing recycling opportunities? Are improvements needed to meet future demand?

The solid waste management system is meeting current needs and has no room for additional growth. Yes, the community is reducing the reliance on waste disposal and increasing recycling opportunities.

- (11) Are improvements needed in the telecommunications and energy infrastructure?

There is a need to expand internet to homes located in rural settings. The energy infrastructure is constantly upgraded.

- (12) Are local and regional health care facilities and public health and social service programs adequate to meet the needs of the community?

Yes. The Waldo County General Hospital provides adequate service to the residents of Searsport, which includes a branch health care facility located in Searsport. Social services programs are provided by regional non-profit agencies.

- (13) Will other public facilities, such as town offices, libraries, and cemeteries accommodate projected growth?

We have extra growth potential. We also have land in reserve for future buildings.

- (14) To what extent are investments in facility improvements directed to growth areas?

We recently expanded our wastewater to new areas ten years ago and installed larger-than-needed pump stations in anticipation of growth.

- (15) Does the community have a street tree program?

The Town of Searsport does not have a street tree program at this time, however it is being discussed. Downtown renovation discussion includes planning for the future of tree enhancements between Savage Road and Station Avenue.

C. Conditions and Trends

- (1) Location of facilities and service areas (mapped as appropriate);

See Map in Appendix 12

- (2) General physical condition of facilities and equipment;

The general physical condition of facilities and equipment is adequate and well-maintained. Two buildings of concern are the Town Maintenance Garage and the North Searsport Fire Station

- (3) Capacity and anticipated demand during the planning period;

There is no additional anticipated increase in population in the next ten years.

- (4) Identification of who owns/manages the systems;

The Town of Searsport is served by both town water and sewer systems in the heavily populated areas. Both services were originally established in the downtown sections of the town and have been gradually expanded beyond that area as home building and industrial growth have required. Applicants to the Planning Board for new construction of any kind are required to provide evidence

and planning for the acquisition of an adequate water supply as well as a plan for disposal of septic waste. Ordinances are in place for the regulation of the disposal of septic waste within the town boundaries. The water district is managed by a Director, who is responsible for the day-to-day operations. Selectmen appoint the Board of Directors on a rotating schedule who oversee the management of the district. The sewerage treatment plant is owned and operated by the Town of Searsport.

(5) Estimated costs of needed capital improvements to public facilities; and

See Capital Investment Plan Chart, on page 81.

(6) The following information related to each of these public facilities and services:

a. Sewerage and/or Water Supply – Identify number and types of users, and percent of households served.

	Sewerage	Water
Residential Users	462	625
Commercial Users	39	93
Industrial Users		2
Percentage of households served	24%	36%

b. Septage – Identify any community policies or regulations regarding septage collections and disposal.

See Sewer Use Ordinance in Appendix 12

c. Solid Waste – Describe the community’s solid waste management system. Identify types and amounts of municipal solid waste and recycled materials for the past five (5) years.

Priorities. It is the policy of the State and Searsport to plan for and implement an integrated approach to solid waste management for solid waste generated in Searsport and solid waste imported into Searsport, which is based on the following order of priority:

- A. Reduction of waste generated at the source, including both amount and toxicity of the waste;
- B. Reuse of waste;
- C. Recycling of waste;
- D. Composting of biodegradable waste;
- E. Waste processing that reduces the volume of waste needing land disposal, including incineration; and
- F. Land disposal of waste.

The town's recycling facility is located at the transfer facility and is open Tuesday, Thursday, and Sunday from 9 to 5. It accepts cardboard, newspaper, paste board, glass, cans, paint, wood, metal, garden waste, Mercury lamps and thermostats and electronic equipment.

	2013	2014	2015	2016	2017
Solid Waste(In Tons)	901.01	1057.94	1037.55	982.27	1118.86
Recycled Materials (In Tons)	204.000	217.374	217.959	196.953	192.435

d. Stormwater Management – Identify combined sewer overflows. For Municipal Separate Stormwater System (MS4) communities, describe plan and status of the major goals of the MS4 requirements.

Searsport doesn't have a MS4 system.

e. Power and Communications – Availability of 3-phase power, Internet (including broadband), and cable within the community.

See Appendix 12.

f. Emergency Response System – Average call response times for fire, police, and emergency/rescue.

Service	Average Notified to Enroute Time	Average Enroute to Arrive Time	Average Time At Scene
Fire	8 minutes	10 minutes	39 minutes
Police	5 minutes	12 minutes	25 minutes
Ambulance	3 minutes	5 minutes	18 minutes

g. Education – Identify school administrative unit. Include primary/secondary school system enrollment for the most recent year information is available and for the ten (10) years after the anticipated adoption of plan.

Searsport is part of a two-town collaborative school unit identified as RSU # 20. All students, Pre K-12, from Searsport and neighboring Stockton Springs attend a school complex on Mortland Road in Searsport.

	Enrollment figures as of the opening of the 2018-19 school year
School and Grade	Number of Students
RSU #20 Grade Pre-K	20
RSU #20 Grades K through 5	217
RSU #20 Grades 6/8	115
RSU #20 Grades 9-12	145
Maine Ocean School Grades 9-12	10

Projections for the next ten years have not been developed, but with the newly opened Maine Ocean School it is reasonable to expect that the high school population will increase. This magnet school will attract students from outside the towns of Searsport and Stockton. However given the demographics of the town, with little or no projected growth, it is expected that the grades Pre K-1-8 will remain somewhat stagnant.

h. Health Care – Describe major health care facilities (hospitals, clinics) and other providers serving the community. Identify public health and social services supported by the community through municipal subsidy.

Waldo County General Hospital in Belfast is the major health facility for all of Waldo County. As an outreach of this well-established facility several health clinics have been established in smaller towns. Searsport has one of these facilities. Staffed and open on a regular basis, many residents take advantage of this facility for their primary health care. In addition Waldo County Public Health Nurses are available, as is support care from several social service agencies for clients in recovery or facing chronic health problems. Searsport Ambulance Service, in addition to providing emergency response services, has established a Community Paramedicine Program, staffed by the full time ambulance service employees. Working under the direction of primary care physicians, follow-up monitoring is provided in the home of patients recently hospitalized. Reviewing discharge orders and assuring that patients have the prescribed medications and understand the directions given; have other materials and equipment needed for their recovery care; checking vital signs, and in general answering any questions all help the patient to a better recovery. Also under the direction of a primary care physician the Searsport Ambulance Service can provide regular health monitoring for persons with long term or chronic health conditions, thus helping to prevent repeated trips to doctors or the hospital for citizens who often also have limited transportation resources. The trained personnel from the ambulance service can quickly assess a situation and decide if transportation to a doctor or hospital is required.

i. Municipal Government Facilities and Services – Describe facilities and staffing for municipal administrative, enforcement, and public works operations.

	Full Time Employees	Part Time Employees
Town Office Staff	5	3
Police	2	6
Fire	0	25
Ambulance	2	20
Public Works	4	3
Waste Water	2	1
Library	1	2
Animal Control		2
Code Enforcement		1

j. Street Tree Program – Describe the community’s street tree program.

The Town of Searsport does not have a street tree program at this time, however it is being discussed. Downtown renovation discussion includes planning for the future of tree enhancements between Savage Road and Station Avenue.

D. Policies

- (1) To efficiently meet identified public facility and service needs.
- (2) To provide public facilities and services in a manner that promotes and supports growth and development in identified growth areas.

E. Strategies

- (1) Identify any capital improvements needed to maintain or upgrade public services to accommodate the community’s anticipated growth and changing demographics.

Capital improvements needed to maintain or upgrade public services to accommodate the community's anticipated growth and changing demographics include a new highway building and fire station. To meet present needs, additional public parking is being planned on recently acquired property.

- (2) Locate new public facilities comprising at least 75% of new municipal growth-related capital investments in designated growth areas.

Although growth is just 1% since 1950, and there is no sizeable projection for growth for the next ten years. The Town has designated as growth areas the Mixed Residential District and all the Commercial and Residential districts along Route 1 from the Long Cove area east to the Stock Springs line as a growth area for both residential homes and businesses. This area contains more than 4,000 acres of land to accommodate the future growth of the community. Over 8 million dollars of the almost 10 million set aside for growth related expenses has been earmarked to extend the wastewater system along this Route 1 corridor growth area and increase the capacity of the processing plant to accommodate the increased flow. The Mixed Resident zone is currently served by the waste water system which is adequate for continued growth in that area.

- (3) Encourage local sewer and water districts to coordinate planned service extensions with the Future Land Use Plan.

Searsport will encourage local sewer and water districts to coordinate planned service extensions with the Future Land Use Plan.

(4) If public water supply expansion is anticipated, identify and protect suitable sources.

No supply expansion is anticipated. There are proposed upgrades that run thru 2020. These are divided into two categories: upgrades within the existing distribution system that will maintain water quality, improve system hydraulics, reduce non-revenue water demands, and reduce maintenance costs and system expansion opportunities. Long-term expansion options include: extending the high service area northeast along Old County Rd. to Mortland. Extending service down Mortland Rd. to connect with the low service area and extending service along Brock Rd. to the Belfast line.

(5) Explore options for regional delivery of local services.

Options for regional delivery of local services that are currently being explored include fire services, fire equipment, ambulance, police, sewer, water, assessing and recreational management.

12. Fiscal Capacity and Capital Investment

A. State Goal

To plan for finance and development an efficient system of public facilities and services to accommodate anticipated growth and economic development.

B. Analyses

- (1) How will future capital investments identified in the plan be funded?

The Town of Searsport will continue to practice sound fiscal management when looking at future capital investment needs. All major departments have established and annually funded Capital Reserve Accounts. Every year at Town Meeting the voters add substantial amounts to these accounts individually, taking into consideration when the next major capital improvement will likely be needed. When a police car, truck or a new roof is needed there is usually enough in the reserve to pay as needed. If an unexpected need arises, and the balance in the reserve account is not enough; or when a major project such as a complete reevaluation or major road work is undertaken, Searsport turns to our local banks and arranges to borrow the funds at the best possible rate and repayment plan.

All department heads as well as the Town Manager stay current on any and all state, federal and private funding that may be available to us. Grant writing is a regular activity here and over the years Searsport has been the beneficiary of many grants, both large and small. We have been approved for a \$5.2 million Downtown Revitalization Grant

- (2) If the community plans to borrow to pay for capital investments, does the community have sufficient borrowing capacity to obtain the necessary funds?

We have no immediate plan to borrow. We have borrowed \$1,000,000.00 recently on a 10 year bond. This is well below our capacity.

- (3) Have efforts been made by the community to participate in or explore sharing capital investments with neighboring communities? If so, what efforts have been made?

Searsport is currently exploring sharing capacity of waste water treatment plant with nearby Stockton Springs. Such a collaboration would promote the needs of a part of that town and make use of the extra capacity available at the waste water treatment plant on Navy St. in Searsport.

Searsport and Stockton have shared a high school for 57 years, been partners in 2 MSAD ventures and most recently withdrew from the oversized RSU 71 to establish a two town district of Searsport and Stockton, RSU # 20. This move has been very successful, with all students K-12 from both towns now receiving their education at a district complex on Mortland Road.

More recently the Town of Searsport has applied for and been granted permission to establish a Magnet School focusing on Marine Sciences and Technologies. This school is attracting students from across the state and beyond.

RSU#20 is a collaborating partner with Waldo CAP agency and the Head Start programs, housed in the public school, first at Stockton and now at the Mortland Road complex.

The history of the Town Recreation Department has been rocky. Over the years preschool and elementary students have from time to time played on the same Little League and Recreation League teams. Students and adults both take advantage of programming offered at the YMCA in Belfast. The Recreation Program needs attention and a solid plan which is beginning to take shape under the direction of a recently hired part-time Director. One positive early step is to develop a partnership which will result in combined funding with the Town of Stockton Springs and Searsport to expand the recreational opportunities for all age groups.

C. Conditions and Trends

Minimum data required to address Analyses: See Appendix 13 for additional data.

(1) Identify community revenues and expenditures by category for the last five (5) years and explain trends.

Revenue	Searsport Revenues						Trends % Change
	2011	2012	2013	2014	2015	2016	
Property Taxes	4,170,442	4,156,858	4,364,019	4,725,809	4,892,667	4,834,351	16%
Vehicle Excise Tax	340,966	361,619	365,248	383,845	389,383	413,853	21%
Intergovernmental Revenues	316,763	309,484	298,511	307,924	321,161	280,752	-11%
Recreation	16,170	11,480	11,312	7,969	11,300	16,923	5%
General Government	35,727	166,230	110,343	41,445	61,147	189,423	430%
General Assistance	5,592	2,370	608	8,501	1,772	2,077	-63%
Homestead Reimbursement	64,535	71,592	80,537	89,594	89,597	140,752	119%
Interest & Investment Earnings	30,698	29,923	27,633	28,815	28,366	23,418	-24%
Public Works	51,220	62,252	122,911	76,563	291,478	58,054	13%
Public Safety	186,857	235,683	136,993	129,883	171,738	194,168	4%
Miscellaneous	114,445	814,111	92,635	109,841	126,201	109,617	-4%
Homeland Security Equipment				358,740			
Total	5,333,415	6,221,602	5,610,750	6,268,929	6,384,810	6,261,388	17%

Municipal Expenditures		Source: Town Reports					
Expenditures	2011	2012	2013	2014	2015	2016	Trends % Change
General Government	500,355	614,627	606,036	452,137	551,172	534,743	7%
Public Safety	869,783	789,312	933,915	839,863	884,098	897,600	3%
Public Works	541,941	503,453	591,273	715,841	1,117,335	728,802	34%
Public Assistance	16,910	6,270	22,758	16,181	18,630	18,597	10%
Recreation	90,776	90,844	112,405	107,268	112,163	101,901	12%
Debt Service	6,270	4,859	5,259	7,269	5,216	5,755	-8%
Miscellaneous	183,967	185,080	198,215	203,532	218,723	226,583	23%
Education	2,592,773	2,598,658	2,742,711	2,949,910	3,090,555	3,163,972	22%
Homeland Security Equipment				358,740			
County Tax Assessment	461,370	449,867	438,553	422,911	401,337	405,715	-12%
Unclassified	70,437	(579,994)	117,086			118,244	67%
Special Assessments	461,370	509,847	438,553	541,632	462,613	462,628	1%
Animal Disposition Contract		40,000					
Total	5,795,952	5,212,823	6,206,764	6,615,284	6,861,842	6,664,540	15%

(2) Describe means of funding capital items (reserve funds, bonding, etc.) and identify any outside funding sources.

See analysis Question 1.

(3) Identify local and state valuations and local mill rates for the last five (5) years.

	2011	2012	2013	2014	2015	2016
Local Valuations	\$209,898,460	\$208,315,200	\$208,556,530	\$208,270,870	\$209,072,240	\$205,894,370
State Valuations	166,990,700,000	163,424,200,000	160,011,900,000	158,661,600,000	159,770,050,000	150,804,279,202
Local Mill Rates	1.98%	2.02%	2.15%	2.27%	2.37%	2.39%

(4) How does total municipal debt (including shares of county, school, and utility) compare with the statutory and Maine Bond Bank recommended limits on such debt?

The only debt the Town currently holds is \$1,000,000.00 in road bond and \$495,757.00 in wastewater bonds. We are around eight percent of our capacity for bonding.

D. Policies

(1) To finance existing and future facilities and services in a cost effective manner.

- (2) To explore grants available to assist in the funding of capital investments within the community.
- (3) To reduce Maine's tax burden by staying within LD 1 spending limitations.

E. Strategies

- (1) Explore opportunities to work with neighboring communities to plan for finance shared or adjacent capital investments to increase cost savings and efficiencies.

Searsport is currently exploring sharing capacity of a waste water treatment plant with nearby Stockton Springs. Such a collaboration would promote the needs of a part of that town and make use of the extra capacity available at the waste water treatment plant on Navy Street in Searsport. All opportunities for collaboration are pursued and strategies developed to share the costs and efficiencies of services.

F. Capital Investment Plan

The comprehensive plan must include a capital investment plan that:

- (1) Identifies and summarizes anticipated capital investment needs within the planning period in order to implement the comprehensive plan, including estimated costs and timing, and identifies which are municipal growth-related capital investments;
- (2) Establishes general funding priorities among the community capital investments; and
- (3) Identifies potential funding sources and funding mechanisms.

The comprehensive plan recognizes planned growth and a diverse mix of land uses within the town as an important aspect of fiscal planning. The primary implementation strategy for the fiscal capacity and capital investment section is the development of a capital investment plan (CIP). The purpose of the CIP is to establish a framework for financing needed capital investments. A CIP guides budgeting and expenditures of tax revenues and identifies needs for which alternative sources of funding such as loans, grants, or gifts will be sought. Capital investments are investments in the repair, renewal, replacement or purchase of capital items. Capital investments differ from operating expenses or consumables. The expense of consumables is ordinarily budgeted as operations. Capital investments generally have the following characteristics: they are relatively expensive; they usually do not recur annually; they last a long time; and they result in fixed assets. Capital items can include equipment and machinery, buildings, real property, utilities, and long-term contracts and are funded through the establishment of financial reserves.

Capital investments are prioritized each year in the budget process based on the availability of funds and the political will of the community. A complete CIP describes expected yearly investment and allows for both changes in priorities and reduction of available funds. The CIP is intended to prevent an unavoidable capital investment from occurring in a single fiscal year. The unexpected purchase of a sizeable improvement can overburden the tax rate and cause large fluctuations in tax bills from year to year.

13. Existing Land Use

A. State Goals

None required

B. Analyses

(1) Is most of the recent development occurring: lot by lot; in subdivisions; or in planned developments? Is recent development consistent with the community's vision?

Most of the recent development occurring in Searsport is lot by lot and in small subdivisions. The most recent development is consistent with the community's vision, which is to build in locations selected by the builder and guided by the Land Use Ordinance regulations.

(2) What regulatory and non-regulatory measures would help promote development of a character, and in locations that are consistent with the community's vision?

The current Land Use Ordinance, Shoreland Zoning Ordinance, Site Plan Review Ordinance and Floodplain Ordinance help promote the development of a character, and in locations that are consistent with the community's vision.

(3) Is the community's administrative capacity adequate to manage its land use regulation program, including planning board and code enforcement officer?

The community's administrative capacity is adequate to manage its land use regulation program, with a strong planning board and a code enforcement officer.

(4) Are floodplains adequately identified and protected? Does the community participate in the National Flood Insurance Program? If not, should it? If so, is the floodplain management ordinance up to date and consistently enforced? Is the floodplain management ordinance consistent with state and federal standards?

Floodplains are adequately identified and protected. The community does participate in the National Flood Insurance Program. The floodplain management ordinance is up-to-date and consistently enforced. The floodplain management ordinance is consistent with state and federal standards. Flood Plain maps are on file at the Town Office.

C. Conditions and Trends

(1) An existing land use map, by land use classification (such as mixed-use, residential, commercial, institutional, industrial, agricultural, commercial forests, marine, park/recreational, conserved, and undeveloped land).

See Appendix 14 Land Use Ordinance Map and related ordinances.

(2) A summary of current lot dimensional standards.

	Commercial Zone	C2 Zone	C3 Zone	Industrial Zone	Marine Zone	Mixed Residential	Residential Zone	R1 Zone	R2 Zone	R3 Zone	Rural Agricultural Residential Zone
Min. Lot Size With Public Sewer	5,000 Sq.ft	60,000 Sq.ft.	60,000 Sq.ft.	3 Acres	1 Acre	7,500 Sq.ft	10,000 Sq. ft.	5,000 Sq.ft.	60,000 Sq.ft.	10,000 Sq. ft.	3 Acres
Min. Lot Size Without Public Sewer	20,000 Sq.ft.	60,000 Sq.ft.	60,000 Sq.ft.		1 Acre	20,000 Sq.ft.	20,000 Sq.ft.	20,000 Sq.ft.	60,000 Sq.ft.	10,000 Sq. ft.	3 Acres

(3) A description or map identifying the location of lots and primary structures created within the last 10 years. Include residential, institutional, commercial, and industrial development.

Records covering the location of lots and primary structures created within the last 10 years are on file in the Code Enforcement Officer's office.

(4) Provide a brief description of existing land use regulations and other tools utilized to manage land use, including shoreland zoning, floodplain management, subdivision, site plan review, and zoning ordinances.

Shoreland Zoning Ordinance - The purpose of this Ordinance is to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historical resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Floodplain Management Ordinance - Purpose and Establishment - Certain areas of the Town of Searsport, Maine are subject to periodic flooding, causing serious

damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Searsport, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance. It is the intent of the Town of Searsport, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards. The Town of Searsport has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440. The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Searsport having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Searsport, Maine. The areas of special flood hazard, Zones A, AE, and VE for the Town of Searsport, Waldo County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Waldo County" dated July 6, 2015 with accompanying "Flood Insurance Rate Map" dated July 6, 2015 with panels: 305E, 315E, 316E, 318E, 319E, 455E, 456E, 457E, 458E, 459E, 462E, 464E, 466E, 467E, 476E, 478E, and 486E derived from the county-wide digital Flood Insurance Rate Map entitled "digital Flood Insurance Rate Map, Waldo County," are hereby adopted by reference and declared to be a part of this Ordinance.

Subdivision Ordinance - The purposes of this ordinance are:

- A. To provide for an expeditious and efficient process for the review of proposed subdivisions;
- B. To assure new development in the Town of Searsport meets the goals and conforms to the policies of the Searsport Comprehensive Plan and the Searsport Land Use Ordinance.
- C. To assure the comfort, convenience, safety, health and welfare of the people of the Town of Searsport;
- D. To protect the environment and conserve the natural and cultural resources identified in the Searsport Comprehensive Plan and Land Use Ordinance as important to the community;
- E. To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;

F. To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and

G. To promote the development of an economically sound and stable community.

Site Plan Review Ordinance - Purpose - Development or changes in the uses of land and cause a profound impact upon the cost and efficiency of municipal services and upon the environment of the town. Such development can impact schools, sewers, waterlines and other public utilities; recreational facilities; liquid and solid waste disposal; police and fire protection; open space; road systems and circulation; traffic congestion; placement of building(s) and structures(s); property values; water quality; the aesthetic and visual characteristics of the neighborhood and town, and the general health, safety and welfare of the community. It is the purpose of this Ordinance to control such impacts when caused by development; including commercial, retail, industrial, institutional building(s) and structure(s) and multi-family dwellings consisting of three-or-more attached dwelling units, and the establishment of a new non-residential use, even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, and other non-structural non-residential uses. This Ordinance shall not apply to structures used exclusively for single or two-family residences.

Land Use Ordinance - Purposes - The purposes of the Ordinance are as follows;

1. **COMPREHENSIVE PLAN IMPLEMENTATION:** To implement the policies and recommendations of the Searsport Comprehensive Plan;

2. **PROTECTION OF THE GENERAL WELFARE:** To assure the comfort, convenience, safety, health and welfare of the present and future inhabitants of the Town of Searsport.

3. **PRESERVATION OF THE TOWN CHARACTER:** To preserve and protect the character of Searsport by dividing the Town into districts according to the use of land and buildings and the intensity of such uses;

4. **PROTECTION OF THE ENVIRONMENT:** To protect and enhance the natural, cultural, and historic resources of the Town from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment;

5. **PROMOTION OF COMMUNITY DEVELOPMENT:** To promote the development of an economically sound and stable community.

6. REDUCTION OF TRAFFIC CONGESTION: To lessen the danger and congestion of traffic on roads and highways, limit excessive numbers of intersections, driveways, and other friction points, minimize hazards, and ensure the continued usefulness of all elements of the existing transportation systems for their planned function;

7. BALANCING OF PROPERTY RIGHTS: To protect property rights and values by balancing the rights of landowners to use their land with the corresponding rights of abutting and neighboring landowners to enjoy their property without undue disturbance from abutting or neighboring uses;

8. REDUCTION OF FISCAL IMPACT: To provide a means of evaluating development proposals to determine their fiscal impacts on the municipality's ability to provide and improve necessary public facilities and services; and

9. ESTABLISHMENT OF PROCEDURES/STANDARDS: To establish procedures whereby the Town Officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; to provide a public hearing process through which interested persons may raise questions and receive answers regarding how such developments may affect them; and to provide procedures whereby aggrieved parties may appeal decisions made under this ordinance.

(5) Estimate the minimum amount of land needed to accommodate projected residential, institutional, commercial, or industrial development at least ten (10) years into the future.

Given the state projections of population growth, no land is needed for residential development. Ten acres is estimated to be needed for institutional development. There is enough empty land for commercial and industrial growth. Some rezoning might be required to consolidate development.

D. Policies

None required

E. Strategies

None required

Section 4. FUTURE LAND USE PLAN

1. State Goal

To encourage orderly growth and development in appropriate areas of each community, while protecting the state's rural character, making efficient use of public services, and preventing development sprawl.

2. Future Land Use Plan Overview

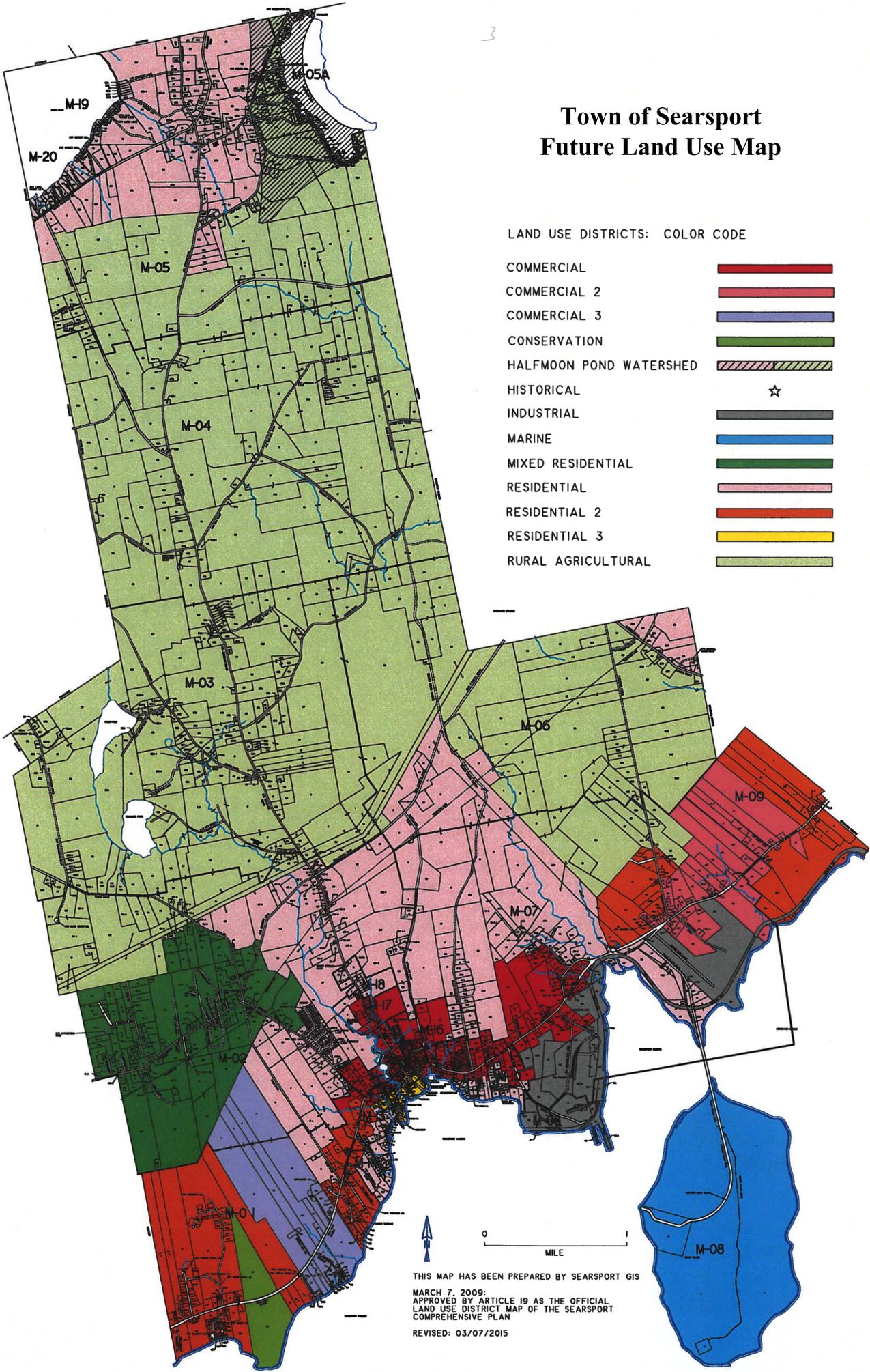
The land use section of this this plan is based on the information found in the inventory and analysis of the comprehensive plan. Although the land use plan is shaped by the policies developed in each section, consideration is given to the existing land use patterns and the expected future land use needs. Existing land use patterns are reviewed and efforts are made to minimize non-conforming uses within each proposed zone.

3. Review Criteria for Future Land Use Plan Designations

A. Growth Areas

The purpose of the land use plan and map contained within the comprehensive plan is to identify general areas of appropriate location and size to accommodate anticipated growth and future development. Only detailed site-specific analysis can determine land suitable for development and density levels. In addition, the comprehensive plan has not assessed, nor will it assess, the individual landowner's desire to sell his/her land for development, to develop it or to leave it undeveloped.

Town of Searsport Future Land Use Map



There are ten districts in the growth areas: Historic, Residential 2, Residential 3, Mixed Residential, Residential, Commercial, Commercial 2, Commercial 3, Marine, and Industrial.

The purpose of the Commercial District is to encourage development of commercial uses while planning carefully to avoid conflicts with residential and other uses, and to inhibit strip development and dense sprawl along Route One. The location of the Commercial District is illustrated on the Official District Boundary Map of the Town of Searsport.

The purpose of the Commercial 2 District is to encourage development of low impact commercial uses that will prevent overdevelopment and sprawl. The location of the Commercial 2 District is illustrated on the Official District Boundary Map of the Town of Searsport.

The purpose of the Commercial 3 District is to encourage development of low-impact commercial uses that will prevent overdevelopment and sprawl. The location of the Commercial 3 District is illustrated on the Official District Boundary Map of the Town of Searsport.

The purpose of the Industrial District is to accommodate industrial and large commercial development. The location of the Industrial District is illustrated on the Official District Boundary Map of the Town of Searsport.

The purpose of the Marine District is to accommodate marine and commercial marine-related activities. The location on the f the Marine District is illustrated on the Official District Boundary Map of the Town of Searsport.

The purpose of the Mixed Residential District is to provide an additional of the community for light industrial growth and expansion of residential and commercial development. The location of the Mixed Residential District is illustrated on the Official District Boundary Map of the Town of Searsport.

The purpose of the Residential 1 District is to encompass existing development and minimize the potential for commercial sprawl while maintaining the historical character of these portions of the community. The location of the Residential 1 District is illustrated on the Official District Boundary Map of the Town of Searsport.

The purpose of the Residential 2 District is to minimize the potential for sprawl and retain the unique character of these portions of the community. The location of the Residential 2 District is illustrated on the Official District Boundary Map of the Town of Searsport.

The purpose of the Residential 3 District is to maintain the unique historic character of this downtown residential neighborhood. The location of the Residential 3 District is illustrated on the Official District Boundary Map of the Town of Searsport.

The purpose of the Rural Agricultural Residential District is to maintain the rural character of

the town, to protect agricultural and forestry uses, to provide open spaces and to provide for lower density residential dwellings. The location of the Rural Agricultural Residential District is illustrated on the Official District Boundary Map of the Town of Searsport.

There is also the Conservation District. The purpose of the Conservation District is to encompass areas of the community that are currently owned by the State of Maine and are designated as a state park. The Conservation District is not subject to regulation by the Town.

There is also the Halfmoon Pond Watershed Overlay District. The purpose of the Halfmoon Pond Watershed District is to prevent deterioration of the pond's water quality which has been experienced in the past.

There is also the Historic Overlay District. The purpose of the Historic Overlay District is to acknowledge and ensure the long-term preservation of historical structures listed on the National Register of Historic Places and not to regulate land use. Please refer to the appropriate "overlay" district. The district applies only to properties listed on the National Register of Historic Places and designated on the Official District Boundary Map of the Town of Searsport.

The land use section of this this plan is based on the information found in the inventory and analysis of the comprehensive plan. Although the land use plan is shaped by the policies developed in each section, consideration is given to the existing land use patterns and the expected future land use needs. Existing land use patterns are reviewed and efforts are made to minimize non-conforming uses within each proposed zone.

Growth management legislation requires the creation of growth and rural zones. The designation of growth zones is intended to direct development to areas most suitable for such growth and away from areas where growth and development would be incompatible with the protection of rural resources. Based on growth management, growth areas are to be located close to municipal services to minimize the cost to the municipality for the delivery and maintenance of these services. The designation of rural zones is intended to protect agricultural, forest, scenic areas, and other open space land areas from incompatible development and uses.

B. Growth Area Exemptions

There are no growth-exempt areas in the Town of Searsport. All exempt areas have been assigned to specific districts. The Land Use Ordinance takes care of any exemptions.

C. Shared Growth Area

The Town of Searsport does not anticipate entering into agreements with neighboring communities to designate regional growth areas for anticipated residential, institutional, commercial, or infrastructure.

D. Transitional Areas

The purpose of the Mixed Residential District is to provide an additional area of the community for light industrial growth and expansion of residential and commercial development. The location of the Mixed Residential District is illustrated on the Official District Boundary Map of the Town of Searsport. Mixed Residential Districts are used as transitional areas.

E. Rural Areas

The purpose of the Rural Agricultural Residential District is to maintain the rural character of the town, to protect agricultural and forestry uses, to provide open spaces and to provide for lower density residential dwellings. The location of the Rural Agricultural Residential District is illustrated on the Official District Boundary Map of the Town of Searsport. The minimal size lots are protection from overdevelopment. The Town of Searsport utilizes the following dimensional requirements: Minimum lot size 3 acres. Minimum lot size per swelling unit one acre (less if cluster housing provisions are met). Minimum Road Frontage 200 ft. Setbacks from property line Front 25 feet, Side and Rear 10 feet. Maximum building height 40 feet.

The Rural Districts consist of those areas that Searsport intends to protect such as agricultural land, forested land, scenic areas, and open space land uses where development would be incompatible, and the state park. The land use districts proposed in the rural areas is shown on the Proposed Land Use Map at the end of this section.

The purpose of the Rural Agricultural District is to maintain the rural character of the town, to protect agricultural and forestry uses, to provide open spaces and provide for single family residential dwellings with larger lot sizes. The minimum lot size will be 3 acres. Frontage requirements will be 200 feet to maintain the rural character of the town. Commercial development of agricultural and commercial forestry operations will be permitted, as well as limited business use. Development regulations should encourage residential development to occur on existing or newly constructed roads.

F. Critical Natural Resources

All areas of the town are covered by the Land Use Ordinance for the purpose of protecting Critical Natural Resources from the impacts of incompatible development.

The Town of Searsport has identified the following critical natural resources:

Clam flats
Mosman Park
Sears Island
Moose Point State Park
Swan Lake
All Wetlands
Half Moon Pond

G. Critical Rural Areas and Critical Waterfront Areas

The Land Use Ordinances protect the rural nature as it is today. The Town of Searsport has identified the following critical rural areas:

Probert Forest
Sloam Property

4. Required Elements for the Future Land Use Plan

A. Analyses

(1) Does the Future Land Use Plan align and/or conflict with the community's vision statement?

This section of the Comprehensive Plan for the Town of Searsport is written taking into consideration the Vision Statement on P. 7, the surveys and public meetings data gathered as a part of the process and all current land use regulations in place locally and statewide. The Committee looked at the original Comprehensive Plan for outcomes and trends that did or did not develop as a guide for future planning.

(2) Is the configuration of the growth area(s) shaped by natural opportunities and/or constraints (i.e. the physical suitability or unsuitability of land for development)? The location of public facilities? The transportation network?

Growth in Searsport continues to follow historical patterns and occurs largely along the Route One corridor. One major change that is seen in Searsport, as it is across Maine, is the growth of home-based businesses which do not tend to alter land use patterns in any measurable way. Presently the center of the down town area is experiencing an increase in empty store fronts and some closed businesses. Industrial growth is occurring in the area east of town along Route One and in the port area. Both home business opportunities and the experienced industrial growth have been managed and supported by the Land Use Ordinances and the active Planning Board oversight.

(3) How does the Future Land Use Plan relate to recent development trends?

The Comprehensive Plan written and approved March 7, 2009 pointed out that at that time the projected growth would occur outside the down town area. This has proven to be the case. Development pressure will likely continue to be in that direction, where large tracts of land are still available both along Route # One and the shoreline. Future expansion for the Port of Searsport planning has protected a portion of Sears Island for that purpose.

(4) Given current regulations, development trends, and population projections, estimate how many new residential units and how much commercial, institutional, and/or industrial development will likely occur in the planning period? Where is this development likely to go?

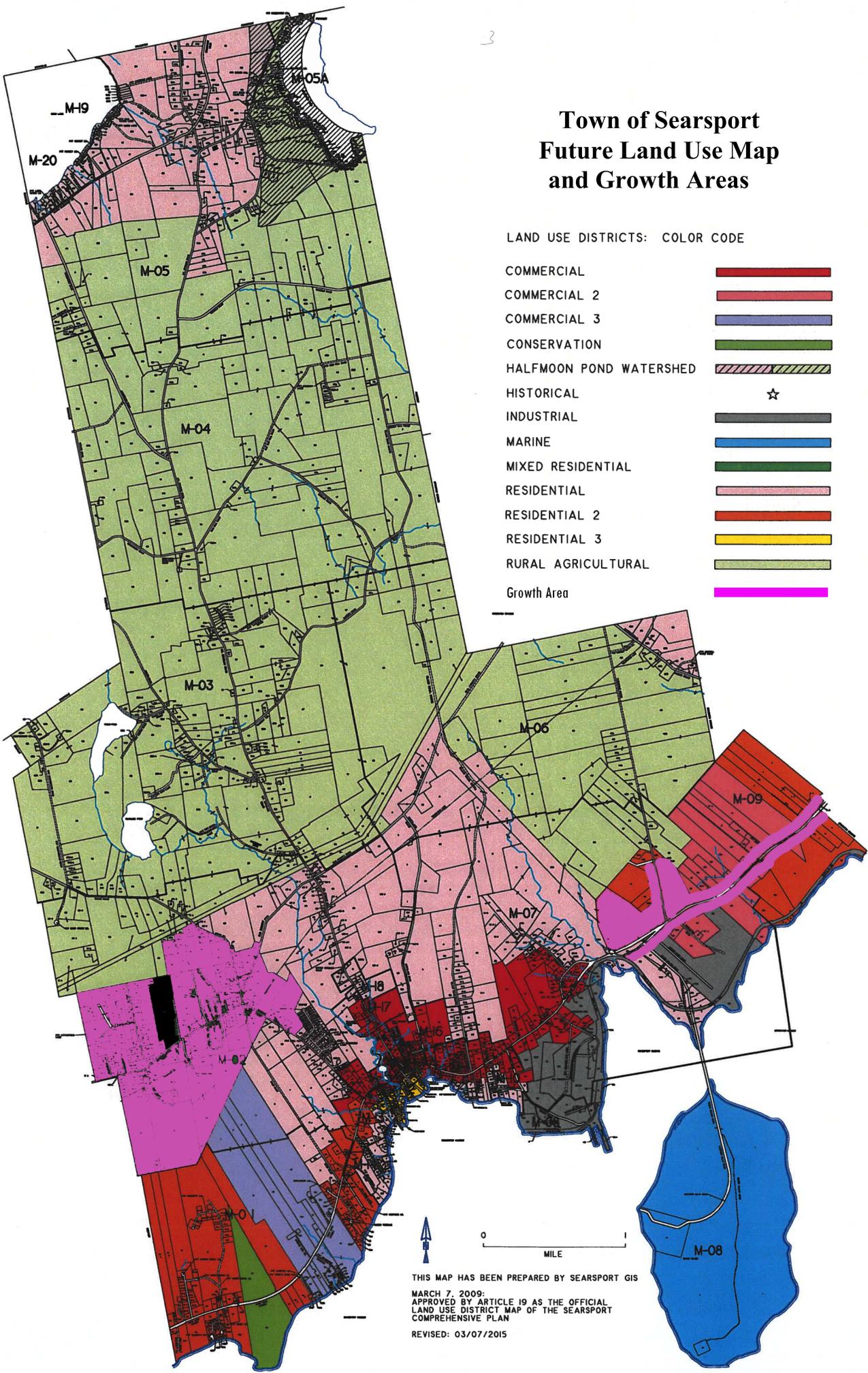
As stated, commercial/industrial expansion will likely follow established patterns. Population projections are relatively flat indicating no immediate need for major housing development. Current patterns will likely continue, with single-family dwellings being built in the more rural areas of the town. Currently there are three large housing complexes with income-eligible rentals available in Searsport. There are also several single owner, high-end housing developments in areas just off Route One and in more rural areas. The remainder of the land area in Searsport continues to be undeveloped woodlands, small ponds, streams and small family farms and residences. With the growing interest in development of small farms, some of this area could be put back into production of crops for the local market.

(5) How can critical natural resources and important natural resources be effectively protected from future development impacts?

Local Land Use Ordinances can also support and encourage this “back to the land” movement without undue pressure on the town’s infrastructure while protecting the rural nature of large areas of the town.

B. Components

Town of Searsport Future Land Use Map and Growth Areas



LAND USE DISTRICTS: COLOR CODE

- COMMERCIAL
- COMMERCIAL 2
- COMMERCIAL 3
- CONSERVATION
- HALFMOON POND WATERSHED
- HISTORICAL ☆
- INDUSTRIAL
- MARINE
- MIXED RESIDENTIAL
- RESIDENTIAL
- RESIDENTIAL 2
- RESIDENTIAL 3
- RURAL AGRICULTURAL
- Growth Area

0 MILE 1

THIS MAP HAS BEEN PREPARED BY SEARSPORT GIS
 MARCH 7, 2009;
 APPROVED BY ARTICLE 19 AS THE OFFICIAL
 LAND USE DISTRICT MAP OF THE SEARSPORT
 COMPREHENSIVE PLAN
 REVISED: 03/07/2015

There are four districts in the growth areas: Mixed Residential, and parts of the Residential, Residential 2 and Commercial 2 Districts.

The purpose of the Commercial District is to encourage development of commercial uses while planning carefully to avoid conflicts with residential and other uses, and to inhibit strip development and dense sprawl along Route One. The location of the Commercial District is illustrated on the Official District Boundary Map of the Town of Searsport.

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The purpose of the Mixed Residential District is to provide an additional area of the community for light industrial growth and expansion of residential and commercial development and is also a designated growth area. The location of the Mixed Residential District is illustrated on the Official District Boundary Map of the Town of Searsport.

The purpose of the Residential District is to encompass existing development and to provide areas for growth for future residential housing needs and small businesses. The location of the Residential District is illustrated on the Official District Boundary Map of the Town of Searsport.

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C. Policies

The Town will coordinate land use strategies with other local and regional land use planning, support the land uses in its vision, support financial commitment to provide infrastructure in growth areas, continue with permitting procedures, and protect rural and waterfront areas from impacts of development.

D. Strategies

1. The planning board, appointed by the Board of Selectmen, has the responsibility to implement the Future Land Use Plan.

2. The planning board, appointed by the Board of Selectmen, has the responsibility to maintain, enact or amend local ordinances as appropriate to:
 - a. Clearly define the desired scale, intensity, and location of future development.
 - b. Establish or maintain fair and efficient permitting procedures, and explore streamlining permitting procedures in growth areas.
 - c. Clearly define protective measures for critical natural resources and, where applicable, important natural resources.
 - d. Clearly define protective measures for any proposed critical rural areas and/or critical waterfront areas, if proposed. At this time there are no critical rural areas and no critical waterfront areas identified.
3. At this point the Town of Searsport has no Capital Investment Plan. The Selectmen will develop a Capital Investment Plan to meet capital investment needs.
4. As needs develop, the Board of Selectmen will meet with neighboring communities to coordinate land use designations and regulator and non-regulatory strategies.
5. The Town of Searsport provides the Code Enforcement Officer with the tools, training and support necessary to enforce land use regulations, and ensures that the Code Enforcement Officer is certified in accordance with 39-A M.R.S.A. §4451.
6. The Code Enforcement Officer, working in coordination with the Town Assessor, tracks new development in the community by type and location.
7. The Board of Selectmen, keeping in mind the best use of TIF money as it becomes available, will direct a minimum of 75% of new municipal growth-related capital investments into designated growth areas identified in the Future Land Use Plan.
8. The Comprehensive Plan Committee will periodically (at least every five years) evaluate implementation of the plan in accordance with Section 2.7.

5. Criteria for Growth Area Exemptions

Although growth is just 1% since 1950, and there is no sizeable projection for growth for the next ten years. The Town has designated as growth areas the Mixed Residential District off of Prospect St. and Back Searsport Rd. and all the Commercial and Residential districts along Route 1 from the downtown East to the Stock Springs line as a growth area for both residential homes and businesses. This area contains more than 4,000 acres of land to accommodate the future growth of the community.

Appendix 1 – Community Survey

Community Survey – Your Opinion Matters!

Town of Searsport

Our Maritime Heritage...Charting Our Future

The Comprehensive Plan Committee, at the direction of the Board of Selectmen, is beginning the process of updating Searsport's Comprehensive Plan. The plan was first published in 2002, with the most recent update completed in 2010. The final plan will provide the vision of where we all as a community want to be and look like 15-20 years from now. It is a tool that will guide decision making and influence action that could be undertaken to make Searsport a better place to live and do business. Your thoughtful responses to the following questions will help guide efforts to best meet needs and reduce barriers supporting economic development planning and growth in our community. Completing the survey should take less than 15 minutes of your time. Your participation is voluntary and you do not have to answer any questions you don't want to. Your identity is not requested and all responses will be confidential.

Please respond to each the following questions:

1. Are you a Searsport resident? Yes No

2. How satisfied are you with the quality of life/living in Searsport?

Very Satisfied	Satisfied	No Opinion	Unsatisfied	Very Unsatisfied
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3. What do you like most about living in Searsport? Check the top three choices. (include other)

- Cost of living
- Small town convenience
- Beauty of community
- Family atmosphere
- Caring community
- Peaceful neighborhood
- Religious organizations
- Convenient access to medical and social services
- Business opportunities
- Employment opportunities
- Quality of education/schools
- Other

Please explain your top three choices

4. What do you like least about living in Searsport? Check the top three choices. (include other)

- Level of property taxes
- Very little population growth
- Lack of housing
- Lack of recreational/entertainment activities
- Lack of retail stores
- Poor streets/roads
- Lack of choices for dining out
- Wasteful spending by town/elected officials
- Responsiveness of town officials/fire/law enforcement
- Sense of safety
- Economic activity/opportunity
- Other

Please explain your top three choices:

5. Over the past five years, do you believe Searsport's quality of life has improved, stayed about the same or declined?

- Improved
- Stayed the same
- Declined

Please explain your choice:

6. How satisfied are you with Searsport's economic growth in the past five years?

<input type="checkbox"/> Very Satisfied	<input type="checkbox"/> Satisfied	<input type="checkbox"/> No Opinion	<input type="checkbox"/> Unsatisfied	<input type="checkbox"/> Very Unsatisfied
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7. Which of the following types of development would you like to see more of in Searsport? Check the top three choices.

- Office buildings
- Retail centers
- Mixed use development (live/work)
- Restaurants
- Entertainment/attractions
- Grocery stores
- Business parks
- Business attraction (bring more established businesses to Searsport)
- Apartments/townhouses
- Starter homes
- Moderate homes
- Luxury homes
- Affordable housing
- Opportunities and technical assistance for small business entrepreneurs
- Marine development
- Port
- Tourism

8. How satisfied or dissatisfied are you with the following aspects of Searsport?

	Satisfied	Dissatisfied	No Opinion	Unsatisfied	Very Unsatisfied
Number of retail businesses in Searsport					
Overall appearance of your neighborhood					
Overall appearance of Searsport					
Appearance of medians and rights of way					
Appearance of commercial buildings					
Quality of parks					
Quantity of parks and recreation facilities					
Level of safety					
Availability of well-paying, diverse job opportunities					
Distribution of commercial and residential land use throughout the town					
Quality of streets					
Quality of water					
Quality of sewer					
Vitality of aging neighborhoods					
Communication between town officials and residents					
Quality of education institutions					
Amount of green space/trails					

9. By what form of communication do you prefer to be notified of public, community meetings and community news? Circle all that apply.

- Mail
- Newspaper
- Town of Searsport web site
- Town of Searsport TV station
- Email
- Facebook/social media
- Signs
- SMS text
- Bulletin Boards

Thank you for taking the time to complete this survey!

Please return you completed survey, to the Town Office by November 25th.

THANK YOU!

Community Survey-Town of Searsport

Question 3 option checked other answers

- Being on the coast
- People are so sharing and friendly and the town is so beautiful year round (+1)
- Very good police and fire dept
- Convenience for grocery store, not a lot of bad things going on. Just a close distance for medical to my house.
- Native
- Very discouraged about taxes we receive next to no services
- Access to ocean (+1)
- Low crime. Good law enforcement (+1)
- Proximity to Belfast
- Safety and security
- Peaceful and serene
- Access to Sears island
- All of the above
- Grew up here
- There is very little going on very backward
- We want to have good schools, always, as history repeats itself and children are our future
- Beautiful scenery
- Ability to lobster
- Town pier
- Location
- Family history
- I can't find top three
- Location to Bangor, Belfast, Camden, Rockland
- Enjoy close proximity to ocean-dock facility-"boating person"
- Coast of Maine beauty
- Trust lands like Sears Island and Parks
- Recycling-disturbing
- Live near family
- I think we should have a full time town manager. One who will speak to people coming in the town office. One who will devote his entire work day to the public. We are blessed with a nice friendly town, with good workers who serve the public with the exception of our town manager/representative. We need a manager as we have had in the past who recognized people-gets out on the street, is available daily to talk with employees and the public. I cannot tell the number of times when he has hurried out to Augusta leaving behind what should be his primary work. Checking on the ? that a manager needs to do daily.

- I cannot make 3 choices. Cost of living is being pushed beyond what the area has to offer. Beauty is being damaged by those who wish to promote businesses that are inappropriate. Small parts of the community are caring. The wrong people are in the selectmen and planning boards. They are uniformed and arrogant in their ignorance. They are doing inseparable damage to the community. They have made Searsport the joke of surrounding communities. Very sad.
- We have most of the essential businesses, such as a bank, a grocery store; other needs can be met in nearby Belfast. Also, it is convenient to know people who can perform services such as snow plowing, plumbing, if you don't know who to call, you ask another resident to recommend someone who does good work and is trustworthy. Searsport is a safe place to live. My neighborhood is relatively quiet. If a neighbor does something annoying, I could talk to him about it and not have to involve police. I love Mosman Park, a quiet place enjoyed by many, yet you can always find a quiet spot to be alone. We also have some beautiful old houses
- Roads are not tended to as pot holes are only filled in 2 times a year and only 1/10 of them when they are. No new jobs and everyone has to travel an hour or more for work that is a livable wages
- Safety-can take walks without fear of being accosted
- Ocean and Sears Island and our own (in our town) state park

Question 4 option checked other answers

- No drugstore
- Lack of town services
- Snow removal is way too late always!
- Overly priced for water usage!
- Waste of money to many cops road crew that is worthless in state in winter
- Poor drainage in storm drains
- No senior center/activities
- Would like to see the store fronts all full with businesses
- Planning boards underhanded maneuvers that hurt residents. Town officials practice retaliation
- The lack of support for small businesses
- Lack of development of Sears Island
- Complaining above anything to do with the port
- We need more big business to help with taxes
- Poor road treatment in winter, especially as compared to adjacent rural roads in particular
- Educational opportunities
- Limited educational and extracurricular activities for youngsters
- Would like hardware store and pharmacy
- Danger in walking-cars disregard ped x
- To see N. Searsport, and town to be on same page
- Summer traffic
- Lack of enforcement of health/living codes. Lack of animal enforcement

- Planning board, decisions and motives
- Lack of jobs
- Tired downtown-lack vibrant, attractive economic activity; needs to be spruced up. Little evidence of pro-active planning; instead the impression locally and around the area is that officials merely react to aggressive industrial proposals & promises. Criteria should be rigorous and enforced. I can't believe that the denuding of a large section east of town to be replaced with piles of salt is the result of creative economic planning. What jobs were created? Was there any tax benefit for the town? What opportunity for something better was lost? How about requiring a buffer around the industrial areas to hide the eyesore and mitigate noise?- transparent communications is suffering. The impression is that when proposals are presented and put to a vote, much of the background and implications are held back
- Poor recycling
- With all the police officers and cars we have that we cannot afford when we call we are referred to waldo county dept.
- Lack of senior housing that is truly just for seniors
- Lack of support (true support) of the deep water port and expansion of the marine transportation system in Searsport.
- A few people discourage growth with economic activity for the port-our biggest asset
- New arrivals wanting to make it "touristy" and quant
- Town manager not available, industrial. Taxes are very high and the state keeps taking property off the roll ie. Sears Island and the new dock Penobscot Marine also doesn't help the town like it should with programs. The Town manager is always away. I'm very proud we are a cargo port. Making the area above DD industrial. I think was a bad move and letting the metal recycling plant in was also bad.
- Economic development concentrates on industrial development that destroys the environment and poisons the water, provides none/few jobs, pays little/no taxes, and disrupts the existing business and residents. Look at what Belfast has accomplished and do likewise! Front street shipyard keeps expanding, why not expand in Searsport? Belfast harbor is overflowing with boats- develop marina facility here
- The growth of Port and Industry without regard for established residents.
- Would like to see some educated experienced people in positions that affect the rest of the population as people are losing their homes to the inability to pay taxes. The geniuses on our town board have decided to raise taxes by 30% over 3 years. Count the empty properties and tell us how well that will work. No one wants to move into town once they learn how a small, petty ? is running it
- Poor Image in local area. Tank, junkyard, salt piles, dredging have been spun to give Searsport a black eye
- Bickering between the citizens-from away vs. Mainers
- Town Officials. My taxes are over four thousand a year my value of my home is at a downfall. We live on a private road that the town officials are refusing to service because of a pissing match between some officials and developer, so we pay to maintain road.

- Our taxes are very high and discourage people from moving in. More retail stores and entertainment would draw people to our town
- Lack of Pride in the appearance of homes and other buildings. Growth in population should help keep the schools full so we can offer our children the best kind of education. Also, a town without a school loses its core, its heart. Apparently we don't have any ordinances concerning where new buildings can be squeezed in, how close a building can be to property lines, how high a building can be! I know it is expensive to renovate a building, but I wish that people would complete the siding etc. when they start a project. Many of the buildings in town are ugly. Even the Penobscot Marine Museum buildings are in disrepair.
- Property taxes are not only high but discourage the growth of the community. At the rate we are going how can we sustain future increases. There comes a point when residents realize to much less expensive to relocate to a lower tax demand.
- Closed mindedness of people. Need to attract businesses and jobs. It's hard to break into even volunteer activities here because of close minded people
- I feel our town has too large an infrastructure for a town this size. Too many fulltime employees. Though I don't want to lose our police, fire, and ambulance dept., I don't think we need so many staff. Public works is too large a dept. The town needs to find ways to encourage population growth, especially for people with families.
- Top three choices are the result of the "winging it" style of local government. The leader sets the tone and the rest follow him. This needs to change. There needs to be a greater sense of duty and responsibility-starting with the town manager
-

Question 14 Fill-Ins and comments made on papers

- A nice clean town with taxes that are more in keeping with the falling property values
- Should be more supports of stick built homes, less land use by trailer and double wides. Less strict on development of housing developments
- Use the port more we need more commercial development
- Jobs
- Although our school buildings are in good shape we have too few students attending them. We need to decide to close the schools and merge with Belfast
- The port complex and supporting rail system need expansion. Current efforts to suppress development by outsiders and concerned shore property owners needs to be overcome
- Big box store such as Walmart, target, home depot, lowes etc would be a start. It brings more jobs and spending stays in our community, taxes would be lowered etc. seems no new businesses can come into our town we have to go outside of our area to spend money on simple things that seem to me are helping the growth of other surrounding areas
- Enjoy being so close to the ocean, Sears Island is an underappreciated asset. Neighborhood is nice, close to family, quiet, and not too busy. Schools are small, and the teachers seem to care about the kids. I realize many people don't want to see industry, or large stores, but I would like to see Searsport aggressively lead Waldo County in the areas, no one else seems willing

- Minimal workforce
- As a job creator for our children
- Would love to see a container Port more ships in the harbor, Harbor dredged out and made safe for large ships bigger the better
- I would like to see a little development in Searsport that would bring some shopping, entertainment, restaurants, jobs to Searsport that would bring in money and tourism but I don't believe that Searsport wants any of that. I feel we are always going to be a quiet town that we live in and travel for work and everything else. Because we can't rely on Searsport to bring anything into the town. I People are going to struggle to pay bills as well because we have to get low paying jobs out of town. Pay our vehicle repair bills and gas to get to and from work, child care, and high heat costs and property taxes and cannot get ahead.
- I would like the town government to listen to and consider the opinions of the negative element of the town, but stop pandering to them beyond their rights
- We need to bring more business to town we should be supporting the port and looking for more business for there. We need more Jobs! Less complaining!
- I think the police/fire department do a great job. I feel safe in my home and in town. I go to Bangor/Rockland once a month to Walmart/staples/Lowes to Belfast to Reny's job Lots/Hannaford. In town Toziers for milk, bread, etc I love the Beach are at Mosman Park. Wish there was more parking there. Tourism, self-supporting towns inhabitants. Small businesses more business. Community cares
- Stress the "Port" in Searsport
- Deep water port jobs
- We need Business in the area. Not everyone came from away
- I think we need to have more promotion of our little town. Not just a "drive through" on the way from Belfast or Camden to Acadia. There is lots of history here and the beauty needs to be restored and shared
- At the rate Searsport is going I can't envision anything for Searsport would recommend people to move elsewhere!
- Residential with light industry, maintain the port without destroying the environment. Promote the marine magnet school.
- Support the port and island for industry
- I grew up here. We used to be able to walk the streets anywhere in town, and you knew everyone you met along the way. Now a days you know nobody and no one even speaks to you. We had jobs in the area years past, which have now gone overseas and our kids have no future here and must leave. My vision would be some sorts of manufacturing type jobs being brought to the area. It has been going away since I got out of school in 1973!
- We need jobs. The port is not providing many jobs. Where is the business park that was proposed for Pollards/Banks properties? The salt pile has created no manufacturing and is blight! Our select people do not have a clue about economic development. \$7500 to David Cole for what??? Wasted money!! EMDC does not have Searsport's interests at heart. Economic development is not only the Port. At least GAC creates steady jobs.

- Get more stores so we don't have to drive to Bangor. Get more people walking.
- Partnerships should be a priority
- Its always been a seaport and I think it should stay that way-that's where the jobs could be and continue the history of Searsport
- After living in Bangor all of my life I appreciate the close proximity of groc., bank, and post office. I was 10 mins from Hannaford and it used to take 45 mins with traffic, I see the ocean every day the beauty all around me makes every day special. My quiet street without crime, drugs, and everything else I see on the news makes this seem like heaven. Hope it never changes. As a bedroom community with enough local conveniences to make life pleasant as in grocery, bank, p.o., Dr's
- Living in a small coastal town is a choice. We happily forgo the conveniences of a city for the satisfaction of living in a place where all votes count at town meeting. Celebration of a small town with the largest uninhabited Island that could be developed for recreation and green space
- Our Port is underutilized we need more middle class jobs to support young families
- They are all about taxes, school taxes. Especially, they help foreigners, and embarrass the hell out of you American citizens
- I love this town there is pride here by true Searsport people. Neighbors know each other, the police, the ambulance, and the fire dept members, And the store owners. To see the town welcome development with the water and town welcome stores and business. To raise employment in the town.
- Support responsible marine industry! And environmental stewardship
- Very good-although it could be better for sr. citizens/the elderly
- With community involvement, residents willing to talk and collaborate can be a very positive impact.
- Revitalize Main Street. Some stores are dark and dingy! Better lighting on Main street. Clean up and relay new sidewalk pattern..park benches along sidewalks. Business district in North Searsport where 50-100 workers could come to with 4-12 separate employees. Possible small distribution annex, phone call center, day care center in town (encourages young families to move here) hardware store; large building with windows that could be used for rental space for artists to us as studio/loft area. More town run activities for children at Mossman park....one a month. What about 2-3-or 4 teenage dances held during the winter months at the high school? Or, a senior citizen "gala ball" during the winter or spring?- In the region..we should be developing part of sears island as to agreement by panel led by Diane Smith-It was are excellent solution to the problem. Searsport Main Street needs to look attractive to bring in tourists. They also need a place to stay besides campground and motel
- To support education, keep children here, we need to spend our \$'s in Searsport, support the needy, and elderly. Better advertising for town Meeting Day
- Peaceful Quiet Safe
- I see it as a bedroom town re: Belfast
- Hopeful!

- We are a blue collar town. We have and need to use our deep water port. We need the dredging to assure our future as a port
- I would love to see Searsport be a magnet school town the likes of MSSM. It would be an economic boost in time for the area
- Property taxes are self explanatory town officials are slow to respond if you not part of the "chosen few" this includes police and fire. Unsatisfied because of short sighted choises for growth. The wrong kind of growth that has negative impact on property values and quality of living
- Searsport needs a niche which it doesn't have now- an identity that will draw both residents and visitors downtown and to the waterfront
- More retail outlet, more big business, with the port in mind
- It appears we are on the right track-I love Searsport
- It is sad to see the businesses in town struggle. While we don't want a big town/big port atmosphere, the town clearly needs some improved design to make it a stopping point rather than a through point. One or two clean business sites would also help. They should be erected in a way that preserves beauty and environmental health. Working village with steadier economy for small businesses, Retain history, beauty, charm, environmental features, satellite of Belfast
- At this point tourism is the cleanest and best option
- Land use is less than optimal. Downtown needs a fresh look with more variety and stimulating/appealing stores. It can really blossom to support local community and tourists as they come through. And established business like Walmart, Lowes, and movie theater, Wendy's. Anchor stores then small businesses will become more active
- Tourism
- I think we need more economic development-Belfast is a good model
- I see a lot of potential here for companies to bring new jobs
- What could be improved upon? Transfer station needs to take plastic and expand recycling
- Because of minimal economic opportunity, the population growth is minimal at best, making it a vicious cycle of potential poverty. Now that we are our own school district, funds have been cut along with positions and extracurricular programs/staff for our children
- Fear that someone will try to turn it into Camden or Bath or Bar Harbor
- It getting better
- Continuing as is
- We can walk downtown, to the library, museum, grocery store. The location by the bay is lovely, with easy access to the woods as well. Our neighborhood is quiet and the neighbors are friendly. Tourism the town needs to hold itself up as a destination using the museum as its focus
- Continued focus on a useful harbor for commerce and recreation
- I really don't see Searsport having a role. However it would be great to find a way for Searsport to "stand out" in the region
- Seaport with better access and growth
- Everyone wanted a Walmart except a certain few (unfair)

- Even though the dock is a little screwed up, we are established with lobstering. Lobstering is pretty good and we don't want to see anything that would pollute the harbor. Having Toziers and local banks are a plus. The police, public works and the town office are very friendly and willing to work with you. We live on a street where everyone is friendly. The biggest and important vision for Searsport is tourism. We are not going to be a magnet for anything. However we can do a much better job of enticing tourists going through Searsport. Our suggestions are in look at the needs of tourists..Restrooms!! tourists with kids need a playground!! Where are the signs for Mosman Park? Older tourists bring their pets. Where is the pet park? If you can provide these basic needs, it will bring more money to Searsport
- It doesn't have a role
- A transportation gateway via sea, rail, and truck. Expand port use nationally and internationally. Public access to the shore and salt water...Sears Island and parks
- Need to help families improve there living conditions. Its going to collapse if they don't get some meaningful businesses like Dollar tree, a small store like jcpennys and the county really needs a Walmart badly
- Businesses are unwelcome here. Very difficult for economic growth and wealth. Roads are unacceptable for amount of taxes paid. Would like to see better neighborhoods and road conditions. Make it friendlier for businesses to open!
- Vision of Searsport future would be to bring in Business and offer employment to residents
- We need more businesses to come to Searsport. Clean environmentally friendly businesses. We haven't much retail and in order to attract more locals and tourists, we need more stores. Need to have more activities that promote growth in our town-need to recruit more people to live here-need to share ideas amongst ourselves to promote the town.. Searsport needs to be proactive and aggressively pursue businesses to open here. It needs to promote the new magnet school to attract more people to peddle here. We need to do things on a bigger and larger scale and remind people that economic growth is good. Need more highly paying jobs too.
- We feel our taxes are high for what we own. Would like to see more activities in the park (bands, dances, etc) we are very upset with the number of "mini tailor parks" around with the piles of trash outside. It is upsetting to drive home past places with mountains of junk and trash in the yard. Many loose dogs running around. Would like to see Searsport's marine economy grow.
- Taxes are high and may cause us to have to move. We can not even get a bad check collected by "lahay". The local police should be closed down and law enforcement contracted with the sheriff's office, gets the job done. We need economic growth that will lower property taxes. Business has declined on rt 1 since 2009. About a 1/3 of the properties are for sale, most B&B's are gone. The antique mall is hanging on by a thread. Searsport is going down the tubes. We need selectmen committed to funding economic development committee to try and bring business to Searsport.
- It would great to have more jobs, more entertainment performing arts. The schools to keep drama and music alive as well as sports. Thank you.

- Recreation, tourism, vital downtown. Re-route N/S traffic on rt1 out of the downtown area
- Need to preserve small town character not become Bangor south
- Tourism, more opportunities for tourists to have recreational activities a walking path through the woods off of the Black Road and across the N Wat Boundaries
- Taxes are high. Don't have a choice of shopping-no-Walmart, k-mart or target. you don't have a lot of break in robbery etc.
- To be seen as a NIMBY town
- It's a port, Rt.1, railroad and potential for good industry is unique in this area. But those things should not detract from Searsport's quality development and attractive environment. Searsport can best be a help to our immediate neighbors by being an attractive place to live and work and play.
- Better acceptance of change between residents and new comers
- Streets and roads are in general good condition, however the downtown intersection of u.s.1, Mosman st, and Goodell st, is very confusing and dangerous. Crossing u.s.1 either of the streets is very difficult-especially during the summer tourist season
- More small business such as hardware store, pharmacy, more tourism opportunities
- Maintain the beauty of our town and coastline but wouldn't be opposed to development that would enhance tourism in our community
- Lack of retail stores not being able to purchase stable items at a reasonable price, the condition of roads and lack of lighting in some areas makes traveling at night difficult. It seems that major industries are having a difficult time developing on staying in town
- Need to look at spending to lower tax rates, we need more than a grocery store, seems this town is against economic growth. More openness to businesses that want to come here
- Lack of police coverage N. Searsport speed limit, have called many times over the year but nothing is payed attention to. Not just mt Ephraim rd. lets do something with town expenses. I at my age 70 my own health insurance as I can until I run out of money. This town I can no longer afford
- Recreational
- Don't just talk about-get doing something!!
- The town park is a treasure for sure; there are multiple opportunities to start or expand businesses. Only one hour drive to large whole sale and retail outlets in any direction. We need a hardware/retail automotive a car for ems? Add Renys, Shop an Save. The hardcore group of individuals and businesses that oppose any economic activity or opportunity. Constant restriction by ordinances conjured up be the people in town that oppose everything. A large container port on Sears Island with a basin deep enough to turn the Queen Mary and direct access to the east west highway
- Back roads often show areas needing attention especially along the edges. Overall I have seen an improvement in past 10-20 years. I would like to see more planned activities in town at parks and schools etc. for school children after school hours such as sports arts crafts and hobbies. I'd like to see more community floats in the parades

- We need a quiet safe place for seniors to live. Our housing is being taken over by young family groups. We need jobs so our young people don't have to leave to have jobs. Bring in more businesses and more jobs
- Mt. Ephraim is terrible very bad in winter. We need a superwalmart, we are tired of the people from other states moving in and not wanting anything here. We don't shop at the small stores now so we wouldn't if Walmart came in.
- For the amount of taxes paid the roads are in rough shape. Recent developments for low income housing are bringing in people who do not fit into the hometown neighbor feeling we share. Continue to be a spot for tourism with encouraging new manufacturing or tech jobs while maintaining the small town feel.
- Compare Searsport's \$23.75 mill rate to every small town on the coast. It's ridiculous! Then look at the job opportunities that pay about 10/hr for Aug labor and there is no hope for the next generation of kids to be able to afford a trailer let alone a house and raise a family; nothing will ever happen on Sears Island in my lifetime. When we let the sierra cwb and environmentalists let the container port lip away/ that was the beginning of the end. An economically struggling antique, flea market, and yard sale capital of the coastline dominated by wealthy liberal misfits who buy up the best houses and property and then complain loudly when economic change or betterment is proposed we masquerade as a natural deep water port but are hamstrung by a well organized environmentalist crowd that cry and wring their hands over a badly needed dredging project to facilitate more bigger ships because they're worried about how the silt will cloud the water and kill everything! "change is bad- Don't change anything...stupid mainers!" Sit back pay your taxes and shut up! Let Belfast run over us like roadkill. They are the destination for a vacation, not depressing Searsport
- We have a port here in Searsport lets put it to full use
- Property taxes going up because of schools and yet enrollment continues to go down. Most people have thoughts regarding roads and town spending like pot holes, snow removal, speed of snow plow, mowing/cutting brush on sides of road, efficiency of road crews. Work as a team with other communities in the area and keep residents informed
- Taxes are kinda huge, have to go to Bangor or Rockland to do Bulk shopping, not much for kid dining
- Residents voted 2 to 1 in favor of the DCP tank project but yet the project was rejected and DCP left town. Maine/Searsport needs more economic development and needs to project a welcome to potential businesses. Searsport is a critical link for the entire state. We have one the deepest, natural ports on the eastern coastline of the U.S. and rail system connecting Maine and Canada. The port of Searsport is the beginning for import of materials into coastal and central Maine via the rail system. It is also the only major export link for our region of the state. Searsport deep water port is critical for any real economic development to occur in Central Maine
- Park development and commercial industry should expand for an important role in the region
- Better utilization of natural resources
- Roads are never plowed, when meet the trucks either plow down, wing up or wing down plow up. Drop both and go! Usually one more pass would clean them right off. Ridiculous school

budget for the qpa of students. Waste tax money on ridiculous stuff. We are considering moving for a better educational opportunity for our son. We lost it after the tanks left! Ignorance at its finest

- Lets move away from “junk antique” stores that are falling down and re-service and refresh old buildings in existence
- Some form of small business would be welcome to provide more decent paying jobs
- Economic activity I am referring to small businesses and not corporate business. Many businesses over the years have not made it, what can be done to assist in success. Recycling needs/must improve we throw so much recyclable items into the trash-shameful!
- Maintain small town atmosphere focusing on small businesses, keeping corporate America out of Searsport-including fast food
- We should see some spill over from Belfast?
- No job opportunities for incentive to stay after graduation. New Fire house paid police and fire small town does not need. Little or no response to phone calls/letters by town officials. A “coastal Port town”
- Status quo People do not know and fully support the things that are available in the town. People in town work elsewhere. Others come to town only tourist
- I feel the town of Searsport roads could be a bit better and town spending could be cut with less employee benefits. I feel they should have to pay some insurance benefits and higher deductibles. I would like to see as many jobs as possible. Our area needs jobs for our economy to improve.
- A vital and attractive shipping port
- Relevant to income, we pay the highest taxes in Waldo Co. We pay a part-time manager a full time salary; hes rarely in and responds slowly, it at all. Police dept is over staffed, over armed and chief misrepresents his statistics to get what he wants;e.q. every call to pd, even to ask time of parade, is logged in as an official call. “quality of life” is subjective but between taxes, insufficient housing, lack of relevant employment that adds to life and integrity of the town and constant threats to the environment, people are leaving asap. Being a destination because of protecting the coast and environment and integrating types of business that contribute to the vision.
- My belief is that Searsport is falling behind. It does not need to be that way. Searsport needs more educated, informed, experienced people to be in decision making positions. Not a small group of bullies
- Need should be directed to other businesses other than port and heavy industry. A front street boat yard employer 125+ people would be a lot better for Searsport then a salt pile employing 10 people occasionally
- Support lobster/fishing industry with clean water- don’t ignore what’s being dumped in the bay. Support clean industry and manufacturing, not dirty polluting ones. Support a creative economy. Make Searsport attractive so visitors want to stay here instead of driving through.
- Searsport strengths are its port, museum, and parks. The combination can be good. They all have great strengths and we need to work on a balance of the three

- Once again being a “marine” center with activity in all areas of port-shipping and ship services
- If in fact it becomes evident our schools cannot be maintained with the educating necessary for our youth, we should pursue becoming a part of the Bucksport RSU. We once had buildings available for clothing stores, hardware stores etc. Now the museum has them and they really are not available to attract businesses.
- Need more good housing, need a Walmart and a Home Depot
- Need to retain docks and dredge
- The taxes are high since we offer limited services. There is not much recreational activity offered unless churches provide, music, suppers etc. We need a small pharmacy and drug store with more variety on Health, beauty aids and prescription refills
- The port and industry is good, but why let Rt. 1 get so ugly? Keep the trees! Ok activities that actually create jobs and growth
- A Tourist Center. Also clean manufacturing center
- However there should be an effort made to clean up derelict houses and yards that leave an impression of dire poverty. An example is drive up Mt. Ephraim Rd. I understand that people are not wealthy but being a slob is no excuse-Keep your place neat and clean
- The port and water front are posed to play an important role. We are also very well situated for tourists
- We do not need to become another Camden which depends a great deal on tourism. And Belfast has a good mix of tourist-related business and office jobs. Maybe Searsport should...I do not know! Wish I had creative vision. However, I was impressed with the article in “The Working Waterfront” where Chuck Marohn spoke about towns expanding with the strip malls, etc. and not considering the future costs of roads, utilities, etc. Let’s keep a nice central pretty downtown.
- Searsport is a beautiful New England town with great people. We can make it more attractive on Main Street. Buildings remain vacant and send the message of dying town. We can do better! We need to be critical of our current direction. Why does Belfast grow and we remain stagnate. Searsport residents travel to Belfast to dine, shop, movies, hardware, auto service etc. Let’s ask the tough questions “why”. The sign entering Maine says “The Way life should be” Let’s make that happen. Thanks for the survey...
- The port and railroad, if not constantly vilified by the same small minority, could be a major source of property and good jobs for the region
- The town should be seeking all opportunities to increase internet capacity, speed, and connectivity to build the town’s e-commerce. Local trades folk and artisans and business will benefit
- To promote growth in businesses to improve the quality of life of Searsport residents.
- Decisions are being made that decimate property values and neighborhood quality. A junk yard permit was issued to a Known un-compliant business. There are insufficient policies and lack of initiative on the part local officials. Searsport needs to protect, not destroy, its natural environment so that residents can reflect their pride in the community to tourists. Internet service needs to be improved (via increased infrastructure) so that “pop ups” can serve their

customers by accepting electronic payments from tourists. Tourism served this region well in the past and it should be capitalized on in the future.

- We are ½ way to Acadia for Tourists and other Mainer's lets invite them to stop.

COMMUNITY SURVEY-TOWN OF SEARSPORT

	very satisfied	satisfied	no opinion	unsatisfied	very unsatisfied	unanswered
QUESTION 2	43	83	17	22	7	17
cost of living	16	147	93	52	52	142
level of property tax	154	33	10	21	88	51
improved	16	133	57	7		
QUESTION 5	6	29	51	104	28	
very satisfied	171	18	20			
yes	15	49	33	32	24	19
office buildings	7	59	48	91	4	
retail centers	30	119	29	30	11	
very satisfied	19	123	26	37	10	
yes	12	94	83	25	5	
overall appearance of your neighborhood	9	93	54	41	5	
appearance of medians and rights of way	58	116	31	11	2	
appearance of commercial buildings	35	104	51	23	3	
quality of parks	50	130	28	7	3	
quantity of parks and recreation facilities	3	12	66	85	51	
level of safety	11	69	82	41	15	
availability of well-paying, diverse job opportunity	11	100	32	57	18	
distribution of commercial and residential land	42	91	83	15	6	
quality of streets	29	62	119	4	7	
quality of water	12	65	94	42	8	
quality of sewer	29	69	45	49	29	
vitality of aging neighborhoods	23	75	68	45	10	
communication between town officials and residents	21	90	57	46	8	
quality of education institutions	21	90	57	46	8	
amount of green space/trails	21	90	57	46	8	
QUESTION 10	154	106	49	34	79	39
mail	154	106	49	34	79	39
newspaper	79	104	34			
yes	79	104	34			
facebook/social media	93	81	42			
yes	68	113	35			
yes	68	113	35			
QUESTION 14	*see attached paper					

* Answers based on 213 surveys received, note that some questions were multiple answers

**Searsport Comprehensive Planning Committee
Student Survey
Spring 2016**

1. How long have you lived within this school district?

- a. Born in Waldo county**
- b. Less than 5 years**
- c. More than 5 years**

2. What would be your primary reason for living here after you graduate?

- a. stay near family and friends**
- b. employment**
- c. environment/ natural beauty of the area**
- d. other? What?**

3. How would you rank the quality of life in this area?

- a. Excellent**
- b. Good**
- c. Average**
- d. Poor**

4. What are your immediate plans after graduation?

- a. Employment**
- b. college or technical school**
- c. Military**
- d. travel**
- e. other-What?**

5. In what field do you expect to begin your working career?

Economic Development can come in many different forms. The following questions will give our committee additional information that will help to point the way for the future for all residents.

6. Select and prioritize the top 3 areas that you feel will trigger economic growth and create new jobs for this area.

- | | |
|-----------------------------------|---------------------------------------|
| a. retail | k. public employment |
| b. tourism | l. professional services |
| c. manufacturing | m. port development |
| d. agriculture | n. fishing |
| e. food production | o. automotive/heating/plumbing |
| f. restaurant/food service | p. transportation |
| g. education | |
| h. healthcare | |
| i. technology | |
| j. construction | |

7. How important to the future of the area is the proposed Magnet School?

- a. very important**
- b. somewhat important**
- c. important**
- d. not very important**

8. Do you feel that there is a need to improve the marketing of the area?

- a. Yes**
- b. No**
- c. Unsure**

9

9. What do you see as being the largest barrier to growth in the area?

10. Is there enough affordable housing in the area?

- a. Yes b. No**

11. How do you feel about the quality of local roads?

- a. excellent b. average c. poor**

12. As a young driver how do you feel about the safety of intersections and signage?

- a. very safe b. safe enough c. not safe d. very unsafe**

13. How do you feel about the quality of the public services in your town?

Fire department

- a. excellent b. very good c. adequate d. poor**

Ambulance

- a. excellent b. very good c. adequate d. poor**

Police

- a. excellent b. very good c. adequate d. poor**

14. What important features of the area do you think should be promoted and supported? (Choose all that apply)

- a. Safety**
- b. Sense of community**
- c. Beauty of the community**
- d. Opportunity**
- e. Learning**
- f. Livable wages**
- g. Availability of jobs**
- h. Welcoming new businesses**

15. Do you feel that land use patterns support your vision of a bright future?

- a. yes b. no c. unsure**

16. What is your vision of this area's role in the regional economy?

17. Are the natural resources of the area sufficiently protected by local practice and policy?

- a. Yes b. No c. Not sure**

18. Are industry and commerce sufficiently supported by local policy and practice?

- a. Yes b. No c. Not sure**

19. Are there other economic issues that you would liked to have seen on this survey?

20. If you had all the money in the world what gift would you buy for your home town?

# 1 Length of time in school	born in Waldo Co	less 5 years	more 5 years	non resident	
	12	2	8		
# 2 Primary reason to stay	family/friends	employment	env/beauty	other?what?	
	17	1	3		
#3 Quality of life in area	excellent	good	average	poor	
	2	8	13	1	
#4 Plans after High school	employment	college/tech	military	travel	other?
	7	17	1	1	1
#6 three top/economic growth					
retail					
tourism					
manufacturing					
agriculture					
food production					
restaruant food service					
education					
healthcare					
technology					
construction					
public employment					
professional services					
port development					
fishing					
automotive/heating/plumbing					
transportation					
# 7- Magnet School	very important	somewhat	important	not very important	
	1	12	7	4	
#8- need for marketing area		Yes	No	unsure	

			17	1	6
#10 enough affordable housing	yes	No	13	11	0
#11 quality of roads	excellent	average	15	9	
# 12 safety signs/intersection	very safe	safe enough	not safe	very unsafe	
		2	21	1	0
#13 quality of public service	excellent	very good	adequate	poor	
FIRE		1	15	8	0
AMBULANCE		2	12	9	1
POLICE		3	13	7	1
#14 Important features to promote					
safety		12			
sense of community		9			
beauty of community		13			
opportunity		14			
learning		8			
livable wages		9			
availability of jobs		17			
welcoming new business		17			
#15 land use patterns	Yes	No	not sure		
		4	2	18	
#17 supported natural resources	Yes	No	not sure		
		6	2	16	

#18 supported industry/commerce	Yes	No	not sure						
	4	4	4						16

Surveys completed with SDHS Senior Economics Classes
April 12 and 13th, 2016

Question #5 In what field do you expect to begin your working career?

- **Pharmaceutical side of bio-chemistry**
- **Education**
- **Cosmetology**
- **Automotive repair**
- **Work at the Maine State Prison**
- **Acting/ film/stage/voice**
- **Sports management**
- **Marine Sciences/ scientific diving**
- **Business if not in sports**
- **Management**
- **Cuisine**
- **Marketing**
- **Graphic design**
- **Catering services**
- **Automotive repair**
- **Business**
- **Business/marketing**
- **Record producer**
- **International business and logistics or Forensic science**
- **Veterinary technician**
- **International business & logistics**
- **Medical field**
- **No idea yet**

Question # 9: What do you see as being the biggest barrier to growth in the area?

- Traffic blocking drives at stores
- Education
- Not a lot of resources
- Should be more job opportunities
- Limited money
- Lack of people
- Young people moving away
- Unsure (2)
- Jobs
- Small shops and just having more small shops
- The fact that they rely too much on tourism and history of town
- Budgets
- Money, resources (2)
- There isn't a lot of population and the winter weather isn't appetizing
- Poverty and lack of diversity
- Welfare and EBT's
- Part time and long time residents- "maintain the status quo"
They do not want their town and environment to change.
- Not enough entertainment or attraction to the youth population
- Transportation/ entertainment

Question # 16: What is your vision of this area's role in the regional economy?

- I am not sure, but as a small town I don't see much
- Need more job opportunities, livable wages without a college degree
- Not sure (3)
- Not incredibly influential
- More jobs
- Creating more jobs-having more to do
- Something where the town can be profitable
- Tourism
- Fishing, boating
- To get some sort of manufacturing to create jobs and strengthen the economy
- Bringing in tourism with the waterfront
- A beautiful place
- A large producer of boats/boat building
- Import/export shipping
- To stop being a catch-all for welfare leeches

Question # 19- Are there other economic issues that you would like to have seen on this survey?

- Taxation/ income
- Reasons for poverty in the community- what can be done to lessen the amount of poverty in the town.
- The EBT problem in Searsport
- The lack of diversity and the lack of opportunity around here, the education system
- I would liked a question about how people think of this town and what it is known for.
- How to create more shops and more jobs
- Education (3)
- Opportunities for the arts in school

Question # 20: If you had all the money in the world what gift would you buy for your home town?

- Beautiful natural attractions
- Beautiful beaches
- Transportation
- A fantastic educational system for all ages with an outstanding staff
- Recreational facility for all ages ie. big YMCA or Boys and Girls Club building with a pool.
- A giant eviction notice for free loaders
- New roads and people to keep them clean and smooth
- Just donate to the town
- An excellent theater for the company I work with to perform in
- I would give the money so they could have businesses come in and grow the economy
- I would give them the gift of non-profits and new businesses that could help the economy
- I would buy some sort of manufacturing plant to put here
- I would build a giant sports complex, improved park, maybe an amusement park and an event center like an auditorium.
- A Walmart- maybe more pizza places
- A monument that could be seen from space.
- I would create something that would increase the marketing of the town, something like a one of a kind-this would cater to tourists
- I would build a movie theater or some other things so that there would be more to do in the town. (2)
- Buy open spaces and make little shops and some little super markets and small flea markets and a Salvation Army store.
- A mall

Question # 20 continued-

- More job opportunities (2)
- A better park and more stores nearby like a mall
- Casino/hotel
- Veterinary clinic- emergency care unit-
- Better educational system
- More opportunities for art, education, sports
- More supplies for new classes including classes for students to learn about the real world
- Help fund the roads and schools

Searsport Comprehensive Planning Committee

Surveys Completed with SDHS

Junior Class The American Dream

May 31/ June 1st 2016

Question # 5: In What field do you expect to begin your working career?

- Pre-school teacher
- Publishing
- Radiology
- Entertainment/production
- Military
- Veterinary medicine
- Social Services
- Business management
- An easy-well paying job
- Lobstering
- Secondary teaching (2)
- Engineering
- Forestry/forest ranger
- Art/creative writing
- Cosmetology/body piercing
- Welding
- Not sure (2)
- Mechanic

Question # 9: What do you see as being the largest barrier to growth in the area?

- aged population
- jobs-places to get work (4)
- attracting people
- insufficient funds
- Town ordinances
- Lack of educated people
- Majority of population over 50
- Old fashion thinking
- Size of towns
- Need more boatbuilding/ fishing
- Workers to fill jobs (3)
- People willing to change (2)
- Transportation
- People against industry
- History of the area

Question # 16: What is your vision of this area's role in regional planning?

- **Unsure (8)**
- **Dealing with industrialization opponents**
- **Keeping old buildings and town's history**
- **Providing people with jobs**
- **Making opportunities for businesses (2)**
- **Increasing family incomes**
- **Bringing more jobs (2)**
- **Continue to promote tourism**
- **Get the port developed (2)**
- **Better schools (2)**
- **Unsure (4)**

Question # 19: Are there other economic issues that you would have liked to have seen on this survey?

- **Road work**
- **Not enough jobs paying livable wage (3)**
- **More about our schools**
- **No answer (18)**
- **More about keeping our school open in Searsport**
- **Small school budget- result in loss of teachers (3)**
- **People need to protect nature**

Question 20: If you had all the money in the world what would you buy for your home town?

- New Roads (4)
- A school in Stockton
- Gift the school district the money so they could provide for all the students and offer more courses/opportunities
- Help the people who are struggling
- More retail stores (2)
- More land businesses
- A Mall
- A Camp
- More places to be social
- A Rec Center where people could go to work out.
- Places for entertainment- theaters for movies and plays/ a football field/ a bowling alley/ more restaurants (2)
- More houses and businesses (3)
- More salt/sand for the roads in winter
- More places to work
- Support my family and have a vote on what I would buy.
- More things for the school
- Get a new port development at Mack Point
- More affordable housing
- A free restaurant to help feed families-also free gas cards
- An indoor pool
- Take care of the problems that the town can not.
- Not sure (3)
- A large industry to get money into town
- A bigger supermarket
- Re-open the elementary school in Stockton

#1 Length of time in school	born in Waldo Co	less 5 years	more 5 years	
	14	5	7	
#2 Primary reason to stay	family/friends	employment	env/beauty	other?what?
	17	1	5	3
#3 Quality of life in area	excellent	good	average	poor
		17	9	0
#4 Plans after High school	employment	college/tech	military	travel
	5	18	1	1
#6 three top/economic growth				
tourism				
manufacturing	13			
agriculture	5			
food production	3			
restaurant food service	0			
education	3			
healthcare	9			
technology	3			
construction	3			
public employment	5			
professional services	6			
port development	3			
fishing	3			
automotive/heating/plumbing	8			
transportation	2			
#7- Magnet School	very important	somewhat	important	not very important
	6	11	6	1
#8- need for marketing area		Yes	No	unsure
		16	1	9

#10 enough affordable housing	yes	No	unsure	
		14	9	1
#11 quality of roads	excellent	average	poor	
	0	16	9	
# 12 safety signs/intersection	very safe	safe enough	not safe	very unsafe
	1	23	2	
#13 quality of public service	excellent	very good	adequate	poor
FIRE	1	13	12	0
AMBULANCE	4	12	10	0
POLICE	4	12	8	2
#14 Important features to promote				
safety	15			
sense of community	9			
beauty of community	12			
opportunity	13			
learning	16			
livable wages	15			
availability of jobs	20			
welcoming new business	18			
#15 land use patterns	Yes	No	not sure	
	6	1	19	
#17 supported natural resources	Yes	No	not sure	
	8	1	17	

SDHS

Junior Students

	Yes	No	not sure	
#18 supported industry/commerce	5	3	18	

COMPREHENSIVE PLAN COMMITTEE COMMUNITY SURVEY

2015-2016

Method of survey:

- Committee working with EMDD compiled a list of questions
- Revisions were made after the on line survey was posted
- Surveys were distributed by EMDD with return envelopes to all Searsport box holders
- The on line survey was posted
- Surveys were made available at the Town Office and Carver Memorial Library
- Committee members manned a table at the November Parent/Teacher Conferences at Searsport Middle/ High School.

Returns:

- a total of 268 completed surveys were received
- EMDD = 194
- On Line = 40
- CML/ Town Office = 14
- SDM/HS = 20

EMDD tallied and collated the surveys returned to them. The rest were tallied and collated within the committee. All comments were typed exactly as they appeared in all cases.

This notebook contains the survey tallies and the comments by group.

Appendix 2 - History and Archaeological Resources Data



MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

PAUL R. LEPAGE
GOVERNOR

EARLE G. SHETTLEWORTH, JR.
DIRECTOR

ARCHAEOLOGICAL SITES:
GUIDELINES FOR GROWTH MANAGEMENT PLANNING
January 2013

Archaeological Sites

Two types of archaeological sites need consideration during Growth Management Planning: prehistoric archaeological sites (Native American, before European arrival) and historic archaeological sites (mostly European-American, after written historic records about 1600 A.D.). Prehistoric sites include campsites or village locations, rock quarries and workshops (from making stone tools), and petroglyphs or rock carvings. Prehistoric archaeological site sensitivity maps are based on the current understanding of Native American settlement patterns (known site locations and professionally surveyed areas) within the portion of the state where the municipality is located. Most commonly, prehistoric archaeological sites are located within 50 m of canoe-navigable water, on relatively well-drained, level landforms. Some of the most ancient sites (>10,000 years old) are located on sandy soils within 200 m of small (not canoe- navigable) streams.

Historic archaeological sites may include cellar holes from houses, foundations for farm buildings, mills, wharves and boat yards, and near-shore shipwrecks. Historic archaeological sites can be predicted most often by a review of historic records, maps and deeds. Settlement often focused on transportation corridors, first rivers, then roads as they were built. Archaeological sites from the first wave of European settlement in any town are likely to be significant (National Register eligible).

What MHPC Provides

During the Growth Management planning process, the Commission will provide each community with a list of known historic and prehistoric archaeological sites in the municipality (if any), and summary information about site location and significance. The Commission will also provide a map showing archaeological site locations (if any) as ½ km squares, areas within the township that have been surveyed professionally for prehistoric sites, and areas likely to contain prehistoric sites that have not yet been surveyed ("sensitive" areas). The ½ km squares include one or more archaeological sites within the squares, not necessarily at the center. The ½ km scale is a compromise, providing some location information but not allowing someone who might want to loot a site to walk exactly to the location.

The Maine Historic Preservation Commission (MHPC) is the central repository in the state for archaeological information. Our survey files include computer files, map sets, paper data forms, field notes, detailed unpublished reports, photographic archives, and published works. Archaeological files are accessible only with permission to protect sensitive archaeological sites and landowners' privacy. Summaries of sensitive archaeological information are made available for Growth Management planning.

Standard of Historic Significance

The standard of what makes an archaeological site worthy of preservation will normally be eligibility for, or listing in, the National Register of Historic Places. Because the National Register program accommodates sites of national, state and local significance, it can include local values. Because of physical damage to a site and/or recent site age, some sites are not significant.

p2.

Goal of Growth Management

The municipality should establish a mechanism for review of all construction or other ground disturbing activity within archaeologically "sensitive" areas, or adjacent to or including known archaeological sites. This mechanism might include contacting MHPC for an opinion, and/or review of the construction area by an MHPC-approved archaeologist.

Maine's subdivisions statute (30-A MRSA 4401-4407) recommends review of impact on "historic sites" (Section 4404(8)), which includes both National Register listed and eligible buildings and archaeological sites. Maine's Shoreland Zoning statute (38 MRSA 435-449) includes, as one of its purposes, "protect archaeological and historic resources" (Section 435). Growth management planning should consider archaeological site protection for both of these statutes.

Subdivision or other construction review ordinances might contain language indicating applicability and subdivision plan requirements similar to the following:

"If there are archaeological sites within or adjacent to the proposed [subdivision, or other construction] which are either listed in or eligible to be listed in the National Register of Historic Places, or the proposed [subdivision or construction] is within or adjacent to an area designated as archaeologically sensitive or potentially containing such sites, as determined by the municipality or the Maine Historic Preservation Commission, an appropriate archaeological survey shall be conducted."

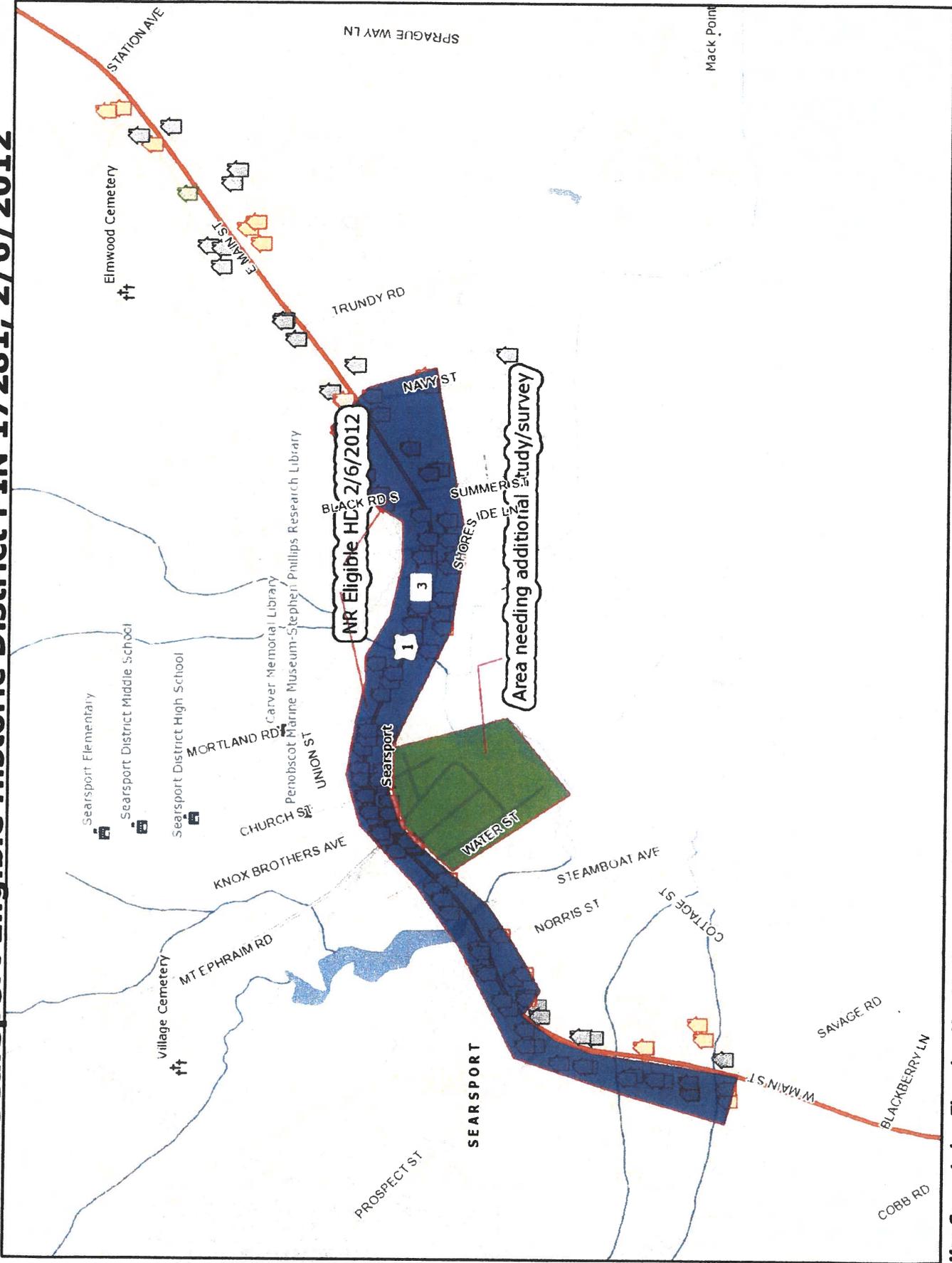
"If one or more National Register eligible or listed archaeological sites will suffer adverse impact, appropriate mitigation measures shall be proposed in the subdivision plan, and submitted for comment to the Maine Historic Preservation Commission at least 20 days prior to action being scheduled by the Planning Board."

Contacts at MHPC

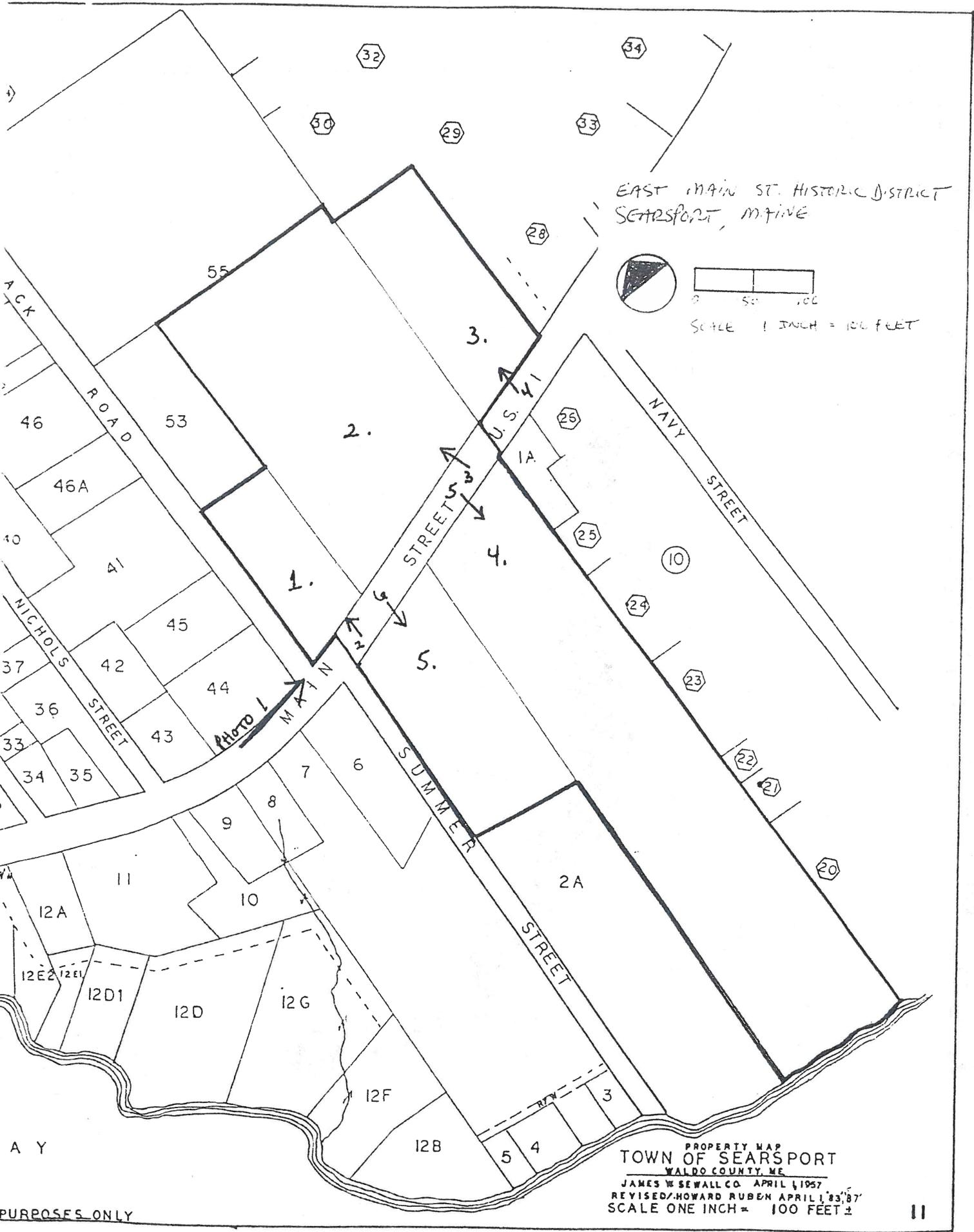
Prehistoric archaeology: Dr. Arthur Spiess, arthur.spiess@maine.gov, desk phone: 287-2789

Historic archaeology: Leith Smith, leith.smith@maine.gov, 287-8304

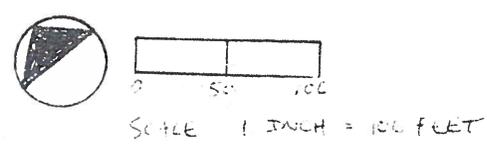
Searsport Eligible Historic District PIN 17281, 2/6/2012



Map Generated on Thursday, May 29, 2014 11:19:33 AM
The Maine Department of Transportation provides this publication for information only. Reliance upon this information is at user risk. It is subject to revision and may be incomplete depending upon changing conditions. The Department assumes no liability if injuries or damages result from this information. This map is not intended to support emergency dispatch. Road names used on this map may not match official road names.
Map Scale 1:11299



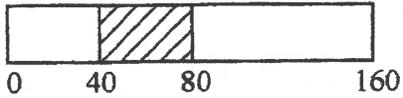
EAST MAIN ST. HISTORIC DISTRICT
SEARSPORT, MAINE



PURPOSES ONLY

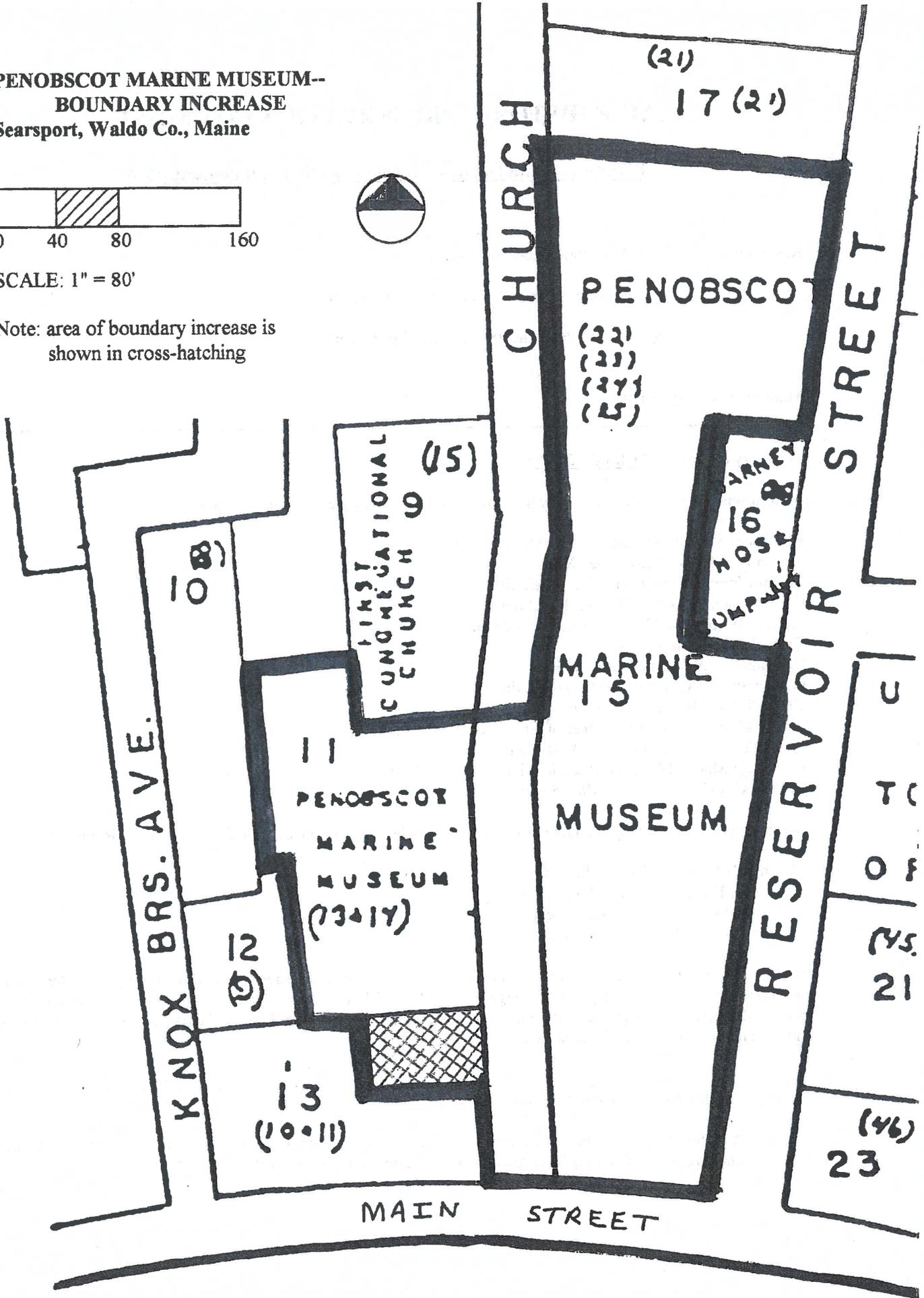
PROPERTY MAP
TOWN OF SEARSPORT
WALDO COUNTY, ME
JAMES W SEWALL CO APRIL 4, 1957
REVISED HOWARD RUBEN APRIL 1, 1987
SCALE ONE INCH = 100 FEET ±

**PENOBSCOT MARINE MUSEUM--
BOUNDARY INCREASE**
Searsport, Waldo Co., Maine



SCALE: 1" = 80'

Note: area of boundary increase is shown in cross-hatching



MAINE HISTORIC PRESERVATION COMMISSION

Inventory Data for Municipal Growth Management Plans

Resource: ___ Prehistoric Archaeological Sites: Arthur Spiess
 ___ Historic Archaeological Sites: Leith Smith
 X Historic Buildings/Structures/Objects: Kirk Mohney

Municipality: Searsport

Inventory data as of October, 2017 :

The following properties are currently listed in the National Register of Historic Places:

Penobscot Marine Museum Historic District (See Map)
Searsport Historic District (See Map)
Captain John Nichols House, East Main Street
Captain John McGilvery House, East Main Street
Captain William McGilvery House, East Main Street
Union Hall, 3 Reservoir Street
Mortland Family Farm, Mortland Road
East Main Street Historic District (See Map)
Union School, Mt. Ephraim Road
Carver Memorial Library, Corner of Union and Mortland Streets
James G. Pendleton House, 81 West Main Street
Penobscot Marine Museum (Boundary Increase) (See Map)
College Club Inn, 190 West Main Street

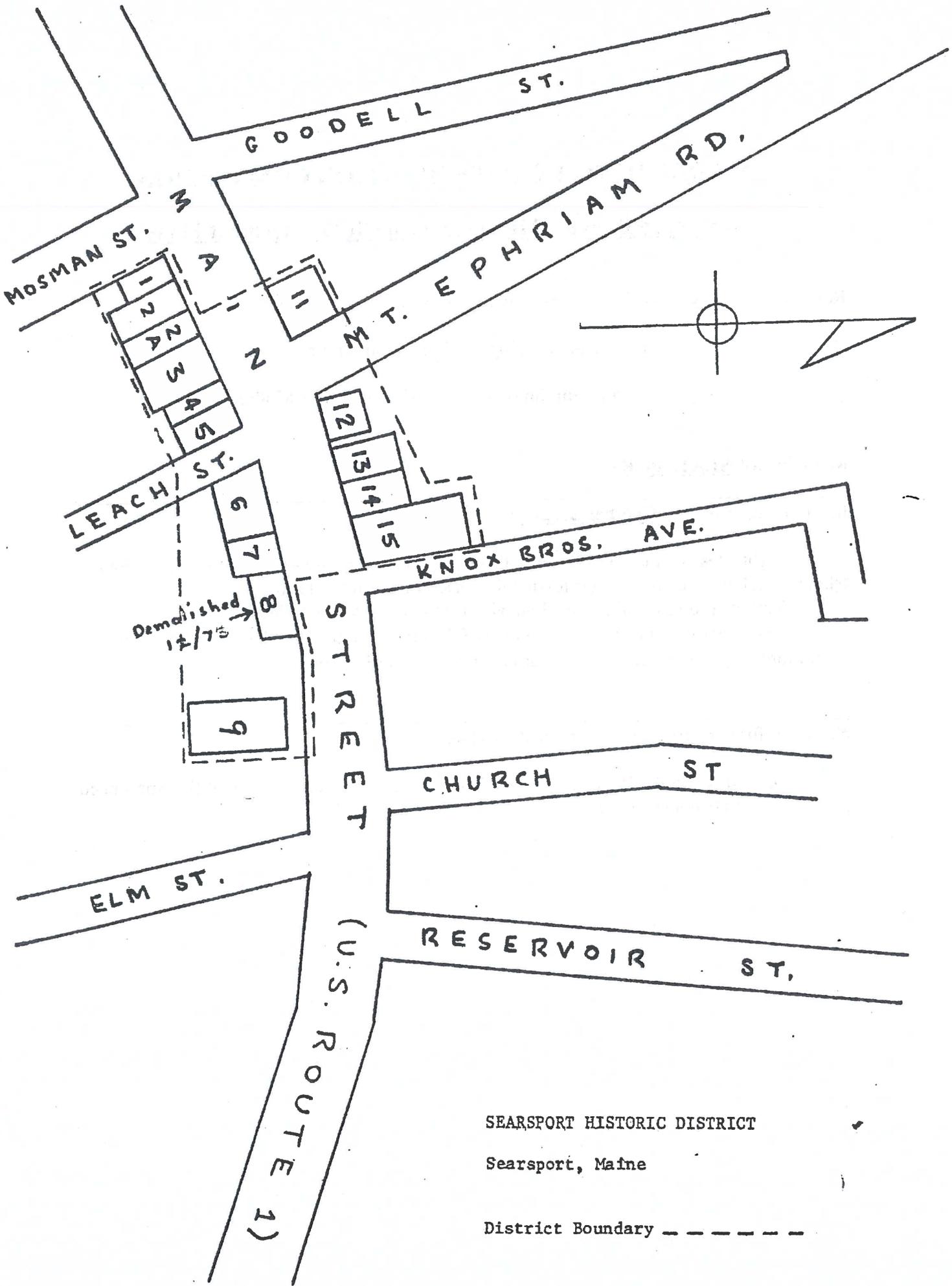
Based on preliminary survey data, the following properties may also be eligible for listing in the Register:

W. Nichols House, 167 East Main Street
A. Nichols House, 171 East Main Street
N. Porter House, 190 East Main Street
J. Barre House, 200 East Main Street

In 2012 a potential historic district along much of West and East Main Street through the village was identified (see map) during the information gathering stage of a proposed MaineDOT project. This incorporates the three existing historic districts. The eligibility determination would need to be confirmed due to the passage of time between when the architectural survey was conducted and now.

Needs for further survey, inventory, and analysis:

A comprehensive survey of Searsport's historic above-ground resources needs to be conducted in order to identify other properties that may be eligible for nomination to the National Register of Historic Places.



MAINE HISTORIC PRESERVATION COMMISSION

Inventory Data for Municipal Growth Management Plans

Resource: X Prehistoric Archaeological Sites: Arthur Spiess
 Historic Archaeological Sites: Leith Smith
 Historic Buildings/Structures/Objects: Kirk Mohney

Municipality: **SEARSPORT.**

Inventory data as of **October 27, 2017** :

Eight sites are known. Seven of these sites are on the shore of Kidder Point or Sears Island, which was surveyed by professional archaeologists in the 1980.

Various professional archaeological surveys have been completed.

At present we can not provide a map of the archaeological site locations (at 2 km resolution) because of retirement of our GIS/mapping staff member.

Needs for further survey, inventory, and analysis:

Other than Kidder Point and Sears Island, the coastal zone shoreline of Searsport needs professional archaeological survey.

MAINE HISTORIC PRESERVATION COMMISSION

Inventory Data for Municipal Growth Management Plans

Resource: ___ Prehistoric Archaeological Sites: Arthur Spiess
 X Historic Archaeological Sites: Leith Smith
 ___ Historic Buildings/Structures/Objects: Kirk Mohny

Municipality: Searsport

Inventory data as of October, 2017 :

To date, seven (7) historic archaeological sites are documented for the town.

MunicipalGrowthQry

SiteName	Sitenum	SiteType	Periods of Significance	NationalRegisterStatus	Town
Gaulin Farm	ME 385-001	farmstead	c. 1690-1703 (or later)	undetermined	Searsport
Sears Island Settlement	ME 385-002	farmstead	c. 1850 or earlier to c. 1945	undetermined	Searsport
Sears Island Contact	ME 385-003	contact	c. 1700	undetermined	Searsport
Cullen No. 18 [No.8]	ME 385-004	wreck, schooner, barge	1900-May 28, 1938	undetermined	Searsport
Brunette	ME 385-005	wreck, schooner	September 19, 1889	undetermined	Searsport
BC-2890	ME 385-006	wreck, scow	31-Aug-54	undetermined	Searsport
Cullen	ME 385-007	wreck, schooner	1912	undetermined	Searsport

Needs for further survey, inventory, and analysis:

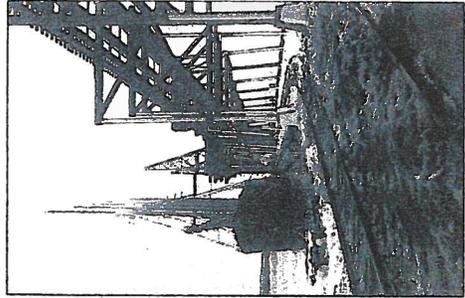
No professional surveys for historic archaeological sites have been conducted to date in Searsport. Future archaeological survey should focus on the identification of potentially significant resources associated with the town's agricultural, residential, and industrial heritage, particularly those associated with the earliest Euro-American settlement of the town in the 18th and 19th centuries.

SEARSPORT

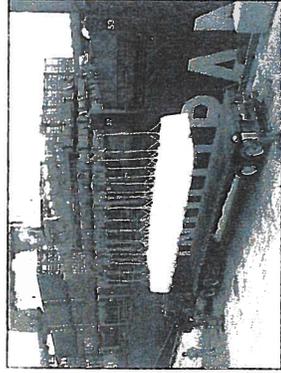
OUR MARITIME HERITAGE

The 19th century steam powered cranes, shown in the photograph, that offloaded ships at Mack Point for more than 100 years were torn down in 2005. They had been installed a century earlier when C.H. Sprague expanded its geographic area of delivery and opened the Penobscot Coal and Wharf Company, a tidewater terminal located in Searsport, Maine. Mr. Sprague had dealt in the transportation of whale oil and coal. The demands of an explosive need, driven by industrial and transportation pressures of the Civil War caused the company to thrive. When in 1879 Thomas Edison developed a practical lighting system the need for whale oil decreased and in 1905, the company opened the Penobscot Coal and Wharf Company, a tidewater terminal located in Searsport, Maine. C.H. Sprague and Son became the major supplier of coal to America's European allies during World War II. The company had purchased and developed its own coal mines and could efficiently transport coal with its own fleet of coal carrying ships. The last merchant vessel sank in World War II.

The contemporary photographs show the **Indotrans Flores**, a multi product vessel. It has holds for heavy equipment, palliatized lumber, tapioca flour or bulk cargo as well as deck storage for containers. This lift consists of twenty two sealed bags



Courtesy of Penobscot Marine Museum, Eastern Illustrating Collection



Courtesy of Wayne C. Hamilton

each weighing 2700 pounds and are being transferred from the ship to the truck. There is a total weight of 59,000 pounds or almost 30 tons in each lift. The cargo being discharged is food grade tapioca flour bound for National Starch in Island Falls, Maine where it was processed for use in products such as M&M candies, Gerber Baby Foods and Campbell Soups.

THE MUSEUM IN THE STREETS is designed as a bilingual history walking tour. French has been chosen as the second language in recognition of the Franco-American community within Maine and our French speaking visitors. The text on all the panels is in both English and French.

The Historic Preservation Committee, Town of Searsport invites you to visit The Penobscot Marine Museum, 5 Church Street, to learn more about the maritime culture of the Penobscot Bay Region and the Searsport Historical Society Museum, Sears Island Road, to learn more about the history of Searsport.

THE MUSEUM IN THE STREETS™ panels have been generously sponsored by:

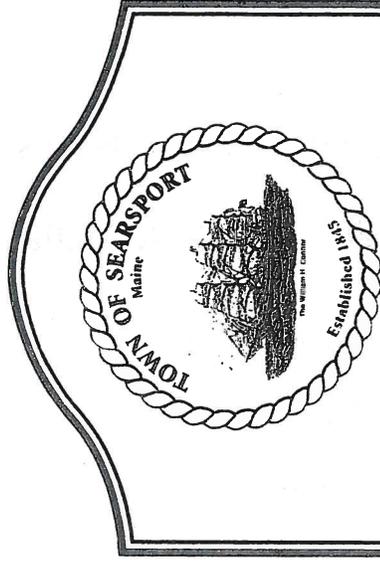
DOROTHY AND DAVID ALLING
ANGLERS RESTAURANT
THE CALISTA FAMILY
JOSHUA W. CURTIS JR.
HAMILTON MARINE
RALPH AND JOYCE HARVEY
HISTORIC PRESERVATION COMMITTEE, TOWN OF SEARSPORT
BARBARA SCHOFIELD NICHOLS

CLARK NICHOLS
THE PENOBSCOT MARINE MUSEUM
PPSA OVERSEAS LTD.
GAIL M. ROGERS
THE ROULSTONE FAMILY
SPRAGUE
TOZIER'S FAMILY MARKET
DESCENDANTS OF PETER WARD

THE MUSEUM IN THE STREETS™ walking tour is sponsored by The Historic Preservation Committee, Town of Searsport, with generous support from the Maine Humanities Council, the Davis Family Foundation, the Maine Community Foundation, the Searsport Rotary Club, the Town of Searsport and the panel sponsors.

THE MUSEUM IN THE STREETS™ is a trademark owned and protected. For information please write to: P.O. Box 11, Cushing, ME 04563

THE MUSEUM IN THE STREETS™ SEARSPORT, MAINE



*A heritage walking tour
of the Town of Searsport, Maine.*



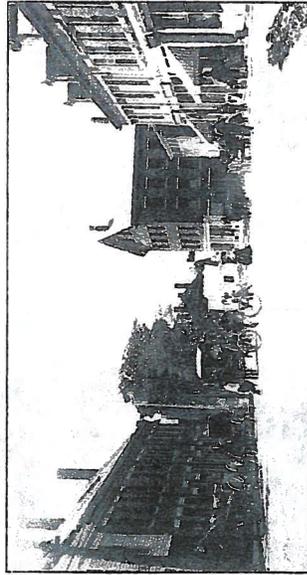
Welcome to
SEARSPORT





WELCOME TO SEARSPORT

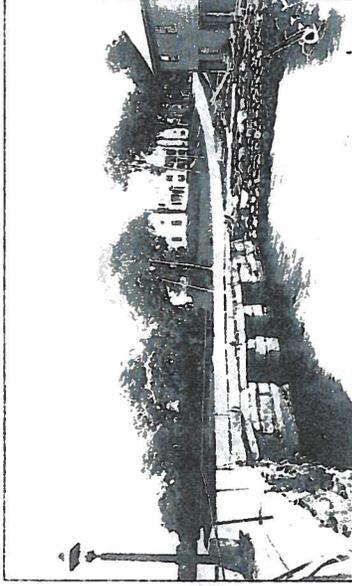
In 1770, Searsport, located on the western shore of Penobscot Bay, near its head, was part of the larger Frankfort Plantation area known as West Prospect. Only 23 families lived here. After the Revolutionary War, coastal trade fostered ship building, and the population began to grow. When the village of West Prospect petitioned the Maine State Legislature to be set off as a separate town, the petition was granted, and the area was incorporated as the Town of Searsport on February 13, 1845. The town fathers, hoping for a relationship that would be profitable in the future, named the new town for David Sears, a wealthy summer resident on Sears Island. Mr. Sears gave the town \$1000 for the construction of a Town Hall and donated his personal library which became the first town public library. However, he was displeased with the appearance of the completed Town Hall saying it looked like a powderhouse, and the relationship ended.



Main Street in 1875.

For the better part of the 19th century, the Searsport shores were busy with ship building and supporting industries. Close to the shipyards were steam sheds for bending timber and planking, blacksmith shops, an iron foundry and a sail loft. Over 200 sailing vessels of different rigs were built in some 13 different shipyards on the half mile of shore front extending from the foot of present day Navy Street to the foot of Leach Street.

One large shipyard was situated on the west side of Sears Island. Another, the Merrithew Yard was located at the foot of Elm Street. The McGilvery family operated three yards; other families, such as



Courtesy Penobscot Marine Museum

Site of former lumber and grain mill on Main Street.

the Carvers, Fowlers and Smiths, all owned productive yards. Sometimes a family would build a yard for just one ship.

These vessels were not only Searsport built, but Searsport owned as well. Often the Captain, the builder and the local citizens owned shares. Searsport produced more ship masters than any town of similar size in the United States. In 1885 one tenth of all full rigged ships sailing under the American flag were commanded by Searsport Captains.

The era of sail ended about 1900 when ship building technology changed to steam and metal. The yards were used to moor small fishing vessels or allowed to disintegrate into the sea, while other industries took their place.

In this transition period, the Bangor and Aroostook Railroad had extended its line to Searsport and built a wharf at Mack Point, at the foot of Trundy Road. From here they shipped coal, chemicals and fertilizer. They also had passenger service, and for a while, there was a vacation inn located within walking distance of the rail terminal. In these years, the Eastern Steamship Line docked at the foot of Steamboat Avenue so their passengers could disembark and walk to the fine Searsport House on Main Street where they could enjoy the area and its lobster and clams. During World War II, a unit of the Army Transportation Corps supervised a munitions depot at the Point, and ammunition was shipped to the European Theater.

By the 1900's brickmaking was also an important

industry. All that was needed to make bricks was a bank of fine clay and a source of water, both of which were easily available. Lumber and grain mills were built beside the streams, and small factories producing various items such as gloves provided employment. The grist mill located on the Mill Stream was converted to a lumber mill in these years and produced large amounts of lumber for export. Before electric refrigeration, ice cut from frozen ponds was packed in sawdust and shipped all over the world.

In 1923, Mosman Park was officially dedicated, signaling the success of a group of private citizens who purchased the property in order to assure continued access for the public. The four acres of fields and shorefront land at the foot of Water and Mosman Streets which had been used by townspeople as a swimming and recreation site for decades through the generosity of the Mosman family, has kept its fields intact, while adding a small playground for young children as well as steps leading to the shore.



Paper note from the Searsport bank organized in 1853. Courtesy Penobscot Marine Museum

A heavy iron ring embedded in a rock on the eastern edge of the Park remains as an artifact of the McGilvery shipyard which was just below on the beach. A memorial stone dedicated to the Searsport men who fought in WWI is placed beside the Park's flagpole. Each Memorial Day townspeople gather to cast a wreath into the bay as "Taps" echoes across the harbor.

Today, new piers and modern cranes accommodate larger container and prepackage ships at Mack Point. Tourists arrive by automobile instead of by steamship and railroad. Searsport remains proud of its seafaring heritage. The Town continues to value the new industry, the shops and homes in its historic districts, the fine museums, the beautiful coastline and rich small-town community life.

THE MUSEUM IN THE STREETS SEARSPORT



17 THE HOME OF A HERO



16 THE GROWTH OF SHIP BUILDING: ISAAC CARVER



15 HOME OF CLARA PENDLETON BLANCHARD 1843-1931



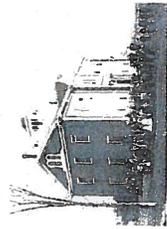
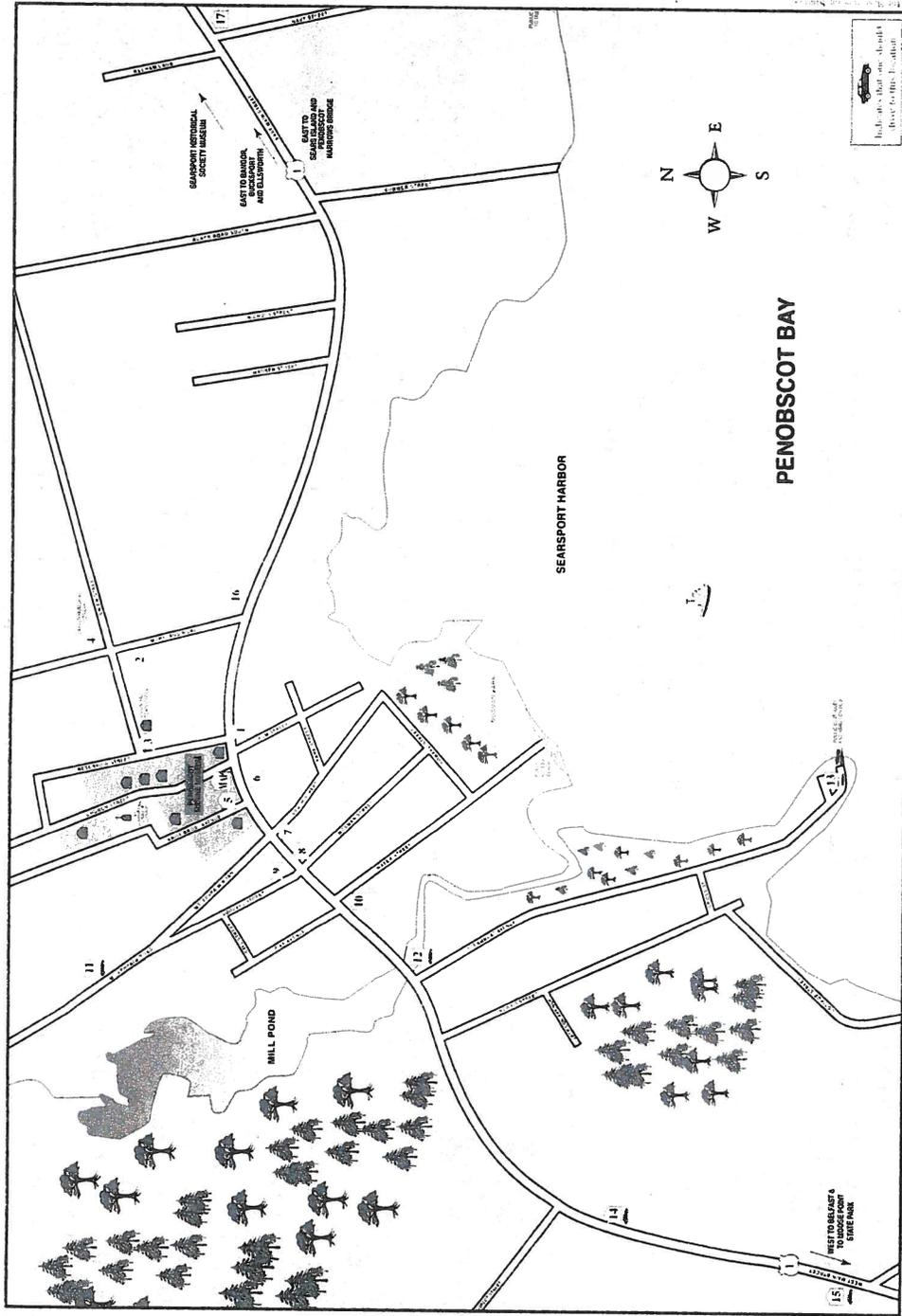
14 SEARSPORT CYCLONE MAY 22, 1921



13 ARRIVING BY WATER



12 THE SITE OF A LUMBER MILL 1890



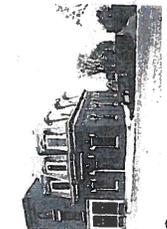
11 UNION SCHOOL



10 SEARSPORT HOUSE



9 RAISING THE FLAG



8 EARLY BANKING



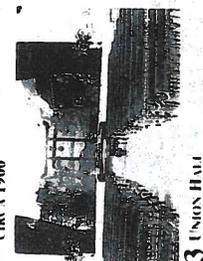
7 PETER WARD, SHIP CARPENTER



1 CIVIL WAR SOLDIERS' MONUMENT



2 FIRST DAY AT CENTRAL SCHOOL: CIRCA 1900



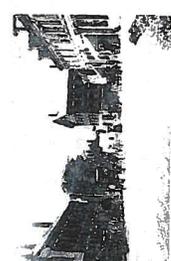
3 UNION HALL



4 CARVER MEMORIAL LIBRARY



5 MAKING A LIVING



6 MAIN STREET, 1875

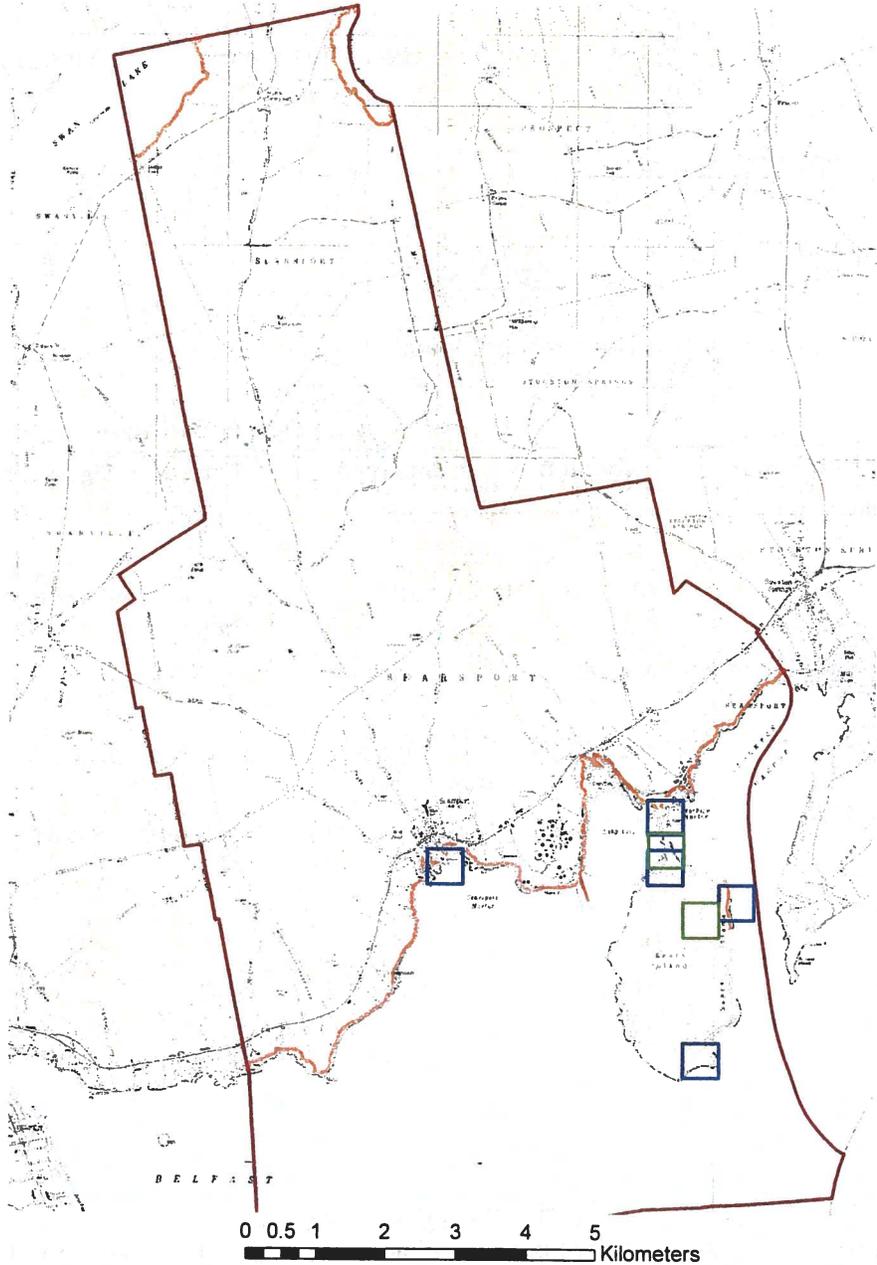
**Known Archaeological Sites*
and Areas Sensitive for
Native American Archaeology* in**

Searsport

**information provided for planning by
Maine Historic Preservation Commission
April 2014**

*dated material subject to future revision and provided for planning purposes
map 1-1

-  Areas sensitive for Native American, pre-European, archaeology.
-  1/2 k square intersecting a known Native American, pre-European, archaeological site.
-  1/2 k square intersecting a known historic archaeological site.



MAINE HISTORIC PRESERVATION COMMISSION

Inventory Data for Municipal Growth Management Plans

Resource: Prehistoric Archaeological Sites: Arthur Spiess
 Historic Archaeological Sites: Leith Smith
 Historic Buildings/Structures/Objects: Kirk Mohney

Municipality: Searsport

Inventory data as of April, 2014 :

To date, seven (7) historic archaeological sites are documented for the town.

MunicipalGrowthQry

SiteName	Sitenum	SiteType	Periods of Significance	NationalRegisterStatus	Town
Gaulin Farm	ME 385-001	farmstead	c. 1690-1703 (or later)	undetermined	Searsport
Sears Island Settlement	ME 385-002	farmstead	c. 1850 or earlier to c. 1945	undetermined	Searsport
Sears Island Contact	ME 385-003	contact	c. 1700	undetermined	Searsport
Cullen No. 18 [No.8]	ME 385-004	wreck, schooner, barge	1900-May 28, 1938	undetermined	Searsport
Brunette	ME 385-005	wreck, schooner	September 19, 1889	undetermined	Searsport
BC-2890	ME 385-006	wreck, scow	31-Aug-54	undetermined	Searsport
Cullen	ME 385-007	wreck, schooner	1912	undetermined	Searsport

Needs for further survey, inventory, and analysis:

No professional surveys for historic archaeological sites have been conducted to date in Searsport. Future archaeological survey should focus on the identification of potentially significant resources associated with the town's agricultural, residential, and industrial heritage, particularly those associated with the earliest Euro-American settlement of the town in the 18th and 19th centuries.

MAINE HISTORIC PRESERVATION COMMISSION

Inventory Data for Municipal Growth Management Plans

Resource: ___ Prehistoric Archaeological Sites: Arthur Spiess
 ___ Historic Archaeological Sites: Leith Smith
 X Historic Buildings/Structures/Objects: Kirk Mohny

Municipality: Searsport

Inventory data as of May, 2014 :

The following properties are currently listed in the National Register of Historic Places:

Penobscot Marine Museum Historic District (See Map)
Searsport Historic District (See Map)
Captain John Nichols House, East Main Street
Captain John McGilvery House, East Main Street
Captain William McGilvery House, East Main Street
Union Hall, 3 Reservoir Street
Mortland Family Farm, Mortland Road
East Main Street Historic District (See Map)
Union School, Mt. Ephraim Road
Carver Memorial Library, Corner of Union and Mortland Streets
James G. Pendleton House, 81 West Main Street
Penobscot Marine Museum (Boundary Increase) (See Map)
College Club Inn, 190 West Main Street

Based on preliminary research, the following historic properties may also be eligible for listing in the Register:

A. Nichols House, 171 East Main Street

Needs for further survey, inventory, and analysis:

A comprehensive survey of Searsport's historic above-ground resources needs to be conducted in order to identify other properties that may be eligible for nomination to the National Register of Historic Places.

MAINE HISTORIC PRESERVATION COMMISSION

Inventory Data for Municipal Growth Management Plans

Resource: Prehistoric Archaeological Sites: Arthur Spiess
 Historic Archaeological Sites: Leith Smith
 Historic Buildings/Structures/Objects: Kirk Mohney

Municipality: SEARSPORT.

Inventory data as of April 2014 :

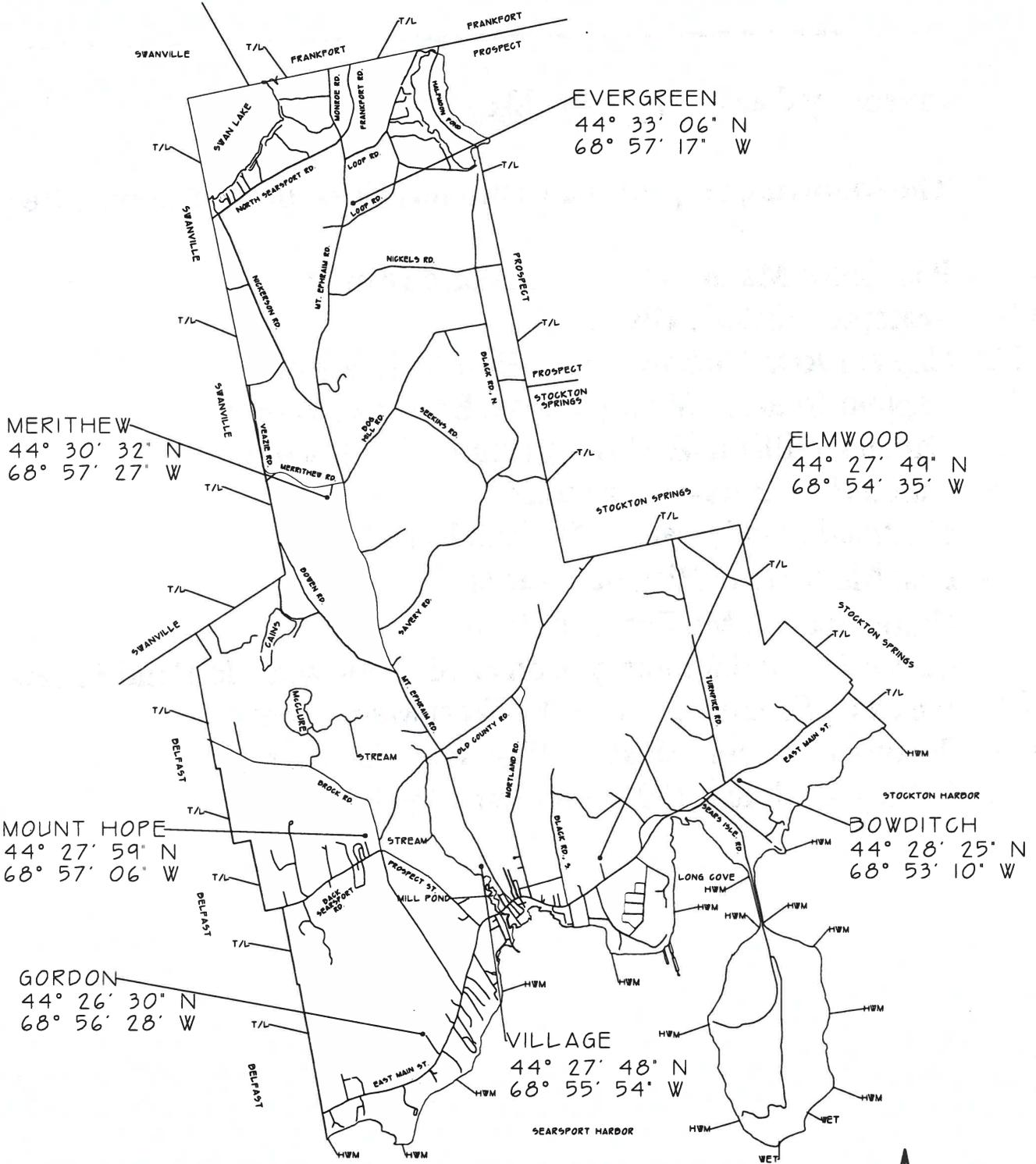
Eight sites are known. Seven of these sites are on the shore of Kidder Point or Sears Island, which was surveyed by professional archaeologists in the 1980.

Various professional archaeological surveys have been completed (shown in yellow on the accompanying map)

Needs for further survey, inventory, and analysis:

Other than Kidder Point and Sears Island, the coastal zone shoreline of Searsport needs professional archaeological survey.

PUBLIC AND PRIVATE CEMETERIES SEARSPORT, MAINE



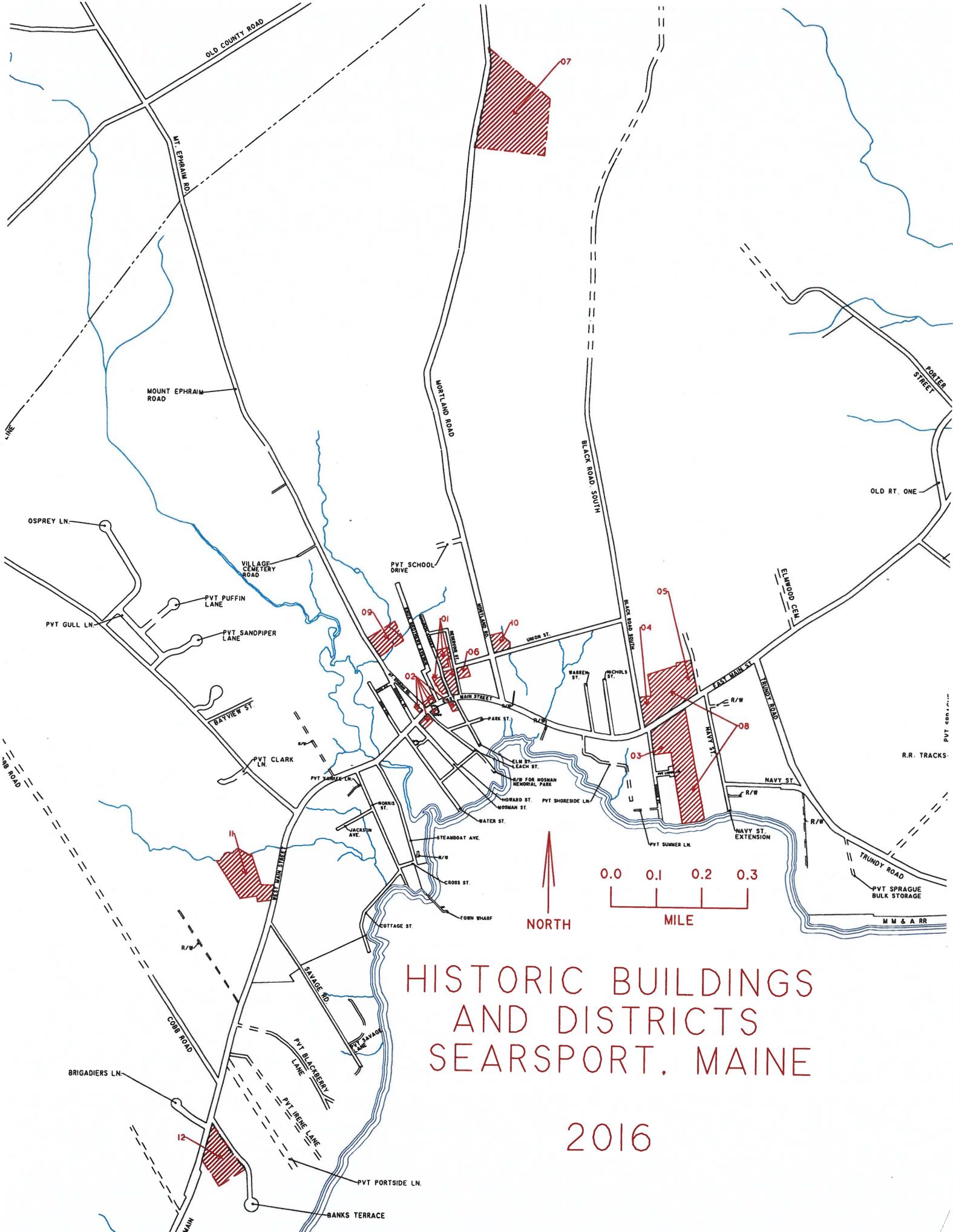
SEARSPORT G1S
MARCH 23, 2007



Inventory data as of May, 2014 :

The following properties are currently listed in the National Register

- 01 Penobscot Marine Museum Historic District
- 02 Searsport Historic District
- 03 Captain John Nichols House, East Main Street
- 04 Captain John McGilvery House, East Main Street
- 05 Captain William McGilvery House, East Main Street
- 06 Union Hall, 3 Reservoir Street
- 07 Mortland Family Farm, Mortland Road
- 08 East Main Street Historic District
- 09 Union School, Mt. Ephraim Road
- 10 Carver Memorial Library, Corner of Union and Mortland Streets
- 11 James G. Pendleton House, 81 West Main Street
- 01 Penobscot Marine Museum (Boundary Increase)
- 12 College Club Inn, 190 West Main Street



HISTORIC BUILDINGS AND DISTRICTS SEARSPORT, MAINE

2016

Appendix 3 - Water Resources



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

To: Town/City Comprehensive Plan Committee

From: Division of Environmental Assessment, Bureau of Water Quality,
Department of Environmental Protection

Date: October 31, 2017

The Department of Environmental Protection Division of Environmental Assessment is providing this packet of information for your Comprehensive Planning Committee to use for the **surface water resources** section of your comprehensive plan. Included is a map that was generated by the DEP. Additional water resource data and information is available through the DEP, Google Earth, and Lakes of Maine websites (see Sources of Information Section below).

As a first step, the committee should obtain and review a map such as a topographic map or Google Earth map that has the town's water resources on it. This map should be used in conjunction with the enclosed map to generate an inventory of the lakes, ponds, rivers, streams, marine waters, and wetlands with watersheds in the town.

Documents Provided:

1. **Municipal map** which includes:

- Lakes, ponds, rivers, and streams in and around your town, most of which are labeled. If a stream or other waterbody is shown on the map but not labeled, it is up to you to determine what the local name for the waterbody is, if any.
- Watershed boundaries of the lakes, ponds, rivers and most streams in your town. This information should be included in the comprehensive plan as it is critical for assessing where development has or may be occurring in the future as it relates to these resources.
- State water quality classification of rivers, streams, and estuarine/marine waters for your town/city. The DEP Water Quality Classification system is used to manage the state's surface waters. The system establishes water quality goals, assigns all waters a water quality classification, and sets uses and water quality criteria for each class. If classification standards are not met, the program directs the state to improve the quality to meet standards. The classification system includes four classes for freshwater rivers and streams, three classes for marine waters, and one class for lakes and ponds. All lakes and ponds are classified as GPA. See attached information sheets for a description of the classifications.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

- Water quality impaired streams, rivers, and lakes that do not meet the water quality criteria for their classification. The red lines are only representations and the Integrated Water Quality Report (see page 3 of this memo for link and more information) is the official list and should be checked to confirm any water quality impairments. Please note the impairments of estuarine and marine waters are not included on the map.
 - Wastewater outfalls and overboard discharges in and around your town. These “point sources” of pollution are based on DEP point source discharge permits. While the information is the most up-to-date available, if you are aware of discrepancies, or have questions regarding the wastewater outfalls, please contact Bill Hinkel, DEP Division of Water Quality Management, at Bill.Hinkel@maine.gov or 287-7659. Questions regarding overboard discharges should go to Mike Demarest, DEP Division of Water Quality Management, at Michael.Demarest@maine.gov or 287-6301.
 - Significant aquifers that have been mapped in and around your town, including those identified as being at high or moderate risk due to potential threats from local land uses (e.g. oil tanks, spills, landfills, etc). For questions regarding the high yield gravel and sand aquifer risk assessment, contact Mark Holden, DEP Division of Environmental Assessment, at Mark.K.Holden@maine.gov or 215-1691.
2. **Lake Watersheds Most at Risk from New Development and Urban Impaired Streams List** (Appendix A and B from DEP’s Chapter 502). Chapter 502 includes the criteria used to identify these watersheds and the list of watersheds meeting the criteria. This list is used by the DEP for developments requiring either a Stormwater permit or Site Location of Development permit. Development projects located in these watersheds are required to meet additional standards.
 3. **Water Classification Program description** for Rivers/Streams, Estuarine/Ocean, and Lakes. For more information about classification standards, see www.maine.gov/dep/water/monitoring/classification/

A Few Considerations:

1. To protect lake water quality, towns must control phosphorus inputs to lakes. The DEP developed the **Phosphorus Control Method** as a tool for the state and towns to use for regulating development and phosphorus export to lakes. The method calculates how much phosphorus may be allowed to be exported and is based in part on an assessment of how much of the watershed has been and is likely to be developed. For many towns, the calculated watershed phosphorus allocations for lakes and ponds are available in Appendix C of *Volume II. Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development* (www.maine.gov/dep/land/stormwater/stormwaterbmps/index.html). If your town is not listed in this document and you would like to have the phosphorus allocation numbers calculated for your town’s watersheds, contact Kristin Feindel, DEP Division of Environmental Assessment, at Kristin.B.Feindel@maine.gov or 215-3461. To discuss the Phosphorus Control method in general, contact Jeff Dennis, DEP Division of Environmental Assessment, at Jeff.Dennis@maine.gov or 215-6376.

2. Consider amending your local land use ordinances, if they haven't been already, to incorporate stormwater runoff performance standards consistent with the **Maine Stormwater Management Law** and Stormwater Rules (Title 38 MRSA Section 420-D and 06-096 CMR 500 and 502) and reference the current stormwater manual (available at <http://www.maine.gov/dep/land/stormwater/stormwaterbmps/index.html>).
3. Ensure your town ordinances are consistent with **Shoreland Zoning laws**, or go above and beyond them. Contact your DEP Regional Office Shoreland Zoning specialist for more information.
4. Explore whether your **town may want to repair a private road** for the purpose of protecting or restoring lake water quality. In 2009 legislation was enacted to allow municipalities to authorize the use of public funds to repair a private road, way or bridge to prevent stormwater runoff pollution from reaching a great pond. To qualify, the road must be in the watershed of a lake that is listed as "most at risk" in DEP rules, listed as having impaired water quality by DEP, or identified as having threats to water quality through a watershed survey. The road must be found to be contributing to degradation of lake water quality based on an evaluation of the road using DEP accepted protocol. Repair work must comply with best management practices required by DEP and there must be a road association in place to maintain the road. The statute is MRS Title 23 §3106. Contact Wendy Garland, DEP Division of Environmental Assessment, at Wendy.Garland@maine.gov or 615-2451 for more information.

Sources of Information:

1. **Lakes of Maine Website** – www.lakesofmaine.org
 - Environmental information on lakes, including water quality data, is available on the Lakes of Maine website. Included on this site is the following information for lakes:
 - Lake overview (size, depth, volume, etc).
 - Water quality data summary and water quality summary (written explanation)
 - Fish species and Inland Fisheries and Wildlife fish stocking
 - Invasive species (link to DEP's list of waters known to have invasive plant species)
2. **Integrated Water Quality Monitoring and Assessment Report**
 - Every two years, as required by Section 305(b) of the Clean Water Act, the DEP produces this report. Often referred to as the 305(b) report, this report summarizes available water quality information and assesses Maine's water resources' attainment of designated uses and standards.
 - Comprehensive plan committees can obtain information about surface waters that are not attaining classification from the 305(b) report, available at www.maine.gov/dep/water/monitoring/305b/index.htm. This is a lengthy report that will require scanning the report to find any information for waters in your town. One way to determine if any waterbodies are listed as impaired is to go to the Appendices and search electronically by waterbody name. Waterbodies listed as Category 4 or 5

are considered impaired. For specific questions about waterbody classification, contact Susanne Meidel, DEP Division of Environmental Assessment, at Susanne.K.Meidel@maine.gov or 441-3612.

- Total Maximum Daily Load (TMDL) reports are available for many impaired lakes and streams. TMDL reports define pollutant reductions needed to restore healthy waterbody conditions. The report describes the impairments, pollutants, water quality targets, and the loading that the lake or stream can receive without exceeding water quality criteria. Draft and approved TMDL reports are available at: www.maine.gov/dep/water/monitoring/tmdl/index.htm. If the town has any lakes or streams listed as impaired, you may want to check to see if a TMDL has been completed since a TMDL report is a good source of information about the environmental issues in the watershed.

3. DEP Regional Offices Contacts

- When preparing the comprehensive plan, if the committee has questions or would like further information about surface water resources, they may wish to contact the DEP Division of Environmental Assessment, Watershed Management Unit. DEP's main office is located in Augusta and there are three regional offices located in Portland, Bangor, and Presque Isle.
- Phone numbers for the regional offices are:
 - Central Maine Office (Augusta): 287-7688
 - Southern Maine Regional Office (Portland): 822-6300
 - Eastern Maine Regional Office (Bangor): 941-4570
 - Northern Maine Regional Office (Presque Isle): 764-0477

4. Additional Resource Information - The Maine DEP website (www.maine.gov/dep) has extensive information on it including data, educational information, and links to other resources. Below is a list of resources on the DEP website and a few other sites that may be useful or of interest to towns.

- **DEP Google Earth Maps.** Maps and linked information on Google Earth Maps, including monitoring locations, hazardous waste spill and remediation sites, NRPA bird habitat, air quality information, and other DEP database information. www.maine.gov/dep/gis/datamaps/
- **Maine Stormwater Best Management Practices Manual**, including chapters on low impact development and phosphorus control methods. www.maine.gov/dep/land/stormwater/stormwaterbmpps/index.html#manual
- **DEP Lakes Page** covering a wide range of subjects including programs, monitoring and assessment, laws and general information. www.maine.gov/dep/water/lakes/index.html
- **Maine Volunteer Lake Monitoring Program (VLMP).** The website includes the list of volunteer monitors and Invasive Plant Patrollers, information on the VLMP, and invasive plants. www.mainevolunteerlakemonitors.org
- Information on **invasive aquatic plants** and list of infested lakes and streams. www.maine.gov/dep/water/invasives/index.html

- **Maine Environmental Monitoring and Assessment Program Index (MEMAP)** includes projects and programs monitoring environmental factors and links to watershed organizations. <http://library.umaine.edu/memap/>
- **Land and Water Quality programs and related requirements.** Included here are the Erosion and Sedimentation Control Law, Natural Resources Protection Act, Shoreland Zoning, Site Law, and Stormwater Law.
www.maine.gov/dep/land/programs/index.html

Searsport

- Political Boundaries
- Lakes & Ponds
- Watershed Boundaries
- Wastewater Outfalls
- Overboard Discharges



- Significant Aquifers**
- 10-50 gallons/min.
 - > 50 gallons/min. icon"/> > 50 gallons/min.
- Transportation Routes**
- Private & Parkways
 - State & Local Roads
 - Toll Highway

- Land Use Risk on High Yield Sand & Gravel Aquifers**
- Moderate Risk
 - High Risk

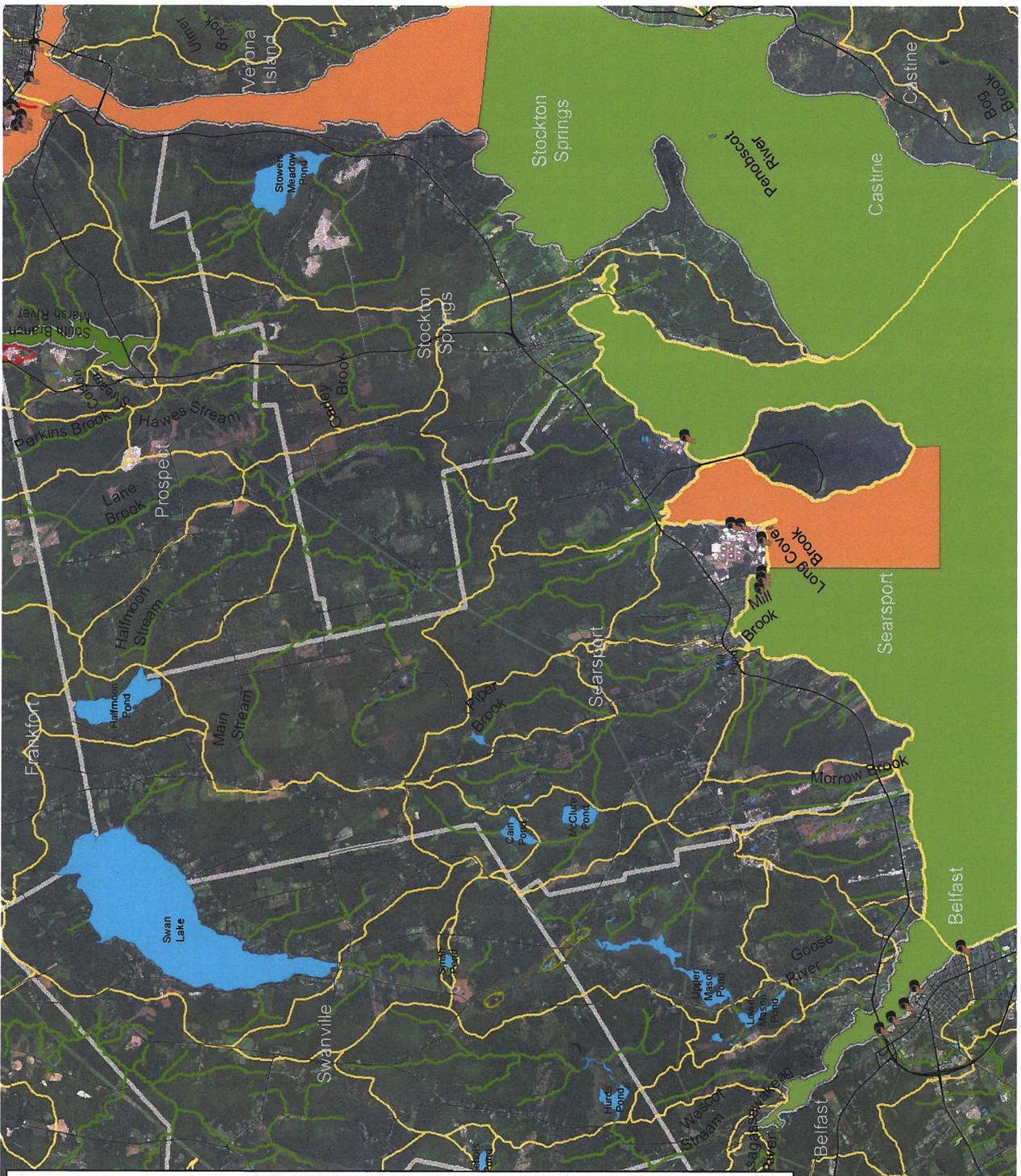
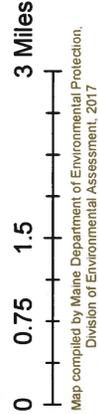
Classifications Rivers & Streams

- AA Estuarine & Marine
- A
- B
- C
- SA
- SB
- SC

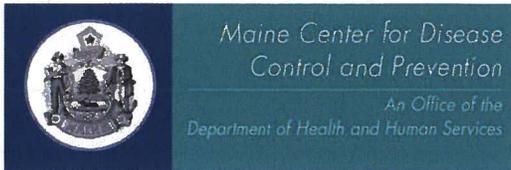
Does Not Meet Classification

- Impaired Stream
- Impaired Lake or Pond

Note: The official list of impaired waters is available in the Integrated Report, available on the DEP website: www.maine.gov/dep/water/monitoring/305b/. To confirm whether any waterbody is meeting its classification, check on the official list.



Map compiled by Maine Department of Environmental Protection, Division of Environmental Assessment, 2017



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street
11 State House Station
Augusta, Maine 04333-0011
Tel.: (207) 287-8016; Fax: (207) 287-9058
TTY Users: Dial 711 (Maine Relay)

Tel. (207) 287-2070

Drinking Water Program

Fax (207) 287-4172

Maine Source Water Assessment Program

Final Source Assessment Report

The 1996 amendments to the Federal Safe Drinking Water Act (SDWA) require each State to complete assessments for each public water supply source, which identify and describe conditions that may threaten the quality of water available to consumers. These assessments are the focus of Maine's Source Water Assessment Program (SWAP). The Drinking Water Program (DWP) is responsible for completing an assessment for each public water supply source and publishing the results for the benefit of the operators of each system and their customers. To achieve this goal, the results of each assessment will be made widely available to the general public.

The responsibility for protecting public water supply sources from contamination falls largely to public water suppliers. However, land use decisions are made by municipal officials, not water suppliers. This means that protection of public water supplies requires a partnership between water suppliers, state and federal regulators, local land owners, and municipalities. The lengths to which Maine communities have gone to protect the public water sources in their town/city vary greatly from place to place from land purchases at one extreme to no action at the other. In some cases, when a source is surrounded by protected land such as a state park, no further protection efforts may be required. In other cases, immediate and significant actions should be implemented in order to ensure that existing sources of drinking water are available for future generations. The type and selected course of action taken should be proportional to the level of risk.

The DWP's goal is to ensure that when a water supply is at risk for contamination, the citizens of Maine are made aware so that appropriate steps can be taken at the local level to minimize or eliminate the risk. That is the purpose of the SWAP. Through the Assessments, the DWP has *evaluated* each of the 2,600 public water supply sources, *assessed* each for the likelihood of contamination by existing and future activities, and is *making the results of these studies widely available* to the public.

The Program intends this Assessment to be a summary of the current and potential future risks to your public water supply source and as a guide for future protection activities. Water suppliers should receive one report page for each source currently utilized. Towns should receive a report page for each source with a protection area within the town boundary. As always, we are here to provide any help or assistance we can. Technical assistance requests can be directed to the Source Protection Section of the DWP at (207) 287-2070. Other resources are listed on page 4 of this report.

At this point the assessment process ends for the State and the time for protective action on your part begins. The DWP will be available to provide technical and in some cases financial assistance for protection efforts, but these efforts will have to be initiated locally. Source protection needs to include full participation from the water suppliers and local officials to be successful. The water supplier is responsible for providing safe drinking water to the population they serve. Town and City officials need to address this issue because contaminated drinking water sources can negatively impact the local economy. To ensure that this water is always safe to drink, you must become involved in overseeing the activities that could contaminate it.

The DWP, a state agency in the Department of Human Services, Bureau of Health, Division of Health Engineering, has completed an assessment of the susceptibility to contamination of the drinking water sources of **community, non-community non-transient, and transient public water systems** located in Maine. The assessment is a requirement of the Federal SDWA, a law originally passed in 1974 to ensure the safety of public water supplies. The water system has voluntarily cooperated with the DWP in completing this assessment. In the following sections of this report we have included our evaluation of this water supply source for existing contamination and the potential for future contamination

Explanation of Assessment Method for Groundwater Sources

Maine’s groundwater assessments evaluate the contamination risk to each public water supply well by using an Environmental Protection Agency-approved evaluation methodology. Categories of risk evaluation for non-transient non-community and community public water sources include: risk based on: well type and site geology; existing and future risk of acute contamination; and existing and future risk of chronic contamination. The assessment criteria for non-transient non-community and community groundwater systems are outlined in the following table. Transient sources are assessed only for acute contaminants, shown in the top section of the table.

Assessment Matrix for Groundwater Sources:

All Sources: RISK BASED ON WELL TYPE AND SITE GEOLOGY		All Sources: RISK FACTORS FOR ACUTE CONTAMINANTS (4), (5)		
			Existing Risk	Future Risk
HIGH RISK	(1) Dug well (1) Spring	HIGH RISK	(2) Positive coliform bacteria test within previous three years OR (2) Nitrate greater than 5 ppm within previous three years	(1) Do not own or have legal control of all land within 150 feet of the well
MODERATE RISK	(1) Well points (1) Gravel well (1) bedrock well, less than 20 feet of overburden (1) bedrock well, overburden thickness unknown	MODERATE RISK	(1), (5) nearest acute Potential Contamination Site (PCS) less than 300 feet from well	(1) Do not own or have legal control of all land within 300 feet of the well OR 200-day time-of-travel zone
LOW RISK	(1) Bedrock well, greater than 20 feet of overburden	LOW RISK	(1) Nearest acute PCS greater than 300 feet from well (2) No positive coliform bacteria tests AND NO nitrate test greater than 5 ppm within previous three years	(1) Own or have legal control of all land within 300 feet of the well OR 200-day time-of-travel zone

Notes:

Sources of Information

- (1) Wellhead Self Evaluation Form, Sanitary Surveys OR DWP Databases
- (2) DWP Sample Master Database
- (3) DEP Water Resources Database

Definitions:

(4) **Acute Contaminant:** A contaminant that can cause consumer illness immediately after consumption (i.e., pathogens, nitrate/nitrite)

(5) **Acute PCS:** Potential source of pathogens or nitrates, including septic system leach fields, manure pile or manure spreading, barnyards and animal grazing.

(6) **Chronic Contaminant:** A contaminant that can pose a health risk if consumed (even at very low doses) over many years.

(7) **Chronic PCS:** Potential source of chemical contaminants (e.i. leaking fuel storage tanks, landfills, Industrial waste disposal)

Community and NTNC: RISK FACTORS FOR CHRONIC CONTAMINANTS (6), (7)		
	Existing Risk	Future Risk
HIGH RISK	(1), (3), (7) 4 or more "significant" chronic PCS's within WHPA AND (2) detection of regulated/unregulated chronic contaminants	(1) Do not own or have legal control of entire WHPA
MODERATE RISK	(1), (3) 4 or more "significant" chronic PCS's within WHPA OR (2) Detection of regulated/unregulated chronic contaminants	(1) Own or have legal control of entire WHPA but NOT 2500-foot Phase II/V waiver radius
LOW RISK	(1), (3) 3 or fewer "significant" chronic PCS's within WHPA AND (2) NO detection of regulated/unregulated chronic contaminants	(1) Own or have legal control of WHPA AND 2500-foot Phase II/V waiver radius

Risk Based on Well Type and Site Geology

No drinking water source is completely free of threats to water quality, however, some are more likely to become contaminated than others by the nature of their construction and the geology of the site. For example, dug wells and springs test positive for the presence of coliform bacteria more frequently than do wells drilled into fractured bedrock overlain by a thick layer of low permeability silty clay. Therefore, dug wells and springs are considered high risk for contamination, bedrock wells with at least 20 feet of overburden are considered low risk, and all others (well points, gravel wells, and bedrock wells with less than 20 feet or unknown overburden thickness) are considered to be at moderate risk for being contaminated. Practically, the only means of reducing this risk is through replacement of the source.

Existing Risk of Acute Contamination

Acute contaminants, such as pathogens and nitrate/nitrite, are those which can make people sick immediately after being consumed. Many acute contaminants originate in human or animal feces. Possible sources include septic system leach fields, animal feed lots, and manure piles. The risk ranking in this category is based on the system's water testing history during the last three years, and the presence or absence of potential sources of acute contamination in the wellhead protection area.

Removal of septic systems within the wellhead protection area is the most effective means of reducing this risk. Where that is not feasible, implementation of a system management program, including regular tank pumping and system inspection, can be of assistance in managing the risk.

Future Risk of Acute Contamination

Evaluation of future risk assesses the potential for acute contaminant sources being introduced near the well by determining the level of control the owner of the water supply source has over future development near the source. Risk rankings in this category are based on the ownership or control by zoning or easement of the land within 300 feet of the well (or the 200-day time-of-travel zone for computer delineated recharge zones).

Water suppliers and municipalities should work together to manage development in their wellhead protection areas. This management should include restrictions on subsurface waste disposal and concentrated animal feeding, manure storage, and fertilizer application within the wellhead area.

Existing Risk of Chronic Contamination

Chronic contaminants are those which pose a health risk if consumed (even sometimes at very low doses) over many years. There are 89 contaminants which by law must not be present in public drinking water or which can only be present below some specified level (Maximum Contaminant Level). Examples of chronic contaminants include Methyl Tert-Butyl Ether (MTBE) and other gasoline additives, chlorinated solvents, many herbicides and pesticides, and many others.

The risk ranking in this category is based on the water testing history of the well and the presence or absence of at least 4 significant potential sources of chronic contamination (as indicated on a Wellhead Protection Program Self Evaluation Form) in the Wellhead Protection Area (WHPA). A high risk ranking indicates the presence of significant numbers of potential contamination sources and the detection of one of the 89 contaminants during the past three years.

Where large numbers of existing chronic contamination sources are present within the wellhead area, they should be encouraged to adopt best management practices (BMPs) which will reduce their risk of releasing contaminants to the aquifer. The DWP has BMP guidance available to assist municipalities, suppliers, and industry in implementing these practices. It may be possible, as part of this process, to assist the facility in re-engineering their process to reduce or eliminate the use of toxic chemicals. The Maine Department of Environmental Protection Pollution Prevention Program has resources that can be of assistance in this area.

Future risk of Chronic Contamination

The future risk of chronic contamination is evaluated based on land ownership or control through easements or town ordinances regulating development in the assessment area. If land ownership patterns and/or zoning permit the construction of facilities using

chronic contaminants, then the future risk is high. It is moderate if the area is covered by an effective wellhead protection ordinance, and low if the area is owned or controlled by easement by the public water supplier.

In order to reduce the potential for development that may degrade water quality, the DWP encourages suppliers to develop an active wellhead protection program including acquisition of land or easements on land that is currently undeveloped within their contributing area. We also strongly recommend that they work with municipalities to adopt and enforce a wellhead protection ordinance. The DWP and Maine Rural Water Association can provide technical assistance and sample language for inclusion in a wellhead protection ordinance. It is important that the supplier work with the landowners and residents in the contributing area to develop their understanding of their potential impact on the water supply. Educational materials and brochures are available to assist in this process.

Key State Agency Contact Information

Maine DHHS, Drinking Water Program (DWP)

www.maine.gov/dhhs/mecdc/environmental-health/water (207) 287-2070

Wellhead Protection grants
Land Acquisition loans
Best Management Practices
Assessment Assistance
Model Ordinance Language

Maine DEP

www.maine.gov/dep (207) 287-7688 (800) 452-1942

Underground Storage Tank Regulation
Pollution Prevention
Industrial Facilities Regulation
Development BMP's
Stormwater and wastewater discharge licensing

Maine DACF

www.maine.gov/dacf/index.shtml (207) 287-3871

Pesticides Control
Manure Management
Agricultural BMP's

Maine DACF, Municipal Planning Assistance Program

<http://www.maine.gov/dacf/municipalplanning> (207) 287-8050 (800) 662-4545

Comprehensive planning
Ordinance development
Sprawl management

Other Resources

Maine Rural Water Association: <http://www.mainerwa.org> (207) 729-6569

Maine Municipal Association: <http://www.memun.org> (207) 623-8428

Maine Water Utilities Association: <http://www.mwua.org> (207) 832-2265

Natural Resources Conservation Service: <http://www.me.nrcs.usda.gov> (207) 990-9100

George Mitchell Center, University of Maine: <http://www.umaine.edu/WaterResearch> (207) 581-2354

A more complete list of Other Resources is available from the DWP or the Mitchell Center.

Searsport Public Water Systems

10/26/17

PWSID#	PWS NAME	PWS TYPE	TOWN	COMMENTS	SOURCE ID#
PWS TYPE KEY: C=Community NC=Non Community NTNC=Non-Transient, Non-Community					
ME0091440	SEARSPORT WATER DISTRICT	C	SEARSPORT	No SWA * for 91440203	91440202, 91440203

* The Drinking Water Program has no record of a Source Water Assessment for this source identification number. Additional information regarding the specific water source can be obtained through Google Earth. Access to information on well or source location can be granted on the DWP website: http://www.maine.gov/dep/gis/datamaps/DWP_Wells/ . Access to the DEP Environmental and Geographic Analysis Database including potential threats to groundwater and environmental modeling can be granted at the DEP website: <http://www.maine.gov/dep/maps-data/egad/>

RIVERS / STREAMS

Water Classification Program

Related Website: www.maine.gov/dep/water/monitoring/classification/

Maine has four water quality classes of rivers and streams: AA, A, B, and C (38 M.R.S.A. Section 465). Each classification assigns designated uses and water quality criteria (narrative and numeric), and may place specific restrictions on certain activities (Table 4-1 and 4-17) such that the goal conditions of each class may be achieved or maintained. Definitions of terms used in the classification are provided in 38 M.R.S.A. Section 466.

Class AA waters are managed for their outstanding natural ecological, recreational, social, and scenic qualities. Direct discharge of wastewater, dams, and other significant human disturbances are prohibited. Tiered aquatic life use goals direct that the biological condition of this classification be approximately Tier 1-2 on the Biological Condition Gradient (Figure 4-2, Davies and Jackson 2006; USEPA 2005)

Class A waters are managed for high quality with limited human disturbance allowed; aquatic life use goal approximately Tier 1-2 on the Biological Condition Gradient. Direct discharges are allowed but highly restricted.

Class B waters are general-purpose water and are managed to attain good quality water; aquatic life use goal approximately Tier 3 on the Biological Condition Gradient. Well-treated discharges with ample dilution are allowed.

Class C waters are managed to attain at least the swimmable-fishable goals of the federal Clean Water Act and to maintain the structure and function of the biological community; aquatic life use goal approximately Tier 4 on the Biological Condition Gradient.

Table 4-17 Maine Water Quality Criteria for Classification of Fresh Surface Waters (38 MRSA §465)

	Dissolved Oxygen Numeric Criteria	Bacteria (<i>E. coli</i>) Numeric Criteria	Habitat Narrative Criteria	Aquatic Life (Biological) Narrative Criteria
Class AA	as naturally occurs	as naturally occurs	Free flowing and natural	No direct discharge of pollutants; <i>as naturally occurs</i>
Class A	7 ppm; 75% saturation	as naturally occurs	Natural	<i>as naturally occurs</i>
Class B	7 ppm; 75% saturation	64/100 ml (g.m.*) or 427/100 ml (inst.*)	Unimpaired	Discharges <i>shall not cause adverse impact</i> to aquatic life in that the receiving waters shall be of sufficient quality to <i>support all aquatic species indigenous to the receiving water without detrimental changes to the resident biological community.</i>
Class C	5 ppm; 60% saturation	142/100 ml (g.m.*) or 949/100 ml (inst.*)	Habitat for fish and other aquatic life	Discharges <i>may cause some changes</i> to aquatic life, provided that the receiving waters shall be of sufficient quality to <i>support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community.</i>

*"g.m." means geometric mean and "inst." means instantaneous level

ESTUARIES / OCEAN

Related Website: www.maine.gov/dep/water/coastal/index.html

Background

Maine has three classes for the management of estuarine and marine waters: SA, SB, and SC. SA waters are managed for high water quality with limited human interference allowed. No direct discharges of pollutants, including those from finfish aquaculture, are allowed in SA waters. SB waters are general-purpose waters and are managed to attain good quality water. Well-treated discharges of pollutants that have ample dilution are allowed. SC waters are managed for the lowest water quality, but they must be fishable and swimmable as well as maintain the structure and function of the biological community. Well-treated discharges of pollutants are allowed in SC waters. Each class is managed for designated uses and each has dissolved oxygen, bacteria and aquatic life standards (see Table 4-32 below).

Table 4-32 Maine's Estuarine and Coastal Waters Classification Standards

Class	Designated Use	Dissolved Oxygen	Bacteria	Aquatic Life
SA	Habitat for fish and estuarine and marine life Recreation in and on the water Fishing Aquaculture (not finfish) Propagation and harvesting shellfish Navigation	As naturally occurs	As naturally occurs	As naturally occurs
SB	Habitat for fish and estuarine and marine life Recreation in and on the water Fishing Aquaculture Propagation and harvesting shellfish Navigation Industrial process and cooling water supply Hydroelectric power generation	Not less than 85% of saturation	Enterococcus not higher than geometric mean 8/100ml or instantaneous of 54/100ml from 5/15 to 9/30 Not exceed criteria of National Shellfish Sanitation Program for shellfish harvesting	Support all indigenous estuarine and marine species Discharge not to cause closure of shellfish beds
SC	Habitat for fish and estuarine and marine life Recreation in and on the water Fishing Aquaculture Propagation and restricted shellfish harvesting Navigation Industrial process and cooling water supply Hydroelectric power generation	Not less than 70% of saturation	Enterococcus not higher than geometric mean 14/100ml or instantaneous of 94/100ml from 5/15 to 9/30 Not exceed criteria of National Shellfish Sanitation Program for restricted shellfish harvesting	Maintain structure and function of the resident biological community

Lake Classification and Designated Use Attainment Status

Statutory Classification

Maine statute (38 M.R.S.A. Section 465-A) has designated one standard (GPA) for the classification of great ponds and natural lakes less than 10 acres in size. Specifically, Class GPA waters:

A.) Class GPA waters shall be of such quality that they are suitable for the designated uses of drinking water after disinfection, recreation in and on the water, fishing, industrial process and cooling water supply, hydroelectric power generation and navigation and as habitat for fish and other aquatic life. The habitat shall be characterized as natural.

B.) Class GPA waters shall be described by their trophic state based on measures of the chlorophyll "a" content, Secchi disk transparency, total phosphorus content and other appropriate criteria. Class GPA waters shall have a stable or decreasing trophic state, subject only to natural fluctuations and shall be free of culturally induced algal blooms which impair their use and enjoyment. The number of Escherichia coli bacteria of human origin in these waters may not exceed a geometric mean of 29 per 100 milliliters or an instantaneous level of 194 per 100 milliliters.

C.) There may be no new direct discharge of pollutants into Class GPA waters. Aquatic pesticide treatments or chemical treatments for the purpose of restoring water quality approved by the department and storm water discharges that are in compliance with state and local requirements are exempt from the no discharge provision. Discharges into these waters licensed prior to January 1, 1986, are allowed to continue only until practical alternatives exist. No materials may be placed on or removed from the shores or banks of a Class GPA water body in such a manner that materials may fall or be washed into the water or that contaminated drainage therefrom may flow or leach into those waters, except as permitted pursuant to section 480-C. No change of land use in the watershed of a Class GPA water body may, by itself or in combination with other activities, cause water quality degradation that would impair the characteristics and designated uses of downstream GPA waters or cause an increase in the trophic state of those GPA waters.

Chapter 502: DIRECT WATERSHEDS OF LAKES MOST AT RISK FROM NEW DEVELOPMENT, AND URBAN IMPAIRED STREAMS

SUMMARY: This chapter describes the criteria used to identify the direct watersheds of lakes most at risk from new development and urban impaired streams and lists these waterbodies.

1. **Applicability.** This chapter applies to (A) a project that requires a stormwater permit pursuant to 38 M.R.S.A. § 420-D, and (B) a development that may substantially affect the environment and requires a site location of development (Site Law) permit pursuant to 38 M.R.S.A. §§ 481 - 490.
2. **Definitions.** Unless the context otherwise indicates, definitions of terms in chapter 500 apply to terms used in this chapter. See "Definitions", 06-096 CMR 500.3.
3. **Criteria.** The criteria in this section are used to identify the direct watersheds of lakes most at risk from new development and urban impaired streams.

The criteria apply for both projects requiring a stormwater permit and developments requiring a site location of development permit, unless otherwise specifically stated.

A. Direct watershed of a lake most at risk from new development. A lake is considered most at risk from new development if it meets the criteria below. Lakes most at risk from new development are listed in Appendix A of this chapter if it is

- (1) A public water supply; or
- (2) Identified by the department as being in violation of class GPA water quality standards or as particularly sensitive to eutrophication based on
 - (a) Current water quality,
 - (b) Potential for internal recycling of phosphorus,
 - (c) Potential as a cold water fishery,
 - (d) Volume and flushing rate, or
 - (e) Projected growth rate in the watershed.

Severely blooming lakes are a subset of lakes most at risk. A severely blooming lake has a history of algal blooms, and the reduction of existing watershed phosphorus sources sufficient to eliminate those algal blooms is expected to be so difficult that the addition of new, incompletely mitigated development sources may prevent successful restoration of the lake.

B. Urban impaired streams. A stream is considered impaired if it fails to meet water quality standards because of effects of stormwater runoff from developed land. Additional stormwater treatment controls are necessary in urban watersheds of impaired streams because proposed stormwater sources in urban and urbanizing areas contribute to the further degradation of stream water quality. Impaired streams are listed in Appendix B of this rule and include all streams

listed under Category 4-A or Category 5-A in the 2004 Integrated Water Quality Monitoring and Assessment Report that have urban non-point source (NPS) indicated as a potential source.

APPENDIX A

Lakes Most at Risk from New Development

(x) = Severely Blooming

LAKE	TOWN		
ABRAMS LAKE	EASTBROOKE	DUCKPUDDLE POND	WALDOBORO
ADAMS POND	BOOTHBAY	DUMPLING POND	CASCO
ADAMS POND	NEWFIELD	DUTTON POND	CHINA ALBION
ADAMS POND	BRIDGTON	EAGLE LAKE	BAR HARBOR
ALLEN POND	GREENE	EAST POND	SMITHFIELD
ANASAGUNTICOOK LAKE	CANTON	ECHO LAKE	PRESQUE ISLE
ANDERSON POND	AUGUSTA	ELL POND	SANFORD
ANDROSCOGGIN LAKE	WAYNE	ESTES LAKE	SANFORD
ANNABESSACOOK LAKE (X)	WINTHROP	ETNA POND	STETSON
BARTLETT POND	WATERBORO	FAIRBANKS POND	MANCHESTER
BAUNEG BEG POND	SANFORD	FLOODS POND	OTIS
BAY OF NAPLES	NAPLES	FOLLY POND	VINALHAVEN
BEAVER POND	BRIDGTON	FOREST LAKE	WINDHAM
BERRY POND	WINTHROP	FRESH POND	NORTH HAVEN
BERRY POND	GREENE	GARDINER POND	WISCASSET
BIRCH HARBOR POND	WINTER HARBOR	GARLAND POND	GARLAND
BLACK POND	SWEDEN	GRANNY KENT POND	SHAPLEIGH
BONNY EAGLE LAKE	BUXTON	GRASSY POND	ROCKPORT
BOULTER POND	YORK	GREAT MOOSE LAKE	HARTLAND
BOYD POND	LIMINGTON	GREAT POND	BELGRADE & ROME
BRANCH LAKE	ELLSWORTH	GREAT POND	CAPE ELIZABETH
BRANCH POND	CHINA	GREELEY POND	AUGUSTA
BRETTUNS POND	LIVERMORE	GREEN POND	OXFORD
BUKER POND	LITCHFIELD	HALEY POND	RANGELEY
BUNGANUT POND	LYMAN	HALF MOON POND	PROSPECT
BURNTLAND POND	STONINGTON	HALL POND	PARIS
CARLTON POND	WINTHROP	HANCOCK POND	EMBDEN
CHAFFIN POND	WINDHAM	HATCASE POND	DEDHAM
CHASES POND	YORK	HERMON POND	HERMON
CHICKAWAUKIE POND	ROCKPORT	HIGHLAND LAKE	BRIDGTON
CHINA LAKE	CHINA	HIGHLAND LAKE	WINDHAM
CITY POND	SANDY RIVER	HOBBS (LT PENNESSE.)	NORWAY
	PLANTATION	HOGAN POND	OXFORD
COBBOSSECONTEE LAKE	WINTHROP	HOLBROOK POND	HOLDEN
COCHNEWAGON LAKE	MONMOUTH	HOLLAND POND	LIMERICK
COFFEE POND	CASCO	HORNE POND	LIMINGTON
COLD RAIN POND	NAPLES	HOSMER POND	CAMDEN
CRAWFORD POND	WARREN	HUTCHINSON POND	MANCHESTER
CRESCENT POND	RAYMOND	INGALLS POND	BRIDGTON
CRYSTAL LAKE	GRAY	INGHAM POND	MOUNT VERNON
CRYSTAL POND	TURNER	ISINGLASS POND	LIMINGTON
DAM POND	AUGUSTA	JACOB BUCK POND	BUCKSPORT
DAMARISCOTTA LAKE,	NOBLEBORO	JIMMIE (JAMIES) POND	MANCHESTER
MIDDLE AND SOUTH BASINS		JIMMY POND	LITCHFIELD
DAVIS POND	HOLDEN	JORDAN POND	MOUNT DESERT
DEER POND	HOLLIS	KENNEBUNK POND	LYMAN
DEERING POND	SANFORD	KEZAR POND	WINTHROP
DESERT POND	MOUNT VERNON	KILLICK POND	HOLLIS
DEXTER POND	WINTHROP	KNICKERBOCKER POND	BOOTHBAY
DODGE POND	RANGELEY	KNIGHT POND	SOUTH BERWICK
		LAKE AUBURN	AUBURN
		LAKE GEORGE	SKOWHEGAN
		LAKE WOOD	BAR HARBOR
		LILLY POND	ROCKPORT
		LILY POND	SIDNEY
		LILY POND	NEW GLOUCESTER
		LITTLE COBBOSSEE	WINTHROP
		LITTLE DUCK POND	WINDHAM
		LITTLE MEDOMAK POND	WALDOBORO
		LITTLE OSSIPEE	WATERBORO

LITTLE POND	DAMARISCOTTA	PATTEN POND	HAMPDEN
LITTLE PURGATORY POND	MONMOUTH	PEMAQUID POND	WALDOBORO
LITTLE SABATTUS	GREENE	PENNESSEEWASSEE	NORWAY
LITTLE SEBAGO LAKE	WINDHAM	PETINGILL POND	WINDHAM
LITTLE TOGUS POND	AUGUSTA	PLEASANT POND	TURNER
LITTLE WATCHIC POND	STANDISH	PLEASANT POND (X)	RICHMOND
LITTLE WILSON POND	TURNER	POVERTY POND	NEWFIELD
LONG LAKE	BRIDGTON	QUIMBY POND	RANGELEY
LONG POND	BELGRADE	RAYMOND POND	RAYMOND
LONG POND	MOUNT DESERT	RICH MILL POND	STANDISH
LONG POND	BUCKSPORT	ROBERTS WADLEY POND	LYMAN
LONG POND	SULLIVAN	ROCKY POND	ROCKPORT
LOON POND	SABATTUS	ROUND POND	RANGELEY
LOON POND	LITCHFIELD	RUNAROUND POND	DURHAM
LOVEJOY POND	ALBION	SABATTUS POND (X)	GREENE
LOWER AND UPPER PONDS	SKOWHEGAN	SABBATHDAY LAKE	NEW GLOUCESTER
LOWER HADLOCK POND	MOUNT DESERT	SALMON L (ELLIS P)	BELGRADE
LOWER NARROWS POND	WINTHROP	SALMON STREAM POND	GUILFORD
LOWER RANGE POND	POLAND	SAND POND	MONMOUTH
MACES POND	ROCKPORT	SAND POND	LIMINGTON
MANSFIELD POND	HOPE	SANDY BOTTOM POND	TURNER
MARANACOOK LAKE	WINTHROP	SANDY POND	FREEDOM
MARSHALL POND	OXFORD	SAWYER POND	GREENVILLE
MCGRATH POND	OAKLAND	SCITUATE POND	YORK
MEDOMAK POND	WALDOBORO	SEBAGO LAKE	SEBAGO
MEGUNTICOOK LAKE	LINCOLNVILLE	SEBASTICOOK LAKE	NEWPORT
MESSALONSKEE LAKE	BELGRADE	SECOND POND	DEDHAM
MIDDLE BRANCH POND	ALFRED	SEWALL POND	ARROWSIC
MIDDLE RANGE POND	POLAND	SHAKER POND	ALFRED
MIRROR LAKE	ROCKPORT	SHERMAN LAKE	NEWCASTLE
MOODY POND	LINCOLNVILLE	SHY BEAVER POND	SHAPLEIGH
MOODY POND	WATERBORO	SILVER LAKE	BUCKSPORT
MOOSE HILL POND	LIVERMORE FALLS	SPECTACLE POND	VASSALBORO
MOOSE POND	OTISFIELD	STARBIRD POND	HARTLAND
MOUNT BLUE POND	AVON	SWAN POND	LYMAN
MOUSAM LAKE	SHAPLEIGH	SWETTS POND	ORRINGTON
MUD POND	WINSLOW	SYMMES POND	NEWFIELD
MUD POND	CHINA	TAYLOR POND	AUBURN
MUD POND	WINDSOR	THOMAS POND	CASCO
MUD POND	OXFORD	THOMPSON LAKE	OXFORD
MURDOCK POND	BERWICK	THREECORNERED POND	AUGUSTA
NEQUASSET POND	WOOLWICH	THREEMILE POND (X)	WINDSOR
NICHOLS POND	SWANVILLE	TOGUS POND	AUGUSTA
NO NAME POND	LEWISTON	TOLMAN POND	AUGUSTA
NOKOMIS POND	NEWPORT	TOOTHAKER POND	PHILLIPS
NORTH POND	NORWAY	TRAVEL POND	JEFFERSON
NORTH POND	SUMNER	TRICKEY POND	NAPLES
NORTH POND	SMITHFIELD	TRIPP POND	POLAND
NORTON POND	LINCOLNVILLE	TYLER POND	MANCHESTER
NOTCHED POND	RAYMOND	UNITY POND	UNITY
NUBBLE POND	RAYMOND	UPPER NARROWS POND	WINTHROP
OAKS POND	SKOWHEGAN	UPPER RANGE POND	POLAND
OTTER POND	BRIDGTON	WADLEY POND	LYMAN
OTTER PONDS #2	STANDISH	WARD POND	SIDNEY
PANTHER POND	RAYMOND	WARDS POND	LIMINGTON
PARADISE POND	DAMARISCOTTA	WARREN POND	SOUTH BERWICK
PARKER POND	CASCO	WASSOOKEAG LAKE	DEXTER
PARKER POND	JAY	WATCHIC POND	STANDISH
PARKER POND	LYMAN	WEBBER POND (X)	VASSALBORO
PATTEE POND	WINSLOW	WEST GARLAND POND	GARLAND

WEST HARBOR POND
WHITES POND
WHITNEY POND
WHITTIER POND
WILEY POND
WILSON POND
WOOD POND
WOODBURY POND
WORTHLEY POND
YORK POND

BOOTHBAY HARBOR
PALMYRA
OXFORD
ROME
BOOTHBAY
WAYNE
BRIDGTON
MONMOUTH
POLAND
ELIOT

YOUNGS LAKE

WESTFIELD

APPENDIX B

Urban impaired streams

STREAM	TOWN
LOGAN BROOK	AUBURN
UNNAMED TRIBUTARY TO BOND BROOK (entering below I-95)	AUGUSTA
PENJAWOC STREAM, including MEADOW BROOK	BANGOR
BIRCH STREAM (OHIO STREET)	BANGOR
UNNAMED BROOK (PUSHAW ROAD)	BANGOR
ARCTIC BROOK (VALLEY AVENUE)	BANGOR
SHAW BROOK	BANGOR, HAMPDEN
MARE BROOK	BRUNSWICK
UNNAMED TRIBUTARY TO ANDROSCOGGIN RIVER (near Jordan Avenue)	BRUNSWICK
UNNAMED TRIBUTARY TO ANDROSCOGGIN RIVER (near River Road)	BRUNSWICK
UNNAMED TRIBUTARY TO ANDROSCOGGIN RIVER (near Water Street)	BRUNSWICK
CARIBOU STREAM	CARIBOU
FROST GULLY BROOK	FREEMPORT
CONCORD GULLY	FREEMPORT
DILL BROOK	LEWISTON
JEPSON BROOK	LEWISTON
BROWN BROOK	LIMERICK
MATTANAWCOOK STREAM	LINCOLN
UNNAMED STREAM (Route 196)	LISBON FALLS
CAPISIC BROOK	PORTLAND
FALL BROOK	PORTLAND
NASONS BROOK	PORTLAND
GOOSEFARE BROOK	SACO
TROUT BROOK (including KIMBALL BROOK)	SOUTH PORTLAND
BARBERRY CREEK	SOUTH PORTLAND
LONG CREEK	SOUTH PORTLAND
PHILLIPS BROOK	SCARBOROUGH
RED BROOK	SCARBOROUGH, SOUTH PORTLAND
WHITTEN BROOK	SKOWHEGAN
UNNAMED TRIBUTARY TO ANDROSCOGGIN RIVER (near Topsham Fair Mall)	TOPSHAM
MILL STREAM	WINTHROP

AUTHORITY: 38 M.R.S.A. §§ 341-D, 420-D, and 484

EFFECTIVE DATE: December 31, 1997

REPEALED AND REPLACED EFFECTIVE: November 16, 2005

AMENDED EFFECTIVE: December 27, 2006

WATER QUALITY SUMMARY

SWAN LAKE, Swanville

Midas: 5492, Basin 1

The Maine Department of Environmental Protection (ME-DEP) and the Volunteer Lake Monitoring Program (VLMP) have collaborated in the collection of lake data to evaluate present water quality, track algae blooms, and determine water quality trends. This dataset does not include bacteria, mercury, or nutrients other than phosphorus.

Water quality monitoring datasets for Swan Lake have been collected since 1977. During this period, 7 years of basic chemical information was collected, in addition to Secchi Disk Transparencies (SDT). In summary, the water quality of Swan Lake is considered to be above average, based on measures of SDT, total phosphorus (TP), and Chlorophyll-a (Chla). The potential for nuisance algal blooms on Swan Lake is low.

Water Quality Measures: Swan Lake is a non-colored lake (average color 9 SPU) with an average SDT of 6.8m (22.4ft). The range of water column TP for Swan Lake is 3-10 parts per billion (ppb) with an average of 7 ppb, while Chla ranges from 0.8-2.9 ppb with an average of 2.2 ppb. Recent dissolved oxygen (DO) profiles show little DO depletion in deep areas of the lake. The potential for TP to leave the bottom sediments and become available to algae in the water column (internal loading) is low. Oxygen levels below 5 parts per million stress certain cold water fish, and a persistent loss of oxygen may eliminate or reduce habitat for sensitive cold water species.

See ME-DEP Explanation of Lake Water Quality Monitoring Report for measured variable explanations. Additional lake information can be found on the Internet at <http://www.lakesofmaine.org/> and/or <http://www.maine.gov/dep/blwq/lake.htm>, or telephone the ME-DEP at 207-287-3901 or the VLMP at 207-783-7733.

Filename: SWAN5492, Revised: 3/2006, By JP

LAKE: SWAN L (VLMP 27)
 TOWN: SWANVILLE
 COUNTY: WALDO

MIDAS: 5492
 *TRUE BASIN: 1
 *SAMPLE STATION: 1

SUMMARY OF CHEMICAL AND TROPHIC STATE PARAMETERS:

YEAR	MEAN	MEAN	MEAN	MEAN	TOTAL PHOS. MEANS (ppb)				SECCHI DISK (m.)				CHLOROPHYLL A(ppb)			TROPHIC STATE INDICES			
	COLOR	pH	ALK	COND.	EPI	SURF	BOT.	PRO.	MIN.	MEAN	MAX.	N	MIN.	MEAN	MAX.	EPI PHOS		SEC	CHL
	(SPU)		(mg/l)	(uS/cm)	CORE	GRAB	GRAB	GRAB								C	G		
1997	-	-	-	-	-	-	-	-	6.2	7.3	10.1	4	-	-	-	-	-	-	-
1998	9	-	9.5	46	5	-	6	-	4.9	6.2	8.1	6	1.2	2.0	2.7	-	-	37	-
1999	-	-	-	-	-	-	-	-	5.0	6.5	8.3	6	-	-	-	-	-	35	-
2000	-	-	-	-	-	-	-	-	5.3	6.0	7.3	5	-	-	-	-	-	39	-
2001	-	-	-	-	-	-	-	-	5.4	7.2	8.9	6	-	-	-	-	-	30	-
2002	-	-	-	-	-	-	-	-	5.8	7.1	9.1	5	-	-	-	-	-	31	-
2003	4	-	10.8	52	10	5	-	-	5.8	7.6	10.5	4	0.8	0.9	0.9	-	-	-	-
2004	-	-	-	-	-	-	-	-	6.1	7.1	9.5	4	-	-	-	-	-	-	-
2005	-	-	-	-	-	4	-	-	5.1	7.7	10.0	4	-	-	-	-	-	-	-
2006	-	-	-	-	-	-	-	-	6.4	7.0	8.0	6	-	-	-	-	-	32	-
2007	9	7.37	8.7	47	-	5	-	-	6.1	7.7	8.6	4	-	-	-	-	-	-	-
2008	-	-	-	-	-	-	-	-	7.2	8.1	8.7	4	-	-	-	-	-	-	-
2009	-	-	-	-	-	-	-	-	4.8	6.6	8.7	4	-	-	-	-	-	-	-
2010	-	-	-	-	-	-	-	-	7.2	7.9	9.5	5	-	-	-	-	-	-	26
SUMMARY:	9	7.02	8.7	36	7	5	12	-	4.2	6.9	10.5	29	0.8	2.2	2.9	-	-	34	-

LATE SUMMER TEMPERATURE / DISSOLVED OXYGEN PROFILES:

DEPTH	SAMPLE DATE																	
	08/23/08		09/06/08		08/16/09		08/30/09		09/13/09		08/08/10		08/22/10		09/05/10			
	m	°C	ppm	°C	ppm													
0.0	22.0	8.6	22.0	8.8	24.6	8.2	21.7	8.0	20.5	8.6	23.5	8.1	23.6	8.2	23.9	8.2		
1.0	22.0	8.6	22.0	8.8	24.6	8.2	21.7	7.9	20.6	8.8	23.5	8.1	23.6	8.2	23.9	8.2		
2.0	22.0	8.6	22.0	8.8	24.5	8.4	21.7	8.0	20.5	8.8	23.5	8.1	23.6	8.2	23.9	8.2		
3.0	22.0	8.6	22.0	8.9	24.5	8.4	21.7	8.0	20.5	8.8	23.6	8.1	23.6	8.2	23.9	8.2		
4.0	22.0	8.6	22.0	8.6	24.3	8.3	21.7	8.0	20.5	8.8	23.6	8.1	23.6	8.2	23.9	8.2		
5.0	22.0	8.4	21.0	8.7	23.8	8.2	21.7	9.0	20.5	8.8	23.6	8.1	23.5	8.2	23.9	8.2		
6.0	22.0	9.8	21.0	9.0	22.2	8.1	21.7	8.0	20.3	8.6	23.5	8.1	23.3	8.2	22.1	8.7		
7.0	21.0	8.4	21.0	8.9	19.4	7.5	21.6	8.0	20.2	8.5	23.4	8.1	23.1	8.2	21.9	8.8		
8.0	18.0	9.8	21.0	8.8	16.7	5.7	17.7	5.8	19.3	7.8	19.7	9.4	23.0	8.2	21.1	8.5		
9.0	15.0	9.4	18.0	9.0	15.6	5.1	15.8	4.1	15.7	3.1	16.3	8.6	16.2	8.3	20.0	8.2		
10.0	12.0	6.4	13.0	7.0	14.9	4.8	13.2	3.1	13.2	2.4	14.1	7.5	14.4	6.9	15.9	6.0		
11.0	11.0	6.0	12.0	5.8	12.2	4.1	12.0	3.3	12.2	2.4	12.9	7.2	13.2	6.2	13.1	5.3		
12.0	10.0	6.0	11.0	5.6	11.2	4.6	11.0	3.7	11.3	2.9	12.0	6.6	11.7	5.9	13.0	5.1		
13.0	10.0	5.8	10.0	5.0	10.0	5.1	10.2	3.9	10.7	3.2	11.2	6.5	11.0	5.6	11.8	5.1		
14.0	9.0	5.4	9.0	4.5	9.7	5.1	10.0	4.1	10.1	3.4	10.6	6.2	10.4	5.2	11.7	4.9		
15.0	9.0	5.1	9.0	4.3	9.6	5.1	9.9	4.0	9.8	3.5	10.1	5.8	10.2	5.0	10.5	4.5		
16.0	9.0	5.0	9.0	4.0	9.6	4.9	9.7	4.0	9.7	3.4	10.0	5.8	9.9	4.6	10.3	4.5		
17.0	9.0	4.6	9.0	3.8	9.5	4.9	9.6	3.9	9.6	3.4	9.9	5.4	9.8	4.4	10.1	4.0		
18.0	9.0	4.4	9.0	3.8	9.4	4.7	9.5	3.9	9.6	3.2	9.8	5.2	9.8	4.2	9.8	3.5		
19.0	9.0	4.4	9.0	3.6	9.4	4.7	9.5	3.9	9.5	3.1	9.7	5.1	9.7	4.2	9.9	3.5		
20.0	9.0	4.4	9.0	3.5	9.4	4.7	9.5	3.9	9.5	3.1	9.7	5.1	9.7	4.1	9.8	3.4		
21.0	9.0	4.2	9.0	3.5	9.4	4.7	9.4	3.9	9.5	2.9	6.9	5.0	9.7	3.9	9.7	3.2		
22.0	9.0	4.2	9.0	3.4	9.3	4.6	9.4	3.8	9.5	2.9	9.6	4.5	9.6	3.7	9.7	3.2		
23.0	9.0	4.0	9.0	3.2	9.3	4.6	9.4	3.8	9.4	2.8	9.6	4.4	9.6	3.7	9.7	3.1		
24.0	9.0	3.6	9.0	2.8	9.3	4.5	9.4	3.7	9.4	2.8	9.5	3.9	9.6	3.6	9.7	3.0		
25.0	9.0	3.4	9.0	2.6	9.3	4.3	9.4	3.6	9.4	2.6	9.5	3.7	9.6	3.6	9.6	2.9		

LAKE: SWAN L (VLMP 27)
 TOWN: SWANVILLE
 COUNTY: WALDO

MIDAS: 5492
 TRUE BASIN: 1
 SAMPLE STATION: 1

WHOLE LAKE INFORMATION

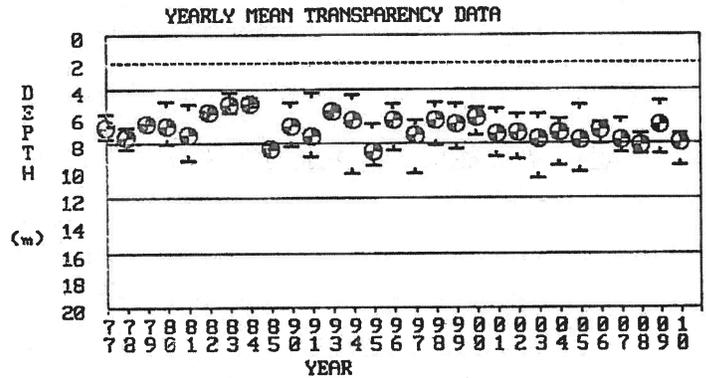
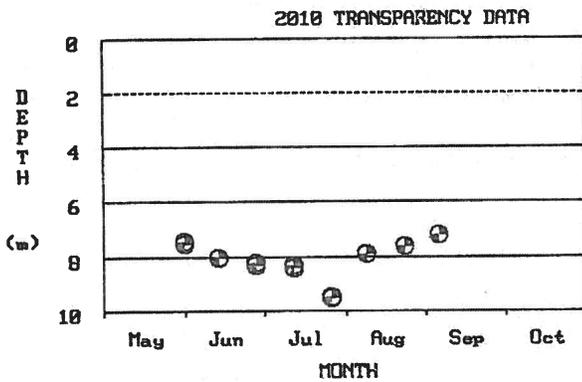
MAX. DEPTH: 27 m. (87 ft.)
 MEAN DEPTH: 10 m. (34 ft.)
 DELORME ATLAS #: 22
 USGS QUAD: MOUNT WALDO
 IFW REGION B: Belgrade Lakes (Augusta)
 IFW FISH. MANAGMENT: Warmwater & Coldwater

TRUE BASIN CHARACTERISTICS

SURFACE AREA: 552.0 ha. (1364.0 a.)
 FLUSHING RATE: 0.30 flushes/yr.
 VOLUME: 50839872.0 cu. m. (41241 ac.-ft.)
 DIRECT DRAINAGE AREA: 22.48 sq. km. (8.68 sq. mi.)

PLEASE NOTE THE FOLLOWING: The SAMPLE STATION # refers to the location sampled. The term TRUE BASIN is used to define areas within a lake that are separated by shallow reefs or shoals and therefore function as separate lakes. There are approximately 50 lakes in the state that have more than 1 True Basin. True Basin Characteristics are now being included in the first section of these reports to enable users of the Phosphorous Loading Methodology to better evaluate the data. If there is no data for a particular True Basin, True Basin Characteristics must be obtained from the DEP. SWAN L has 1 True Basin(s).

SECCHI DISK TRANSPARENCY GRAPHS:



Note: 2010 graphs may indicate multiple readings taken on a given day.

SUMMARY OF CHEMICAL AND TROPHIC STATE PARAMETERS:

[* indicates that Secchi disk was visable at bottom of lake (or one reading used in calculation was visable)].

YEAR	MEAN COLOR	MEAN pH	MEAN ALK	MEAN COND.	TOTAL PHOS. MEANS (ppb)				SECCHI DISK (m.)				CHLOROPHYLL A(ppb)			TROPHIC STATE INDICES			
	(SPU)		(mg/l)	(uS /cm)	EPI CORE	SURF GRAB	BOT. GRAB	PRO. GRAB	MIN.	MEAN	MAX.	N	MIN.	MEAN	MAX.	EPI	PHOS	SEC	CHL
1977	-	-	-	-	-	-	-	-	5.8	6.8	7.6	3	-	-	-	-	-	-	-
1978	-	-	-	-	-	-	-	-	6.8	7.5	8.3	3	-	-	-	-	-	-	-
1979	10	6.90	7.0	-	7	-	12	-	6.5	6.5	6.5	1	2.6	2.6	2.6	-	-	-	-
1980	-	-	-	-	-	-	-	-	4.8	6.7	8.0	5	-	-	-	-	-	34	-
1981	-	-	-	-	-	-	-	-	5.0	7.3	9.2	5	-	-	-	-	-	30	-
1982	12	6.90	8.0	42	9	-	12	-	5.5	5.6	5.7	1	2.8	2.9	2.9	-	-	-	-
1983	-	7.12	-	-	-	-	-	-	4.2	5.1	5.7	6	-	-	-	-	-	47	-
1984	-	-	-	-	-	-	-	-	4.5	5.0	5.2	2	-	-	-	-	-	-	-
1985	7	7.10	7.0	20	3	-	8	-	8.0	8.3	8.3	2	-	-	-	-	-	-	-
1990	-	-	-	-	-	-	-	-	4.9	6.7	8.2	7	-	-	-	-	-	34	-
1991	15	6.91	10.0	39	7	-	-	-	4.2	7.4	8.9	4	-	-	-	-	-	-	-
1993	-	-	-	-	-	-	-	-	5.5	5.5	5.5	1	-	-	-	-	-	-	-
1994	8	-	-	8	7	-	21	-	4.3	6.2	10.1	3	2.9	2.9	2.9	-	-	-	-
1995	-	-	-	-	-	-	-	-	6.5	8.5	9.5	4	-	-	-	-	-	-	-
1996	-	-	-	-	-	-	-	-	5.0	6.2	8.4	6	-	-	-	-	-	37	-

Indian Pond	Sapling Twp.	16207	2000	14207	0.15	2131	334.4	good	h	1.00	334.43	0.157	533
Doliff Pond	Searsport	143	10	133	0.2	27	0.92	mod-sensitive	m	1.00	0.92	0.035	7
Lawry Pond	Searsport	2263	200	2063	0.2	413	16.71	mod-sensitive	m	1.00	16.71	0.040	103
Levenseller Pond	Searsport	219	40	179	0.25	45	2.09	mod-stable	m	1.25	2.61	0.058	11
Little Pond	Searsport	158	70	88	0.2	18	2.13	mod-sensitive	m	1.00	2.13	0.121	4
Quantabacook Lake	Searsport	6807	700	6107	0.25	1527	61.62	mod-sensitive	m	1.00	61.62	0.040	382
Ruffingham Meadow Pond Pond	Searsport	1798	400	1398	0.2	280	10.82	mod-stable	m	1.25	13.53	0.048	70
Sennebec Pond	Searsport	14161	1500	12661	0.2	2532	126.6	mod-sensitive	h	0.75	94.96	0.038	633
Tilden Pond	Searsport	217	25	192	0.2	38	2.02	mod-stable	m	1.25	2.53	0.066	10
Unnamed Pond, drains to Quantabacook L. wetland	Searsport	128	12	116	0.2	23	1.12	mod-sensitive	m	1.00	1.12	0.048	6
Cain Pond	Searsport	454	25	429	0.2	86	3.66	mod-sensitive	m	1.00	3.66	0.043	21
Halfmoon Pond	Searsport	380	40	340	0.25	85	5.79	mod-sensitive	h	0.75	4.34	0.051	21

Appendix C

Per Acre Phosphorus Allocations for Selected Maine Lakes

Updated 11/8/10

Lake Name	Town in which development is located	Direct Watershed Area in Town (acres) DDA	Area not available for development (acres) ANAD	Area available for development (acres) AAD	GF	Expected developed area (acres) D	(lbP/yr) F	Water Quality Category WQC	LOP	C	FC	Per acre phosphorus allocation (lb/acre/yr) P	Small Watershed Threshold (acres) SWT
McClure Pond	Searsport	593	85	508	0.25	127	5.71	mod-sensitive	m	1.00	5.71	0.045	32
Swan Lake	Searsport	2132	200	1932	0.25	483	36.49	mod-sensitive	h	0.75	27.37	0.057	121
Peabody Pond	Sebago	1151	115	1036	0.35	363	21.69	mod-sensitive	h	0.75	16.27	0.045	91
Sebago Lake	Sebago	12214	2400	9814	0.3	2944	364.5	outstanding	h	0.50	182.23	0.062	736
Barker Pond	Sebago	1062	100	962	0.25	241	15.01	mod-sensitive	h	0.75	11.26	0.047	60
Browns Pond	Sebago	659	60	599	0.25	150	5.71	mod-sensitive	m	1.00	5.71	0.038	37
Cold Rain Pond	Sebago	34	0	34	0.2	7	0.28	mod-sensitive	h	0.75	0.21	0.031	2
Hancock Pond	Sebago	1025	100	925	0.3	278	17.7	mod-sensitive	h	0.75	13.28	0.048	69
Mariner Pond	Sebago	2379	500	1879	0.25	470	16.69	mod-sensitive	m	1.00	16.69	0.036	117
Perley Pond	Sebago	81	2	79	0.25	20	0.99	mod-sensitive	m	1.00	0.99	0.050	5
Southeast Pond	Sebago	1312	100	1212	0.25	303	12.12	mod-sensitive	m	1.00	12.12	0.040	76
Woods Millpond	Sebago	266	15	251	0.2	50	1.54	mod-sensitive	m	1.00	1.54	0.031	13
Mousam Lake, North Basin	Shapleigh	4665	550	4115	0.35	1440	71.94	mod-sensitive	h	0.75	53.96	0.037	360
Mousam Lake, South Basin	Shapleigh	1205	250	955	0.3	287	13.56	mod-sensitive	h	0.75	10.17	0.035	72
East Pond	Smithfield	1492	130	1362	0.25	341	29.96	poor restorable	m	0.50	14.98	0.044	85
Great Pond	Smithfield	1267	275	992	0.25	248	26.5	mod-sensitive	h	0.75	19.88	0.080	62
North Pond	Smithfield	6100	530	5570	0.25	1393	82.7	mod-sensitive	m	1.00	82.70	0.059	348
Little Pond	Smithfield	29	9	20	0.2	4	0.28	mod-sensitive	m	1.00	0.28	0.070	1
N. Basin, Damariscotta Lake	Somerville	4628	463	3702	0.2	740	54.81	mod-sensitive	h	0.75	41.11	0.055	185
Long Lake	St. Agatha	11003	600	10403	0.2	2081	161.3	mod-sensitive	h	0.75	120.98	0.058	520
Sebago Lake	Standish	10743	3200	7543	0.35	2640	320.6	outstanding	h	0.50	160.29	0.061	660
Adams Pond	Standish	32	3	29	0.2	6	0.24	mod-sensitive	m	1.00	0.24	0.041	1
Bonney Eagle Lake	Standish	1981	400	1581	0.3	474	14.86	mod-sensitive	m	1.00	14.86	0.031	119
Duck Pond	Standish	93	5	88	0.25	22	0.9	mod-sensitive	m	1.00	0.90	0.041	6
Halfmoon Pond	Standish	54	10	44	0.25	11	0.55	mod-sensitive	m	1.00	0.55	0.050	3
Little Watchic Pond	Standish	1037	150	887	0.25	222	8.44	mod-sensitive	m	1.00	8.44	0.038	55
Otter Ponds #2	Standish	34	2	32	0.3	10	0.55	mod-sensitive	h	0.75	0.41	0.043	2
Otter Ponds #3	Standish	14	1	13	0.3	4	0.3	mod-sensitive	m	1.00	0.30	0.077	1
Rich Mill Pond	Standish	1981	500	1481	0.25	370	12.3	mod-sensitive	m	1.00	12.30	0.033	93
Snake Pond	Standish	39	3	36	0.25	9	0.39	mod-sensitive	m	1.00	0.39	0.043	2

Appendix 4 - Natural Resources

The following information is provided for your information and is not intended to be used as a basis for any decision. The information is based on the best available data and is subject to change. The information is provided for your information and is not intended to be used as a basis for any decision. The information is based on the best available data and is subject to change.

The following information is provided for your information and is not intended to be used as a basis for any decision. The information is based on the best available data and is subject to change. The information is provided for your information and is not intended to be used as a basis for any decision. The information is based on the best available data and is subject to change.

The following information is provided for your information and is not intended to be used as a basis for any decision. The information is based on the best available data and is subject to change. The information is provided for your information and is not intended to be used as a basis for any decision. The information is based on the best available data and is subject to change.

Beginning with HABITAT

An Approach to Conserving Maine's Natural
Space for Plants, Animals and People

www.beginningwithhabitat.org

October 17, 2017

Dear Comprehensive Plan Committee:

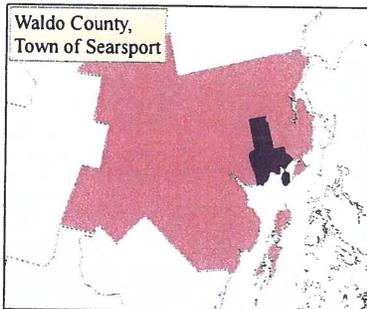
On behalf of the Maine Department of Inland Fisheries and Wildlife, we are pleased to be able to provide you with the accompanying Beginning with Habitat paper map set and information CD (sent separately), assembled to assist you in your local planning efforts. Included is a PDF document entitled: *Beginning with Habitat: Conserving Maine's Natural Landscape for Plants, Animals and People*. The purpose of this document is to help you use the Beginning with Habitat materials in responding to the State Planning Office's requirements for comprehensive plans. Additionally, each map includes detailed information within its legend to help you identify individual resources and to understand limitations of the data. The CD also includes a series of fact sheets that provide additional information regarding specific species and habitats known to occur within your town, PDF copies of the printed maps, as well as GIS shapefiles.

If at any time you have questions regarding these materials, their use and accuracy, please do not hesitate to contact us. The Beginning with Habitat staff is ready to assist you in employing resource information appropriately in guiding local future growth and development decisions. We also offer on-site public presentations to better familiarize your planning committee and other town residents with our program, the special natural resources that occur within your town, and options for better safeguarding resources for future generations. We would be happy to meet with your committee to discuss the comprehensive planning process and how to make the most of the BwH information attached. Please visit our web-site: www.beginningwithhabitat.org for additional information as well.

Sincerely,

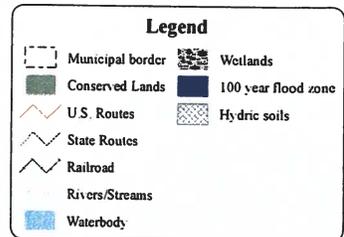
Amanda Shearin,
Beginning with Habitat Program Coordinator

Bill Hancock,
Beginning with Habitat Cartographer and GIS



Searsport Development Constraints

Source Data: USDA, MEGIS, Maine DACF
 Projection: UTM, NAD83, Zone 19, Meters
 Produced by: Municipal Planning
 Assistance Program, DACF
 October 2017



Comprehensive Planning Resource Packages

October 2017

Geological information from the Maine Geological Survey

Searsport

Significant Sand and Gravel Aquifer Maps:

Neil, Craig D. (compiler), Locke, Daniel B. (mapper) , 2014, [Significant sand and gravel aquifers in the Searsport quadrangle, Maine](#): Maine Geological Survey, Open-File Map 14-20, map, scale 1:24,000.

Neil, Craig D. and Locke, Daniel B. (compilers), Locke, Daniel B. (mapper), 2001, [Significant sand and gravel aquifers in the Mount Chase quadrangle, Maine](#): Maine Geological Survey, Open-File Map 01-172, map, scale 1:24,000.

Neil, Craig D. and Foley, Michael E., 2006, [Significant sand and gravel aquifers in the Castine quadrangle, Maine](#): Maine Geological Survey, Open-File Map 06-13, map, scale 1:24,000.

Surficial geology maps:

Thompson, Woodrow B., 2014, [Surficial geology of the Searsport quadrangle, Maine](#): Maine Geological Survey, Open-File Map 14-23, map, scale 1:24,000.

Thompson, Woodrow B., 2013, [Surficial geology of the Castine quadrangle, Maine](#): Maine Geological Survey, Open-File Map 13-8, map, scale 1:24,000.

Hildreth, Carol T., 2014, [Surficial geology of the Mount Waldo quadrangle, Maine](#): Maine Geological Survey, Open-File Map 14-22, map, scale 1:24,000.

Coastal geology maps:

Dickson, Stephen M., 2003, [Coastal landslide hazards in the Searsport quadrangle, Maine](#): Maine Geological Survey, Open-File Map 03-23, map, scale 1:24,000.

Dickson, Stephen M., 2003, [Coastal landslide hazards in the Castine quadrangle, Maine](#): Maine Geological Survey, Open-File Map 03-101, map, scale 1:24,000.

Bryant, Marita, Barnhardt, Walter A., Murray, Kendra, Keblinsky, Corinn C., Dickson, Stephen M., Kelley, Joseph T., 2003, [Coastal bluffs in the Searsport quadrangle, Maine](#): Maine Geological Survey, Open-File Map 03-24, map, scale 1:24,000.

Barnhardt, Walter A., Bryant, Marita, Keblinsky, Corinn C., Dickson, Stephen M., Kelley, Joseph T., 2003, [Coastal bluffs in the Castine quadrangle, Maine](#): Maine Geological Survey, Open-File Map 03-102, map, scale 1:24,000.

Sand and gravel aquifer map information

From the map explanation:

WHAT IS AN AQUIFER?

Ground water, as the name implies, is water found below the land surface in the pore spaces between sand grains and in fractures in the bedrock (see diagrams below). An *aquifer* is a water-bearing geologic formation capable of yielding a usable amount of ground water to a well. In Maine there are two types of aquifers; loose soil materials (such as sand, gravel, and other sediments) and fractured bedrock. A sand and gravel deposit is considered a *significant aquifer* when a well in that deposit is capable of being continuously pumped at a rate of 10 gallons per minute (gpm) or more. To sustain a yield of 10 gpm or more, a deposit must be permeable enough for water to flow readily into the well as it is pumped (see section on *porosity* and *permeability* below), and there must be a sufficient depth of water in the well so that it will not be pumped dry.

The diagram below shows a schematic cross section of a sand and gravel aquifer in Maine. The symbols above the diagram correspond to the well symbols shown on the map at left. Information typically shown for these wells includes type of well, depth to bedrock, depth to water, and well yield. The blue line in the diagram is the *water table*. The area below the water table is called the *saturated zone*, where all pore spaces between the sediment particles are filled with water. In order to yield water, a well must extend below the water table into the saturated zone. Notice that the water table corresponds to the water level in most wells and in the stream.

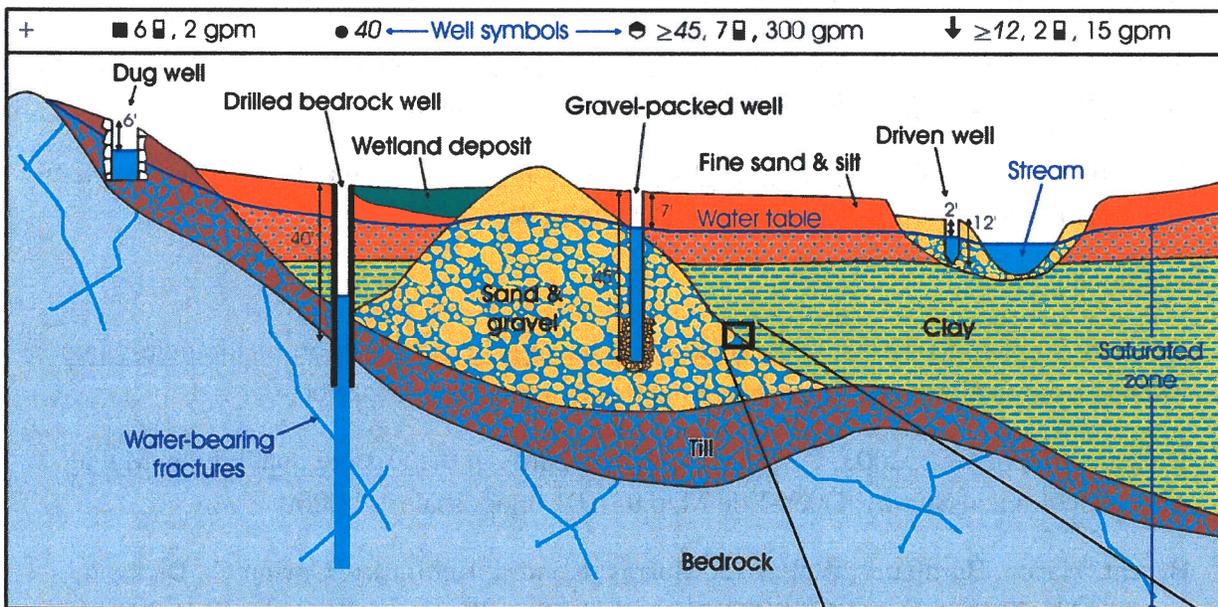
Several types of wells, common in Maine, are shown in the diagram. A *dug well* is a large diameter hole excavated by hand or backhoe. The hole is kept from caving in by installing a lining that may be stone, tile, or cement blocks. The hole must be deep enough to extend below the water table. The shallow dug well in the diagram has a yield of 2 gpm. Although the yield is often low, dug wells generally supply enough ground water for a household because of the large amount of water stored in the well.

A *gravel-packed well* is usually installed into coarse-grained sediment and is drilled with a much larger diameter than the final casing and screen diameter. To increase the yield and pumping efficiency of the well, the space around the well screen is filled with selected gravel that increases the permeability in the immediate vicinity of the well. The gravel-packed well in the diagram has a high yield of 300 gpm. Such high-yielding gravel-packed wells are commonly drilled for municipal or industrial water systems.

A *driven well* or *well point* can be installed into sand and gravel where the water table is within about 20 feet of the ground surface. A 2 to 3 inch diameter pipe, equipped with a well screen at its lower end, is driven into the deposit until the screen is below the water table. This pipe acts as a casing, and water is pumped directly from the aquifer. The driven well in the diagram has a significant yield of 15 gpm. Although the yield is relatively high, driven wells generally only supply a single household because very little water is stored in the well casing.

Wells of any type constructed in the other sediments shown in the diagram (clay or fine sand and silt) would yield some water, but yields would be lower than for wells in coarse-grained sand and gravel deposits.

Another type of well common in Maine is the *drilled bedrock well*. This well is drilled into the underlying rock with steel casing to isolate the well from potential surface-water contamination. In this type of well water is found when the well hole intersects water-bearing fractures in the bedrock. Notice how the water level in this well is not the same level as the water table. The well casing isolates the bedrock well from overlying sediments. The water level is controlled by water pressure in the fractures in the bedrock and is not related to the water table in overlying materials.



Coastal bluff map information

What is a coastal bluff?

On this map, a bluff is defined as a steep shoreline slope formed in sediment (loose material such as clay, sand, and gravel) that has three feet or more of vertical elevation just above the high tide line. Cliffs or slopes in bedrock (ledge) surfaces are not bluffs and are not subject to significant erosion in a century or more. Beaches and dunes do not form bluffs, except along the seaward dune edge as a result of erosion. The [map sidebar \(pdf\)](#) contains additional information describing coastal bluffs.

Coastal Bluffs Maps

Coastal Bluffs Maps show the shoreline type and relative stability of bluffs along the Maine coast. The slope, shape, and amount of vegetation covering a coastal bluff and the adjacent shoreline are directly related to the susceptibility of the bluff face to ongoing erosion. For more information, read the [map explanation \(pdf\)](#) or link to our [tips for reading coastal bluffs maps](#).

Uses of coastal bluff information

These maps can help identify shorelines with increased risk of coastal erosion. Bluff erosion can result in a landward shift of the top edge of the bluff. This shoreline change is a natural process that, by itself, is not a coastal hazard. Only when erosion threatens something of value, such as a building near the bluff edge, does bluff retreat become a hazard. Understanding local erosion rates can help determine the severity, and perhaps longevity, of coastal development along a bluff edge.

Additional information on coastal bluff maps:

<http://www.maine.gov/dacf/mgs/pubs/mapuse/series/descrip-bluff.htm>

Coastal landslide hazard map information

What are coastal landslide hazards?

Sea level is gradually rising along the coast of Maine. This rise in the ocean allows waves to erode beaches and flats at the base of coastal bluffs. Over time, erosion removes material from the base of a coastal bluff and steepens the face of the bluff. Sediments at the base of the bluff stabilize it, and when they are removed, the bluff is no longer in equilibrium. Only the strength of the material within the bluff holds the bluff in place. Continued erosion or lubrication of the bluff materials by ground water may overcome this internal resistance, particularly in clay bluffs, and result in a landslide. The [map sidebar \(pdf\)](#) contains additional information describing coastal landslide hazards.

Coastal Landslide Hazards Maps

Coastal Landslide Hazards Maps show locations of known landslides and areas of potential landslide hazard on bluffs along the Maine coast. The explanation describes factors influencing landslide risk. For more information, read the [map explanation \(pdf\)](#) or link to our [tips for reading landslide hazard maps](#).

Uses of coastal landslide hazard information

This map provides an introduction to understanding landslide risk and guidance on what steps to take if the risk of a landslide is a concern in a particular coastal area. Landslides can occur in high coastal bluffs composed of muddy sediment. This landslide hazards map describes the internal stability of sediment bluffs.

Additional information on coastal hazards:

<http://www.maine.gov/dacf/mgs/explore/marine/facts/coastal-hazard.htm>

Surficial geology information

Surficial deposits are the unconsolidated earth materials that overlie bedrock. They cover a large percentage of the State and include sediments deposited by wind, water, and glacial ice. Glacial deposits are by far the most abundant surficial materials in Maine.

Consideration of surficial materials is important for land-use planning. The properties of these materials affect their values as aquifers, landfill or sewage disposal sites, construction sites, and sources of gravel and other resources.

Glacial sand and gravel deposits: These coarse-grained deposits are often good groundwater aquifers; sources of gravel aggregate

Glacial marine mud and lake deposits: these fine-grained deposits are poorly drained and are the material in which most landslides occur in Maine.

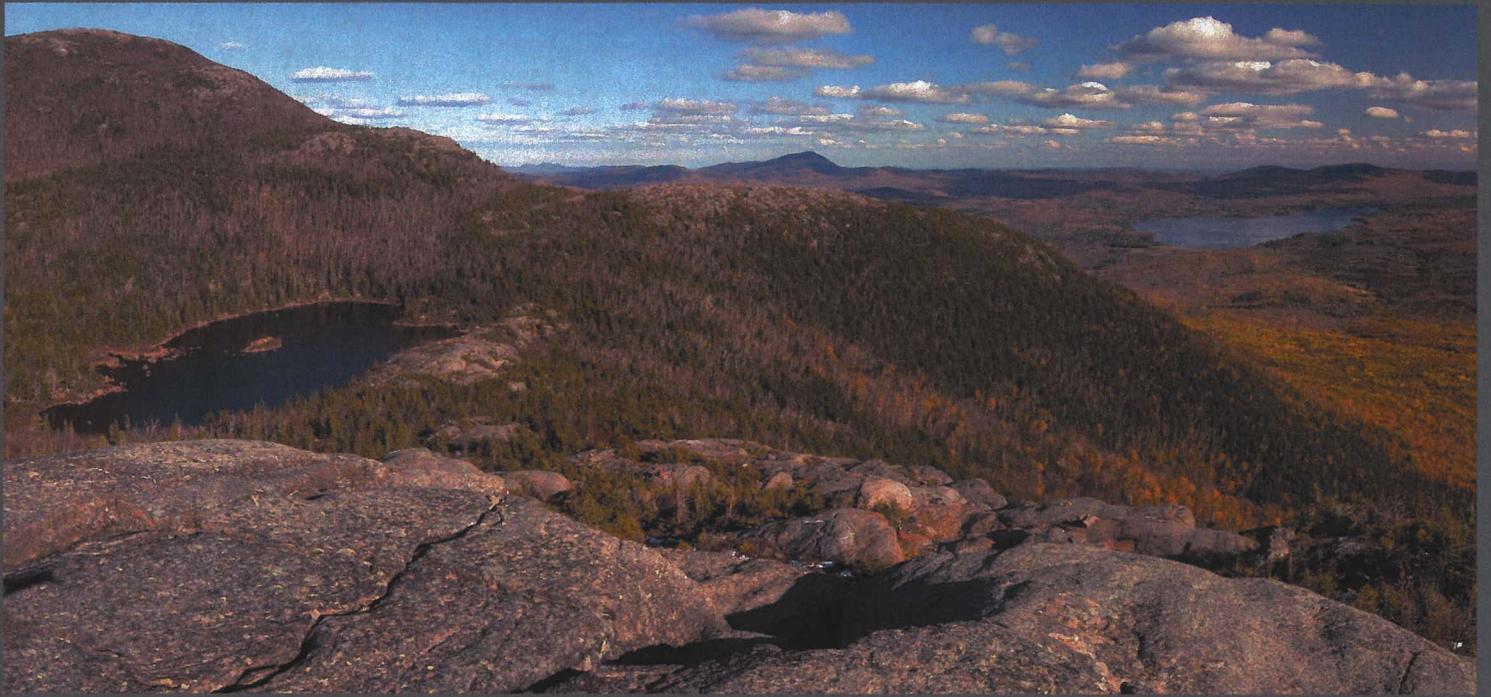
Further information can be found in [Bulletin 44: Surficial geology handbook for southern Maine.](#)

All maps, reports, and digital data are available from the Maine Geological Survey

<http://www.maine.gov/dacf/mgs/>

207-287-2801

93 State House Station, Augusta ME 04333



Beginning with Habitat



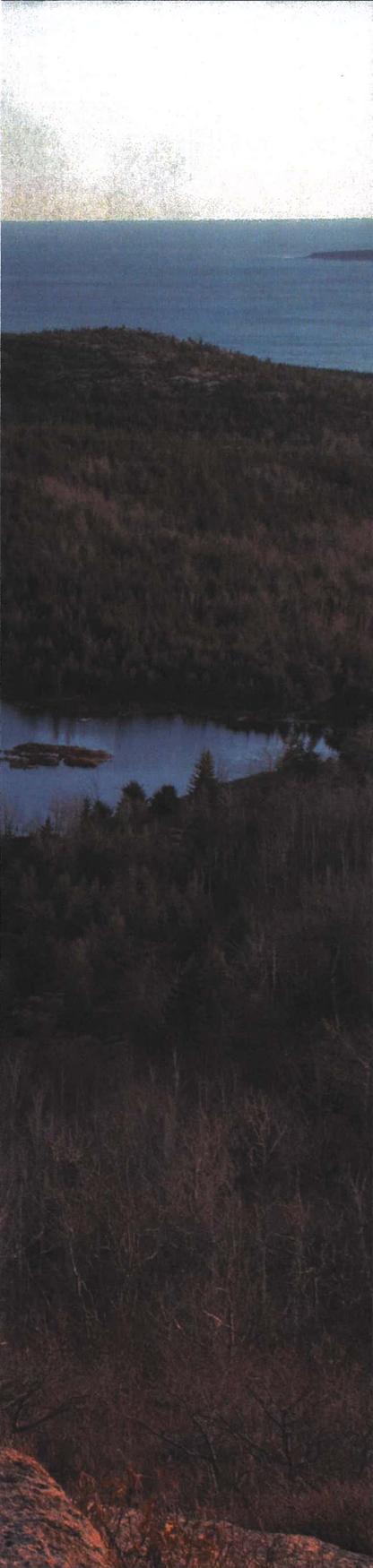
Conserving Maine's Natural Landscape
for Plants, Animals, and People



You can ensure that clean water, healthy wildlife habitat, local farming, sustainable forestry, and open space for recreation remain key elements of Maine's landscape.

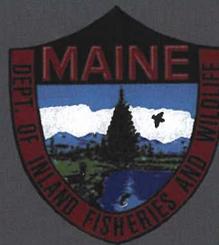
Beginning with Habitat can help.





Beginning with Habitat

Conserving Maine's Natural Landscape
for Plants, Animals, and People



Maine Department of Inland Fisheries and Wildlife
Beginning with Habitat Program

2012

About Beginning with Habitat

Maine's Beginning with Habitat program is an award-winning, first-in-the-nation effort to bring the best available information to local planners, municipal leaders, landowners, residential and commercial developers, and other concerned citizens. Founded in 2001, the program is an innovative and highly collaborative partnership that brings together public agencies and private conservation organizations to consolidate information on wildlife and habitat from all over the state. It also develops practical tools for communities to incorporate conservation into land use planning. It is the only statewide, smart-growth initiative in Maine that provides on-the-ground tools to local communities for landscape-scale conservation. The model has been recommended for use in all 50 states.

Beginning with Habitat partners include Maine Audubon, Maine Coast Heritage Trust, The Nature Conservancy in Maine, Maine Department of Agriculture, Conservation and Forestry, Maine Department of Inland Fisheries and Wildlife, Maine Department of Transportation, Small Woodland Owners Association of Maine, and the U.S. Fish and Wildlife Service.



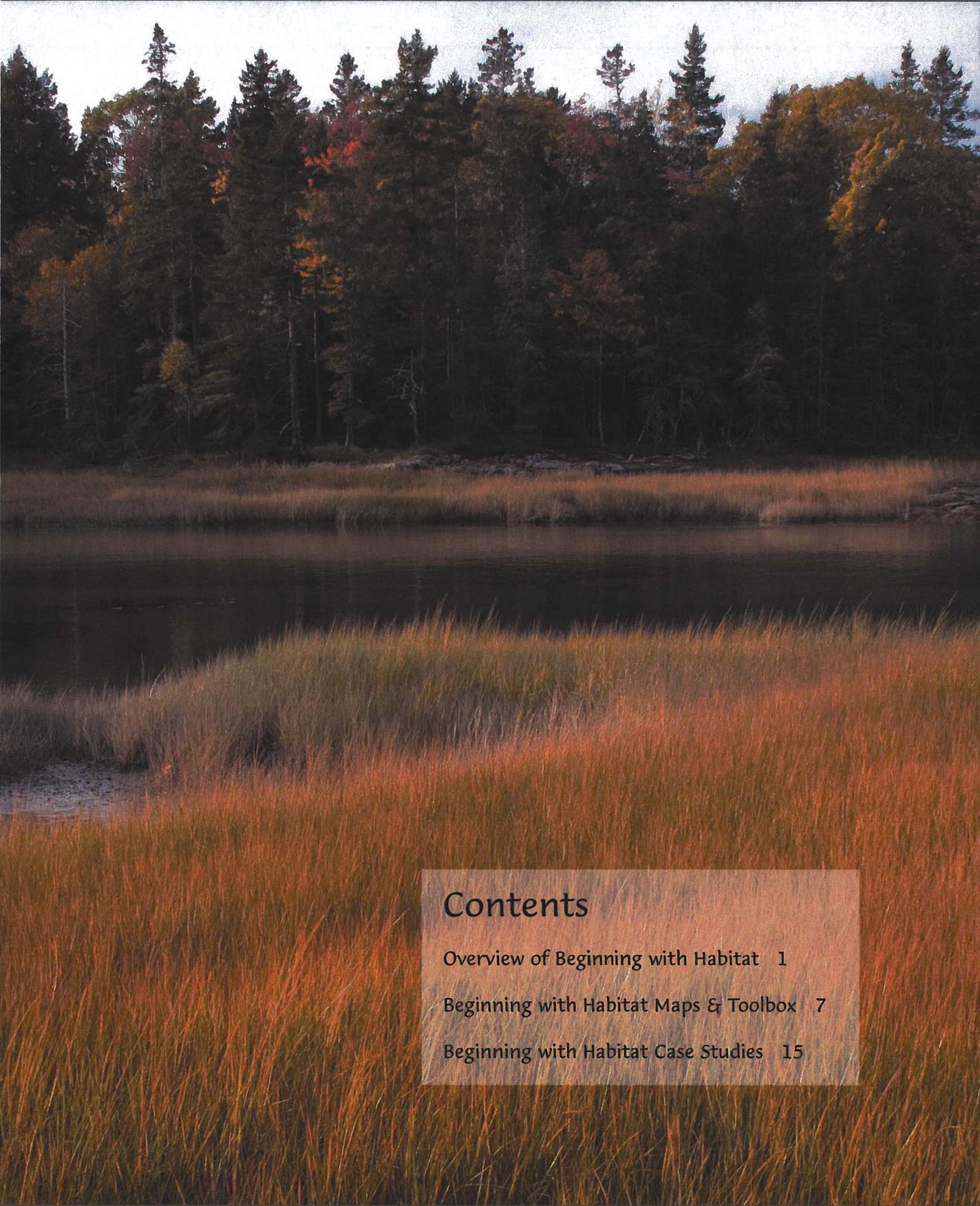
Beginning with Habitat
Maine Department of Inland Fisheries and Wildlife
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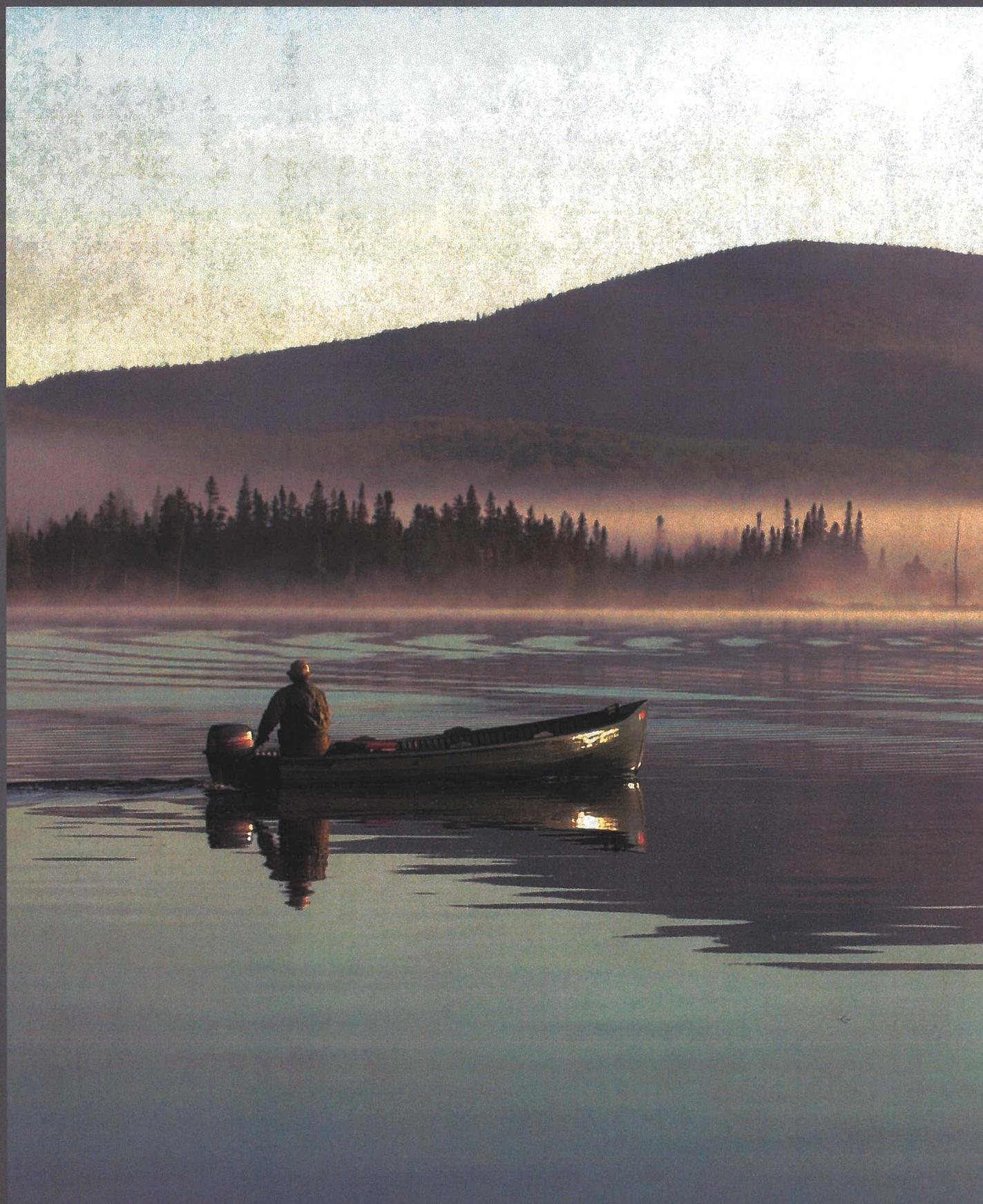


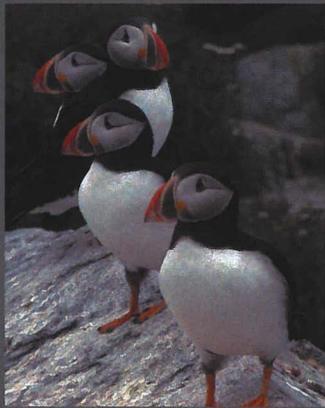
Contents

Overview of Beginning with Habitat 1

Beginning with Habitat Maps & Toolbox 7

Beginning with Habitat Case Studies 15





Overview of Beginning with Habitat

Abundant and varied natural resources provide the backdrop of life in Maine. We drink clean water. We hunt, fish, boat, watch wildlife, and hike in some of the most scenic landscapes in the world. We grow and harvest commodities that are sought by people from all over. In essence, Maine's natural resources help create a cherished quality of life. They attract and support businesses and draw new residents and visitors. The secret is out, and the state's population is increasing as more people realize the values of living and working in Maine.

Mainers should not take their clean water, wildlife, or natural areas for granted. Travel just a short way south and you'll see many communities that missed opportunities to protect their natural resources and now must try to restore what was lost. Development has spread north, however, and Maine is now facing some of the same challenges that these southern neighbors experienced in the last several decades. Between 1980 and 2000, widespread urbanization and scattered rural development dramatically changed more than 1,300 square miles of the state's landscape (an area roughly the size of Rhode Island). In the 1990s, only the state of Virginia lost a greater share of its natural lands than Maine⁽¹⁾. Maine still has the opportunity for proactive conservation, both at the local community level and throughout the state.

To maintain Maine's special qualities for generations to come, communities need the best available information to produce sound conservation strategies. They also must ensure continued economic vitality and the Maine way of life, which includes responsible development and preservation of local economies. Natural resource conservation and economic development are not just compatible, they are essential and interdependent. But good information and careful planning are needed to ensure that neither unnecessarily impedes the other. Maine's wildlife habitats and water resources are affected, for better or worse, by nearly every land use decision. Throughout the state, people are realizing the benefits of developing long-range conservation and growth plans for single parcels of land, neighborhoods, communities, and regions. Effective plans should have well-defined goals, strategies, and tools.

This is where *Beginning with Habitat* can help.

(1) The Brookings Institution Metropolitan Policy Program. 2006. *Charting Maine's Future: An Action Plan for Promoting Sustainable Prosperity and Quality Places*.

Facing page: Travis Barrett. This page (top to bottom): Ethan Nedeau, Ron Logan, Paul Cyr, Phillip deMaynadier

Beginning with Habitat is an innovative, nationally recognized initiative that consolidates natural resource information and provides practical tools to incorporate conservation into land use planning. Beginning with Habitat helps planners consider their community's diverse goals when deciding what to protect and where to grow. The program provides an efficient, low-cost way to plan for growth while assuring that communities remain attractive to residents and businesses well into the future. Although statewide in scope, it also helps local people meet local conservation priorities. Landowners, concerned citizens, local and regional planners, municipal leaders, and land trusts can all benefit from the information and tools that Beginning with Habitat provides.

The Value of Beginning with Habitat

Beginning with Habitat provides the best available expertise and information on the location and quality of local waters and wetlands, plant and animal habitats, and large unfragmented landscapes, as well as critical connections between these areas. By knowing where these natural assets occur, people can make more informed choices about where to encourage development, and where land protection efforts can have the most lasting ecological benefits. At no cost, Beginning with Habitat provides the following services:

- **Maps and Data:** Up-to-date spatial information about natural resources is available through several sources: as large paper maps, on compact disks, and through an online map service. The electronic data can be viewed and analyzed with computer-based Geographic Information Systems (GIS).
- **Conservation Planning Assistance:** Through presentations, workshops, and technical support, Beginning with Habitat staff help with community planning and project implementation.
- **Tools and Strategies:** Beginning with Habitat tailors tools and strategies to match local needs, drawing from success stories and lessons learned by other conservation programs in the state.

Beginning with Habitat works directly with the individuals and entities who prompt or make the vast majority of land use decisions in Maine, including landowners, locally elected officials, municipal planners, volunteer committees, land trusts, and residential and commercial developers. These people have an influential role in the

appearance of Maine's landscape and the character of its communities. Critical natural resources and the state's cherished way of life can be preserved when conservation partners work together with consistent information and shared priorities.

With citizen support, municipalities can use these Beginning with Habitat tools to steer development away from high-value natural resources and toward areas most appropriate for growth. This is a win-win for both conservation and development, and good examples abound. In Biddeford, Beginning with Habitat worked with a developer to create a residential subdivision that avoided key habitats for rare wildlife species, and to set aside open space where it would yield the greatest ecological benefit. In Brunswick, Beginning with Habitat helped the town solicit feedback from local developers, realtors, homebuyers, and recreation interests regarding approaches to conservation and future housing needs. This led to the creation of a conservation blueprint now tied to the protection of more than 800 rural acres.

Proactive planning that is guided by up-to-date natural resource data yields myriad practical benefits, such as minimizing regulatory review time for proposed projects and increasing the efficiency of delivering municipal services. Beginning with Habitat has created an online "toolbox" with extensive information about creating and updating comprehensive plans and open space plans, as well as examples of how local Maine communities are promoting conservation and preserving their quality of place.

Land trusts throughout Maine increasingly seek Beginning with Habitat's assistance, particularly for defining high-value lands and waters for strategic protection within



Conservation planning in Cushing, Maine. Photo: BWH staff



With rolled-up sleeves and Beginning with Habitat maps, people engage in conservation planning in western Maine. Photo: BwH staff

their service areas. Beginning with Habitat data and maps can also assist with preparation of grant applications. For example, within the exceptional St. George River watershed in mid-coast Maine, Beginning with Habitat showed a local land trust how to focus on high-value wildlife habitat and lands that could provide the greatest public benefit if protected. This helped the land trust expand the quality and quantity of property it protects across the region.

Landowners interested in conserving their properties can use Beginning with Habitat to identify financial support or learn about ways to structure conservation agreements. Landowners seeking permits for development can speed the permit review process by taking advantage of Beginning with Habitat information early in a project's planning phase, when potential issues and opportunities can be identified and addressed more efficiently. Maps provided by Beginning with Habitat highlight many resources that are regulated by the state and federal government, and also include information about important non-regulated natural features that may help landowners evaluate their properties. Landowners can work with Beginning with Habitat to best design projects that minimize impacts and effectively designate open space that secures conservation values.

You add the crucial local knowledge and enthusiasm to champion local action. It takes multiple coordinated efforts to protect a network of lands, but the rewards are well worth the time and effort. The protected lands will

benefit wildlife, preserve clean water, support traditional natural-resource businesses, enhance outdoor recreation, and invest in Maine's highly valued rural character and quality of life.

The Beginning with Habitat Approach

Like humans, wildlife species need food, water, and shelter for their day-to-day survival, and mates to maintain resilient populations for generations to come. Unlike most humans, however, Maine's resident animals need these resources to occur close by, within distances that they are able to travel daily (or seasonally). Some wildlife can persist in areas no larger than a grove of trees, or sometimes even a single tree trunk, whereas others may need more than a hundred square miles of unbroken wilderness. One of the great challenges for wildlife conservation is to maintain natural landscapes that allow *all* native animals to flourish. Despite any regional or global challenges to Maine's wildlife, such as pollution, non-native species, and climate change, experts believe that habitat conservation within the state's borders will allow more than 85 percent of our vertebrate animals to persist⁽²⁾.

Maine's Wildlife Action Plan and the Beginning with Habitat Program are founded on the same goal: to stra-

(2) William B. Krohn and Jeffrey A. Hepinstall. 2000. A Habitat-based Approach for Identifying Open-Space Conservation Needs in Southern Maine Towns. Report to the MDIFW Wildlife Division Habitat Committee.

Maine's Wildlife Action Plan

The United States Fish and Wildlife Service required every state to create a Wildlife Action Plan; these were mandated in 2000 and completed in 2005. The primary goal of Maine's plan was to conserve a network of habitats that could collectively maintain in perpetuity the state's native biodiversity. To complete its plan, Maine reviewed the status of animal species (plants were not considered, aside from their values as habitat for wildlife) and identified priority actions and research needs. Completion of the Wildlife Action Plan made the state's conservation programs eligible for federal funding for wildlife and habitat conservation. The Beginning with Habitat program is core to Maine's Wildlife Action Plan, as it provides outreach and conservation assistance to communities.

Climate Change

Maine scientists predict a three-foot increase in sea level by 2050, a higher amount of annual precipitation, more frequent severe floods, shorter winters, and more droughts. Beginning with Habitat can help communities plan for these and other potential impacts of climate change. For example, by using larger culverts and wider bridges, we can reduce the severity and duration of flooding and associated road repairs, maintain or enhance connections between aquatic and terrestrial habitats by improving fish and wildlife passage, and benefit both people and wildlife. By prioritizing low-lying undeveloped coastal areas for conservation, towns can avoid investing in infrastructure in flood prone areas and conserve sites where future coastal marshes and mudflats will form as sea levels rise.

tegically protect a network of land, water, and shoreline habitats to maintain healthy populations of Maine's native wildlife. To form such a network, three primary kinds of specific landscapes are needed: (1) water resources and riparian habitats, (2) high-value plant and animal habitats, and (3) undeveloped habitat blocks. These landscapes must be connected in a way that allows wildlife to move safely and uninhibited from one place to another.

1. Water Resources and Riparian Habitats

Maine is blessed with a wealth of water resources, including wetlands, lakes, ponds, rivers, streams, and open ocean. These waters, and the land along their shores (riparian habitats), are essential for wildlife and for the health, safety, and recreational pursuits of residents and visitors alike. The values of healthy aquatic ecosystems and intact riparian buffers are immeasurable, and include benefits such as:

- Providing food, water, shelter, and migration corridors for wildlife
- Purifying and protecting the quality of surface water and groundwater, stabilizing shorelines, and reducing the severity of floods
- Maintaining ecologically, recreation-ally, and economically important fish and shellfish populations
- Providing opportunities for nature-based tourism

These benefits can be compromised by the effects of poorly planned development,

and this may ultimately affect human health, recreation, and the economic vitality of Maine's communities.

2. High-Value Plant and Animal Habitats

Rare plant and animal species, rare and exemplary natural communities, and significant wildlife habitats are special parts of Maine's landscape and are vital to the overall health of our natural areas. Maine is home to at least 352 species of plants and 203 species of animals that are considered rare, threatened, or endangered, as well as 58 rare natural community types (places where certain groups of plants and animals exist together).

Ensuring the long-term survival of this treasured natural heritage is a significant conservation challenge. Threatened and endangered animals are afforded some limited protection under the Maine Endangered Species Act, but most upland (non-wetland) rare plants and rare



Maine is one of the last great strongholds for native brook trout in the United States. Photo: Bill Curtsinger



Moose, one of the great symbols of the wildness of Maine. Photo: Paul Cyr

and exemplary natural communities receive little formal state protection. Beginning with Habitat can help conservation partners identify where any of these important elements may occur, and also assist with conservation strategies, thereby enhancing local protection.

3. Undeveloped Habitat Blocks and Connections

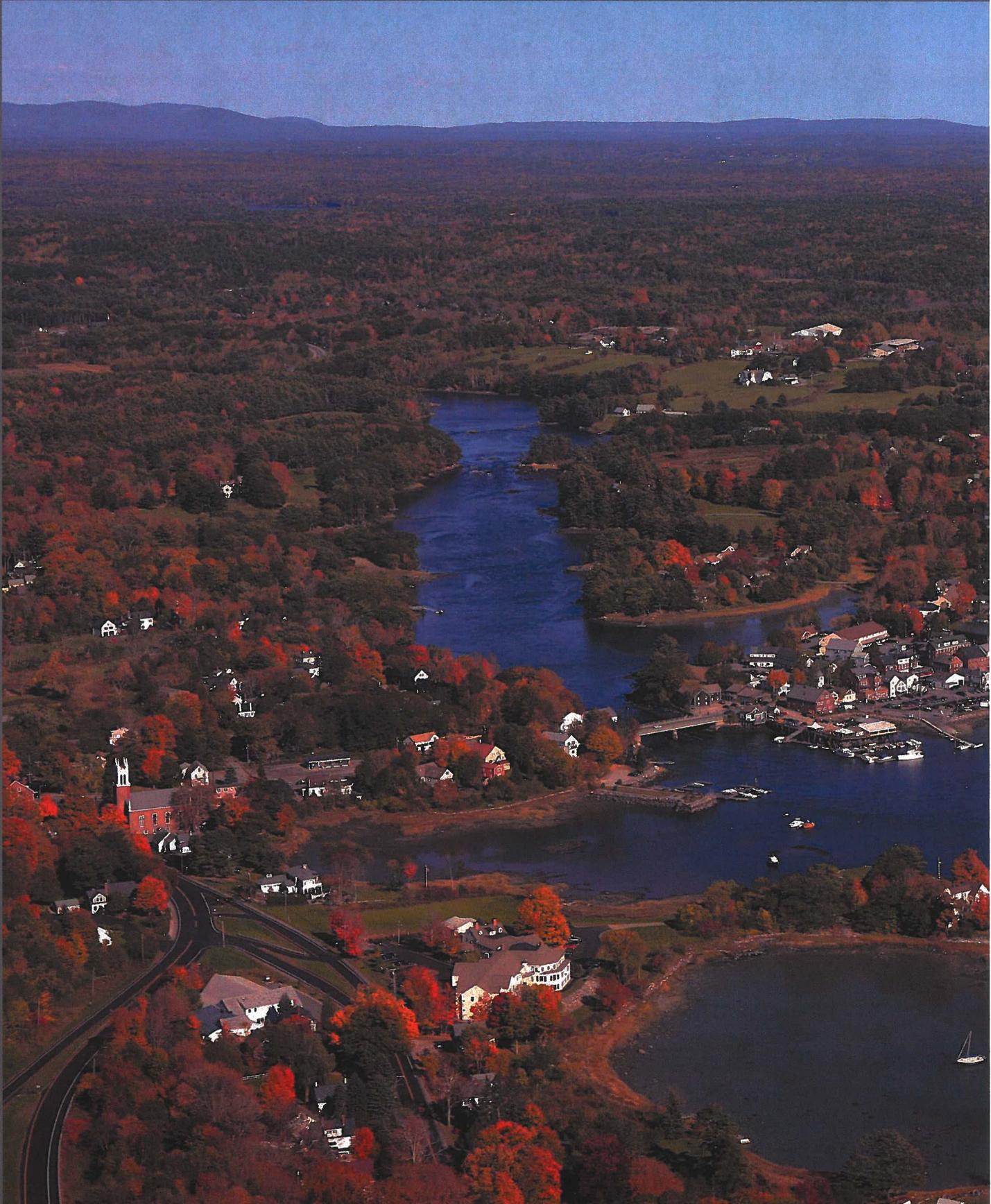
Large, undeveloped natural areas with no roads are essential to sustaining Maine's great variety of plants and animals—and to maintaining the unique rural character of the state, its important natural resource-based economy, and our emblematic outdoor activities.

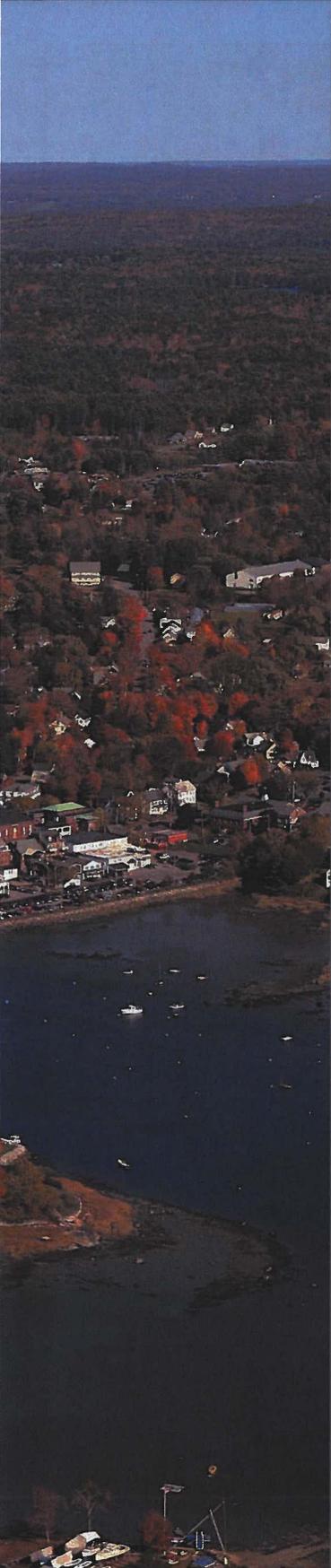
Many towns in Maine still have continuous tracts of undeveloped land larger than 2,000 acres that support working forests and agriculture, and protect water supplies. Local governments and conservation partners have the opportunity to protect these intact natural areas before they become ruined by rapid, unplanned growth. But quick action is needed. Even in rural and remote areas of Maine, a substantial increase of new and newly upgraded (widened and/or paved) roads is fragmenting formerly unbroken forests. Along these roads, poorly sized or maintained culverts sometimes isolate aquatic species

populations from one another, blocking them from moving through streams. Construction of new homes is also fragmenting wildlife habitat, both in subdivisions and on single lots with long, dead-end roads.

Natural corridors that connect habitat blocks are essential. Just like you travel between home, work, school, and the grocery store, wildlife species need to travel both long and short distances between habitats in search of food, water, and breeding sites. Deer, for example, move to special wintering areas during times of heavy snowfall. Brook trout move to cold, deep pools in the heat of mid-summer. Some salamander species breed only in vernal pools, but reside underground in upland forests the rest of the year. Even plants need to move between habitats, with the help of bees, bears, or wind to carry pollen and disperse seed to new areas.

When certain species cannot get to where they need to go, their populations eventually decline and then disappear, perhaps forever. Conversely, maintaining or enhancing habitat connections in strategic locations can help wildlife respond better to changes in climate, or to invasions of foreign species, and will help ensure a rich diversity of species across the landscape long into the future.





Beginning with Habitat Maps & Toolbox

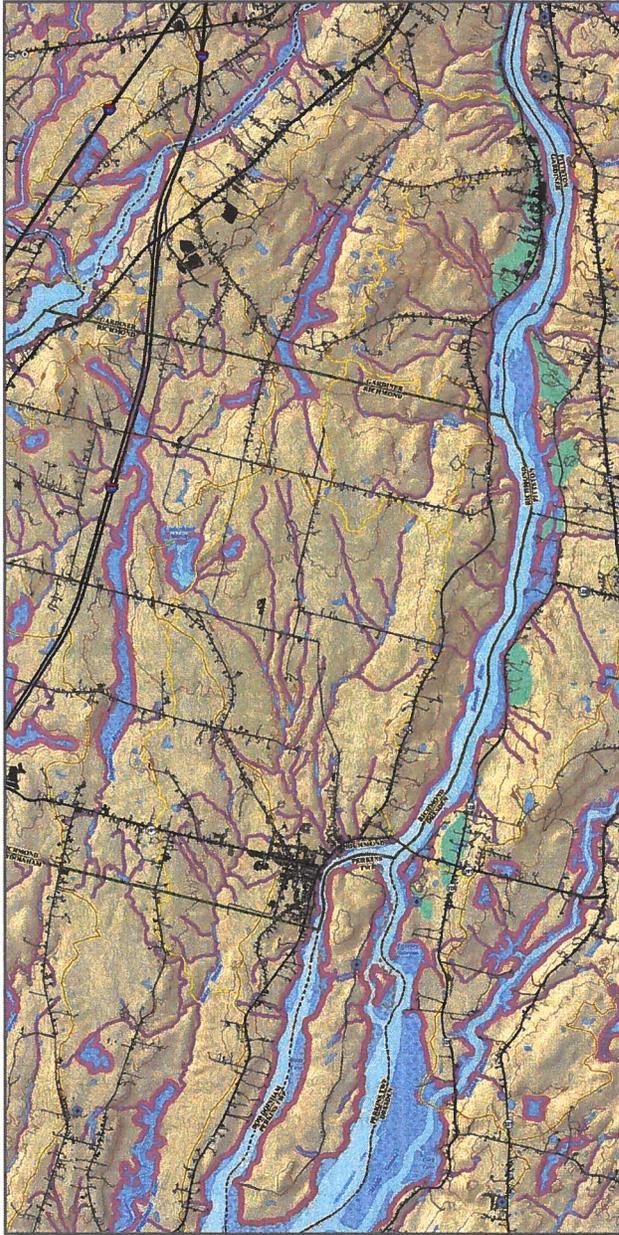
Beginning with Habitat provides each town in Maine with a collection of maps, supporting information that depicts and describes significant natural resources in a town, and tools to implement habitat conservation in local land use planning. These maps and tools help local decision-makers create a vision for their community, design a landscape, and develop a plan that provides habitat for all species and balances future development with conservation.

Maps

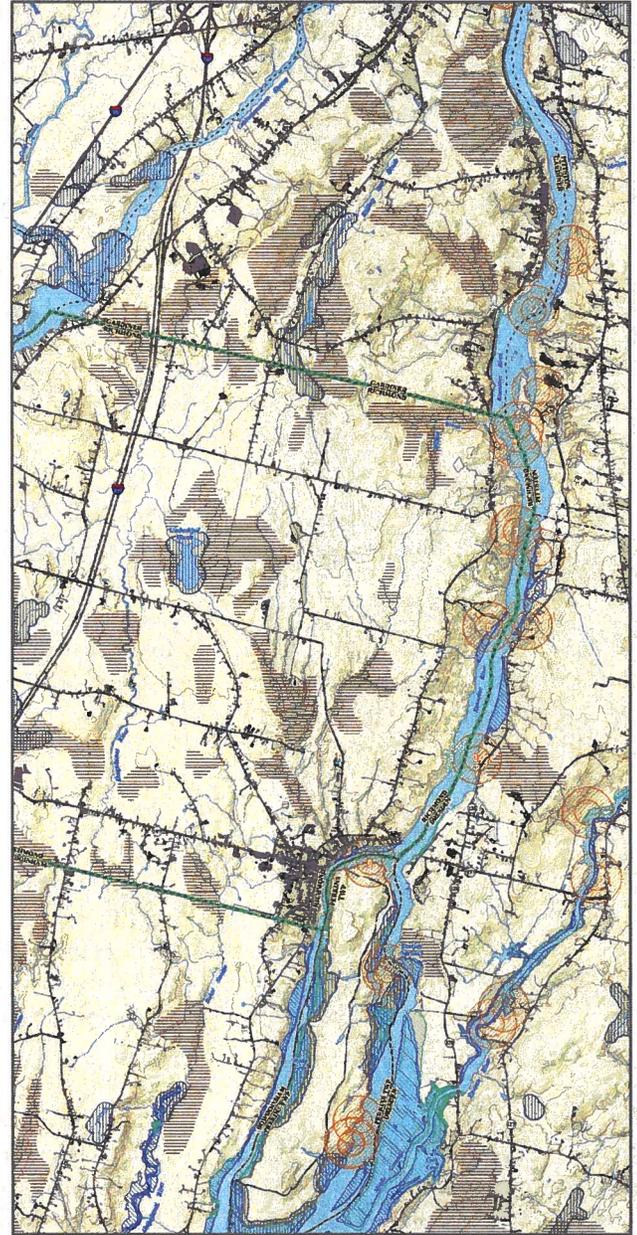
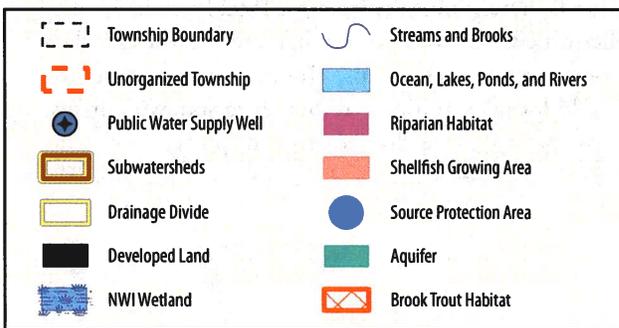
The Beginning with Habitat approach to wildlife conservation lends itself to mapping. One of the program's most important services is to provide up-to-date maps and supporting information. For each town in Maine, Beginning with Habitat offers three primary maps and three supplemental maps that collectively convey an enormous range of information that is relevant to local and regional planning. Poring over these maps with your neighbors, town officials, land planners, developers, and natural resource professionals should be one of the first steps in designing a network of wildlife habitats, designating local focus areas, and deciding where new development is most compatible with conservation.

The maps do not represent a comprehensive inventory of every town or all important habitat areas, and new data are continuously being collected and added by agencies and organizations. Although Beginning with Habitat and its partners have worked diligently to provide comprehensive natural resource maps at the state level, there is no substitute for local knowledge. Beginning with Habitat relies on citizens, who know their area best, to fill data gaps and note any errors or omissions on its maps. This not only improves the local maps, but may also add locally significant resources to statewide maps. If you currently have maps that are more than a year old, please contact us for updated versions.

Facing page: Aerial view of Damariscotta, Maine. Photo: Dave Cleaveland, www.maineimaging.com



Map 1. Water Resources and Riparian Habitats



Map 2. High Value Plant and Animal Habitats



Map 1. Water Resources and Riparian Habitats

This map depicts surface water features and associated shoreline habitats, drainage areas and riparian zones, aquifers and wells that supply public drinking water, waters that continue to support native eastern brook trout, and commercially important coastal shellfish beds.

Map 2. High Value Plant and Animal Habitats

This map includes known locations of rare species and habitats, as provided by Maine's principal natural resource agencies. These features include rare, threatened, endangered, or declining plant and animal species, significant habitats, and rare and exemplary natural communities. Information on this map has regulatory implications under local and state land use laws.

Map 3. Undeveloped Habitat Blocks and Connections

This map highlights large areas of undeveloped land and reveals probable habitat connections. In addition, the boundaries of protected lands are shown. This map identifies the best opportunities to conserve a broad network of intact habitats. Using the most recent aerial photo coverage available, it also shows development patterns, existing land cover, and the condition of remaining habitat. Total size is listed for any intact blocks greater than one hundred acres in size.

Supplementary Map 7: Wetlands Characterization

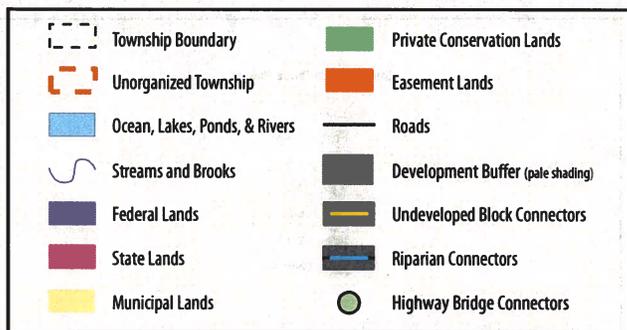
All wetlands perform valuable functions and provide important ecological "services" for wildlife and people. Wetlands shown on this map have been evaluated and prioritized based on six different ecological functions: (1) runoff/flood-flow alteration, (2) erosion control/sediment retention, (3) finfish habitat, (4) shellfish habitat, (5) plant and animal habitat, and (6) cultural/educational uses. Each wetland on this map is coded by the specific ecological function that it provides. This information can help identify wetlands in need of conservation or greater local protection.

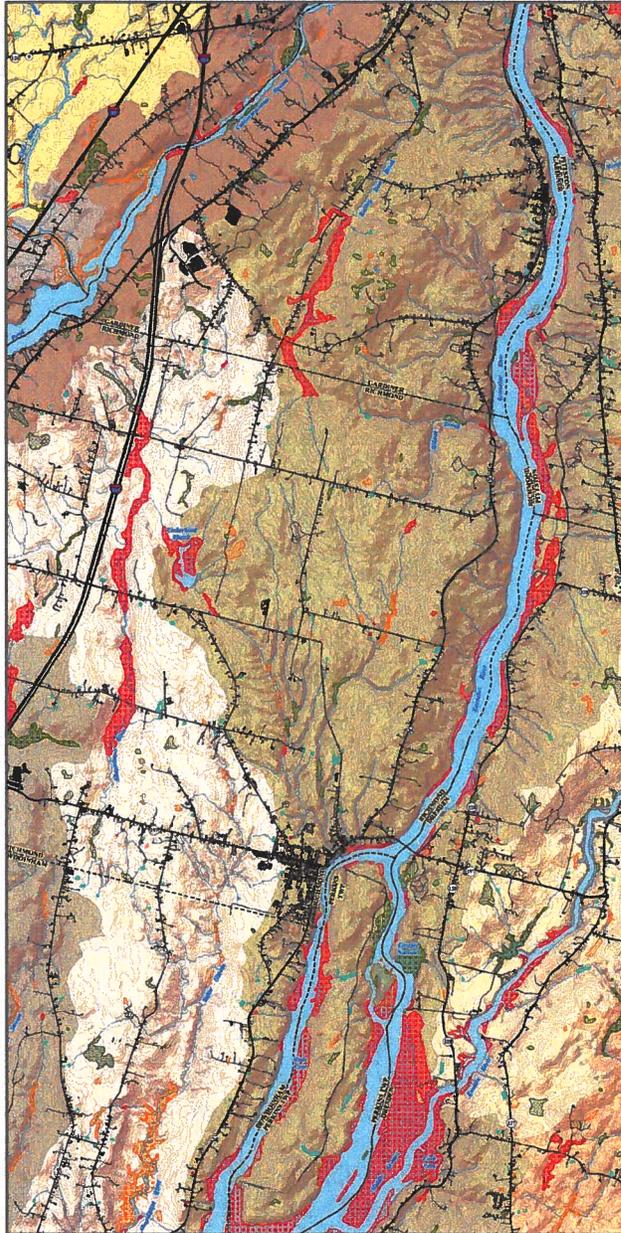
Supplementary Co-occurrence Map:

This map represents the concentration of selected environmental asset data layers overlaid on the landscape. Its purpose is to highlight a given area's relative conservation values as an aid in planning. It offers a generalized and subjective view and should be considered as a starting point for discussion. The layers on this map include buffer zones around water features, important natural communities, listed plant and animal species, and

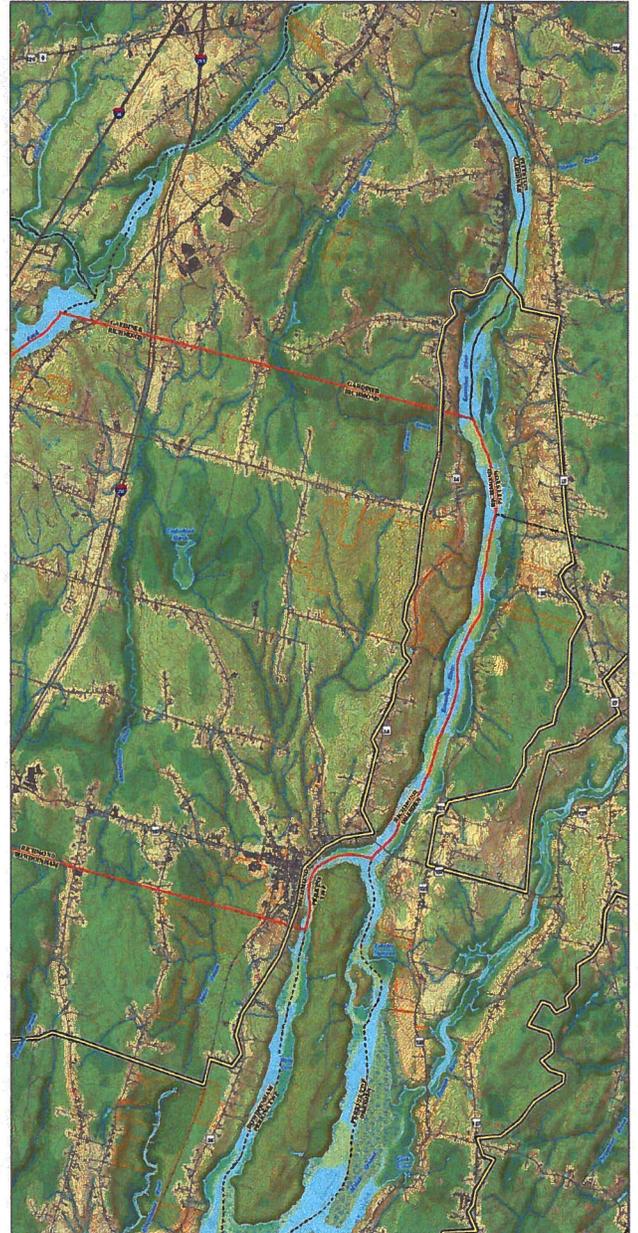


Map 3. Undeveloped Habitat Blocks and Connections

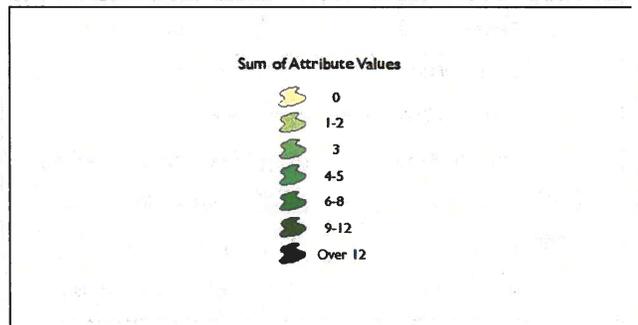
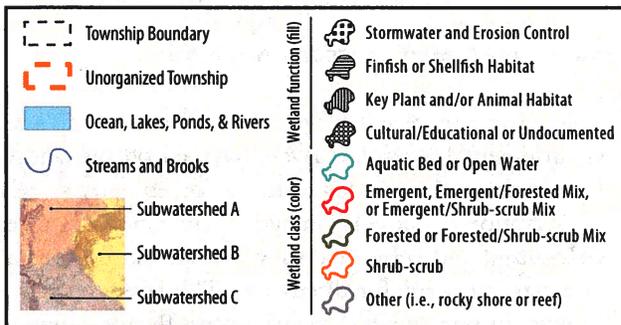




Map 7. Wetlands Characterization



Co-occurrence Map



Beginning with HABITAT
 An Approach to Conserving Maine's Natural
 Open Space Assets, Waters, and Wildlife

Supplementary Map
Natural Resource Co-occurrence
Searsport

This map is non-regulatory and is intended for planning purposes only.



Legend

This map represents the concentration of selected environmental asset data layers overlaid on the landscape. Its purpose is to highlight a given area's relative conservation values as an aid in planning. It offers a generalized and subjective view and should be considered as a starting point for discussion. The layers on this map include buffer zones around water features, important natural communities, forest plant and animal species, areas of undisturbed land, and conserved properties. Some of these layer attributes have been weighted based on qualitative features, such as rarity or size, and are noted as Concurrence modeling is inherently flexible, allowing for the addition, subtraction, and relative weighting of data and attributes that best reflect the characteristics and priorities of a given area or community. This map draws on data that is depicted on the standard Beginning with Habitat map set, but should still be considered as both supplementary and as work in development.

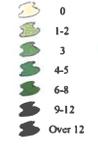
- Organized Township Boundary
- Unorganized Township
- Selected Town or Area of Interest
- Developed/Impervious surfaces such as buildings and roads
- Conservation Land

Selected Resource Layers and Assigned Values

Geographic Information System (GIS) software provides a ready means to help identify areas of high resource occurrence. The selected data layers of interest are assigned a relative weight, or value, and then overlaid on one another. The values are then summed, classified and symbolized, revealing the concentration of attributes in a given landscape. (Some of the layers listed may not apply to, or be present on, the area represented by this map.)

- Rare and Exemplary Natural Communities**
 - S1 (Critically Imperiled), Value of 4
 - S2 (Imperiled), Value of 4
 - S3 (Rare), Value of 3
 - S4 and S5 with A or B Viability (Exemplary), Value of 3
- Rare Plants**
 - R1 (Critically Imperiled), Value of 3
 - R1S2 - R2 (Threatened), Value of 2
 - R2S3 - R3 (Special Concern), Value of 1
- United Animals**
 - Endangered Species (with buffer), Value of 3
 - Threatened Species (with buffer), Value of 2
 - Species of Special Concern (with buffer), Value of 1
- Significant Wildlife Habitats**
 - Shorebird Habitat, Value of 3
 - Sanctuary Habitat, Value of 3
 - Essential Wildlife Habitat, Value of 3
 - Abundant and Historical Habitats (land and tide), Value of 2
 - Deer Wintering Areas, Value of 1
 - Significant Wetland Ponds (with 500' buffer), Value of 1
 - Atlantic Salmon Habitat, Value of 2
 - Heritage Brook Trout Waters, Value of 2
 - Shutflin Boats, Value of 1
- Riparian Zones and Water Resources**
 - Total waters 250' buffer, Value of 2
 - Great Ponds 250' buffer, Value of 1
 - Rivers 250' buffer, Value of 1
 - Streams 12' buffer, Value of 1
 - Wetlands greater than 10 acres plus 250' buffer, Value of 1
 - Wetlands less than 10 acres plus 75' buffer, Value of 1
 - Groundwater Aquifers, Value of 1
- Undeveloped Habitat Blocks**
 - Areas over 1200 acres, Value of 3
 - Areas of 600 to 1200 acres, Value of 2
 - Areas of 200 to 600 acres, Value of 1

Sum of Attribute Values



Focus Areas

Focus Areas of Statewide Ecological Significance
 (noted and prioritized in all regions)
 Focus Areas of Statewide Ecological Significance have been designated based on an unusually rich convergence of rare plant and animal occurrences, high value habitat, and relatively intact natural landscapes. The combined elements of Beginning with Habitat Maps 1-13. Focus area boundaries were drawn by MMAP and MDPV biologists, generally following drainage divides and/or fragmenting features such as roads. Focus Areas are intended to draw attention to these truly special places in hopes of building awareness and generating support for land conservation by landowners, municipalities, and local land trusts. For descriptions of specific Focus Areas, consult the Beginning with Habitat notebook or the following website: <http://www.maine.gov/itac/imap/focusareas/index.htm>

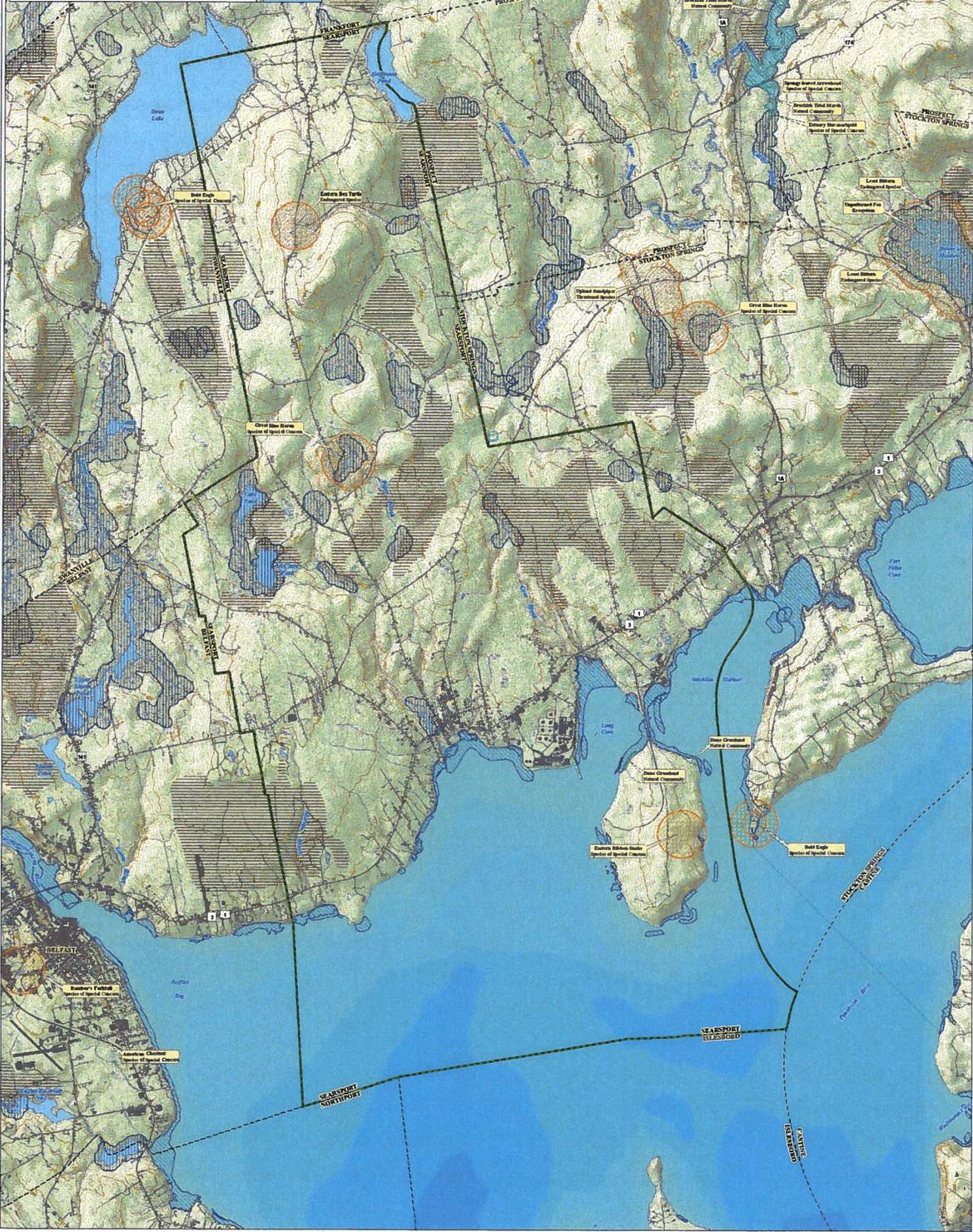
Data and Information Sources

- DATA SOURCES**
- TOWNSHIP BOUNDARIES**
 - Maine Office of GIS: Mshp24 (2013)
 - ROADS**
 - Maine Office of GIS: Maine Department of Transportation: Mdotpub (2015)
 - HYDROLOGY**
 - U.S. Geological Survey National Hydrography Dataset (NHD) Maine (2012)
 - DEVELOPED**
 - Maine Office of GIS: Maine Department of Inland Fisheries and Wildlife and multiple other agencies: Inpwr (2015)
 - ESSENTIAL & SIGNIFICANT WILDLIFE HABITATS**
 - Maine Office of GIS: Maine Department of Inland Fisheries and Wildlife: DWR, ETSC, ERMARS, ERMARS, WWAK, and Shoreland, FWHM (2002-2015)
 - RARE NATURAL COMMUNITIES & PLANTS**
 - Maine Natural Areas Program: MMAP, msa (2015)
 - ATLANTIC SALMON HABITAT**
 - Maine Office of GIS: Maine Atlantic Salmon Commission, U.S. Fish & Wildlife Service: Ashab3 (2013)
- DATA SOURCE CONTACTS**
- Maine Office of GIS: <http://www.maine.gov/itac/imap/>
 - Maine Natural Areas Program: <http://www.maine.gov/itac/imap/index.html>
 - Maine Department of Inland Fisheries & Wildlife: <http://www.maine.gov/ifw/>
 - U.S. Fish & Wildlife Service, Gulf of Maine Program: <http://gulf.maine.gov/>
 - Maine Atlantic Salmon Commission: <http://www.maine.gov/itac/>
 - Maine Department of Transportation: <http://www.maine.gov/mot/>
- DIGITAL DATA REQUEST**
 To request digital data for a town or organization please visit our website: http://www.beginningwithhabitat.org/ma_message_data_request.html

GOING WITH THE HABITAT
 An Approach to Conserving Mainland
 Open Space, Wetlands, and Forests
 in the Sebasticus River Watershed

Primary Map 2
High Value Plant & Animal Habitats
Searsport

This map is non-regulatory and is intended for planning purposes only.



LEGEND

Beginning with Habitat (BwH) is a voluntary tool intended to assist landowners, resource managers, planners, and municipalities in identifying and making informed decisions about areas of potential habitat resource concern. This data includes the best available information provided through BwH's coalition partners as of the map date, and is intended for informational purposes only. It should not be interpreted as a comprehensive analysis of plant and animal occurrences or other local resources, but rather as an initial screen to flag areas where greater scrutiny may be appropriate. Habitat data sets are updated continuously as more accurate and current data becomes available. However, as many areas have not been thoroughly surveyed, habitats may be present that are not yet known, and the boundaries of some depicted features may need to be revised. Local residents and other interested parties are encouraged to provide input to the map as it is updated. If you have any questions or need more information, please contact the project office. Some habitat features depicted on this map are regulated by the State of Maine through the Maine Endangered Species Act (Essential Habitats and threatened and endangered species occurrences) and Natural Resources Protection Act (Significant Wildlife Habitat). We recommend consultation with MDPW Regional Office or MAJAP Ecological Services for more information regarding regulatory concerns and regulatory agency review time. For MDPW and MAJAP contact information, visit <http://www.maine.gov/maine/mdpw>.

- Organized Township Boundary
- Unorganized Township
- Selected Town or Area of Interest
- Developed Impervious surfaces such as buildings and roads

Rare, Threatened, or Endangered Wildlife

Known rare, threatened, or endangered species occurrence within the associated habitats based on species sightings.

Consult with MDPW regarding the relative importance and conservation needs of the specific location and supporting habitat. The names of some wildlife have been designated as "Rare Plant" designations on the map for informational purposes only. For more information regarding rare plants, visit <http://www.maine.gov/maine/government/legislative-services/natural-resources/conservation/conservation-planning/>.

The Federal Endangered Species Act requires actions authorized, funded, or carried out by federal agencies to be reviewed by the U.S. Fish and Wildlife Service. If your project occurs near an occurrence of a threatened or endangered species, or a Significant Wildlife Habitat, you may be required to obtain a permit from the U.S. Fish and Wildlife Service. For more information regarding the Endangered Species Act, visit <http://www.fws.gov>.

Rare or Exemplary Plants and Natural Communities

Rare Plant Locations

Known rare, threatened, or endangered plant occurrences are based on field observations. The names of some species have been added with a "Rare Plant" designation on the map for informational purposes. Consult with MDPW regarding the relative importance and conservation needs of particular species. For more information regarding rare plants, visit <http://www.maine.gov/maine/government/legislative-services/natural-resources/conservation/conservation-planning/>.

Rare or Exemplary Natural Community Locations

The MAJAP has classified and distinguished 30 different natural community types that collectively cover the majority of the land area in Maine. These include such habitats as deciduous forests, coastal large open wetlands, and many others. Each type is assigned a rarity rank of 1 (rare through 5 (common)). Assigned rare natural communities, or exemplary ecosystems of common natural communities or ecosystems, are based on field surveys and aerial photo interpretation. Consult with MDPW Ecological Services to determine conservation needs of particular natural communities or ecosystems.

Essential Wildlife Habitats

Essential Tern Nesting Area or Piping Plover-Less Tern Nesting, Feeding, & Brood-Raising Area

Maine's Department of Inland Fisheries & Wildlife (MDFW) www.maine.gov/maine/mdpw uses aerial photography to identify potential nesting areas for seabirds. These include such habitats as deciduous forests, coastal large open wetlands, and many others. Each type is assigned a rarity rank of 1 (rare through 5 (common)). Assigned rare natural communities, or exemplary ecosystems of common natural communities or ecosystems, are based on field surveys and aerial photo interpretation. Consult with MDPW Ecological Services to determine conservation needs of particular natural communities or ecosystems.

Significant Wildlife Habitats

Candidate Deer Wintering Area

Forested area possibly used by deer for shelter during periods of deep snow and cold temperatures. Assessing the current value of a deer wintering area requires on-site investigation and verification by FWS staff. Locations depicted should be considered as approximate only.

Inland Waterfowl / Wading Bird

Preferred nesting, stopover, and wintering habitats for inland waterfowl or breeding, feeding, loafing, migration, or roosting habitats for inland waterfowl.

Seaside Nesting Island

An island, ledge, or portion thereof in tidal waters with documented, nesting seabirds or suitable nesting habitat for endangered shorebirds.

Shorebird Areas

Coastal nesting areas that provide nesting habitat for the least sand piper or roosting habitat for shorebirds or sand piper for migrating shorebirds.

Tidal Waterfowl / Wading Bird

Drinking, migration, stopover, or wintering areas for coastal waterfowl or breeding, feeding, loafing, migration, or roosting areas for coastal waterfowl. Tidal Waterfowl/Wading Bird habitats include aquatic beds, wetlands, emergent wetlands, mudflats, intertidal communities, and more.

Significant Vernal Pools

A pool depression used for breeding by amphibians and other indicator species and that portion of the critical terrestrial habitat within 200 ft of the spring or high water mark. A vernal pool must have the following characteristics: natural origin, permanently hypoxic, lack permanently flowing water or outlet, and lack predatory fish.

Maine's Natural Resources Protection Act

Maine's Natural Resources Protection Act (NRPA, 1988) is administered by the Maine Department of Environmental Protection (MDPEP) <http://www.maine.gov/maine/government/legislative-services/natural-resources/> and is intended to prevent further degradation and loss of natural resources in the state, including the above Significant Wildlife Habitats that have been mapped by MDPW. MDPW has regulatory authority over most Significant Wildlife Habitat types. The regional MDPW office should be consulted when considering a project in these areas.

Atlantic Salmon Spawning/Rearing Habitat

Atlantic Salmon Spawning Habitat

Atlantic Salmon Rearing Habitat

Identified by Atlantic Salmon Commission (ASC) and US Fish & Wildlife Service (USFWS) from field surveys on selected Penobscot and Kennebec River tributaries and the Downeast, Oodish, East Machias, Machias, Pleasant, Halloway, and Sheepscot Rivers.

Data Sources

DATA SOURCE INFORMATION

TOWNSHIP BOUNDARIES
 Maine Office of GIS: MMap04 (2013)

ROADS
 Maine Office of GIS: Maine Department of Transportation, MMap04 (2013)

HYDROLOGY
 U.S. Geological Survey National Hydrography Dataset (NHD) Maine (2012)

DEVELOPED
 Maine Office of GIS: Maine Department of Inland Fisheries and Wildlife, and multiple other agencies. MMap (2013)

ESSENTIAL & SIGNIFICANT WILDLIFE HABITATS
 Maine Office of GIS: Maine Department of Inland Fisheries & Wildlife, DWR, ETC: Epsilon, Epsilon, Epsilon, etc. (2013)

RARE NATURAL COMMUNITIES & PLANTS
 Maine Natural Resources Program: MMap (2013)

ATLANTIC SALMON HABITAT
 Maine Office of GIS: Maine Atlantic Salmon Commission, U.S. Fish & Wildlife Service: ASHA3 (2013)

DATA SOURCE CONTACT INFORMATION
 Maine Office of GIS: maine.gis@maine.gov
 Maine Natural Resources Program: <http://www.maine.gov/maine/government/legislative-services/natural-resources/>
 Maine Department of Inland Fisheries & Wildlife: <http://www.maine.gov/maine/government/legislative-services/natural-resources/inland-fisheries-wildlife/>
 U.S. Fish & Wildlife Service: <http://www.fws.gov>
 Maine Atlantic Salmon Commission: <http://www.maine.gov/maine/government/legislative-services/natural-resources/atlantic-salmon/>
 Maine Department of Transportation: <http://www.maine.gov/maine/government/legislative-services/transportation/>

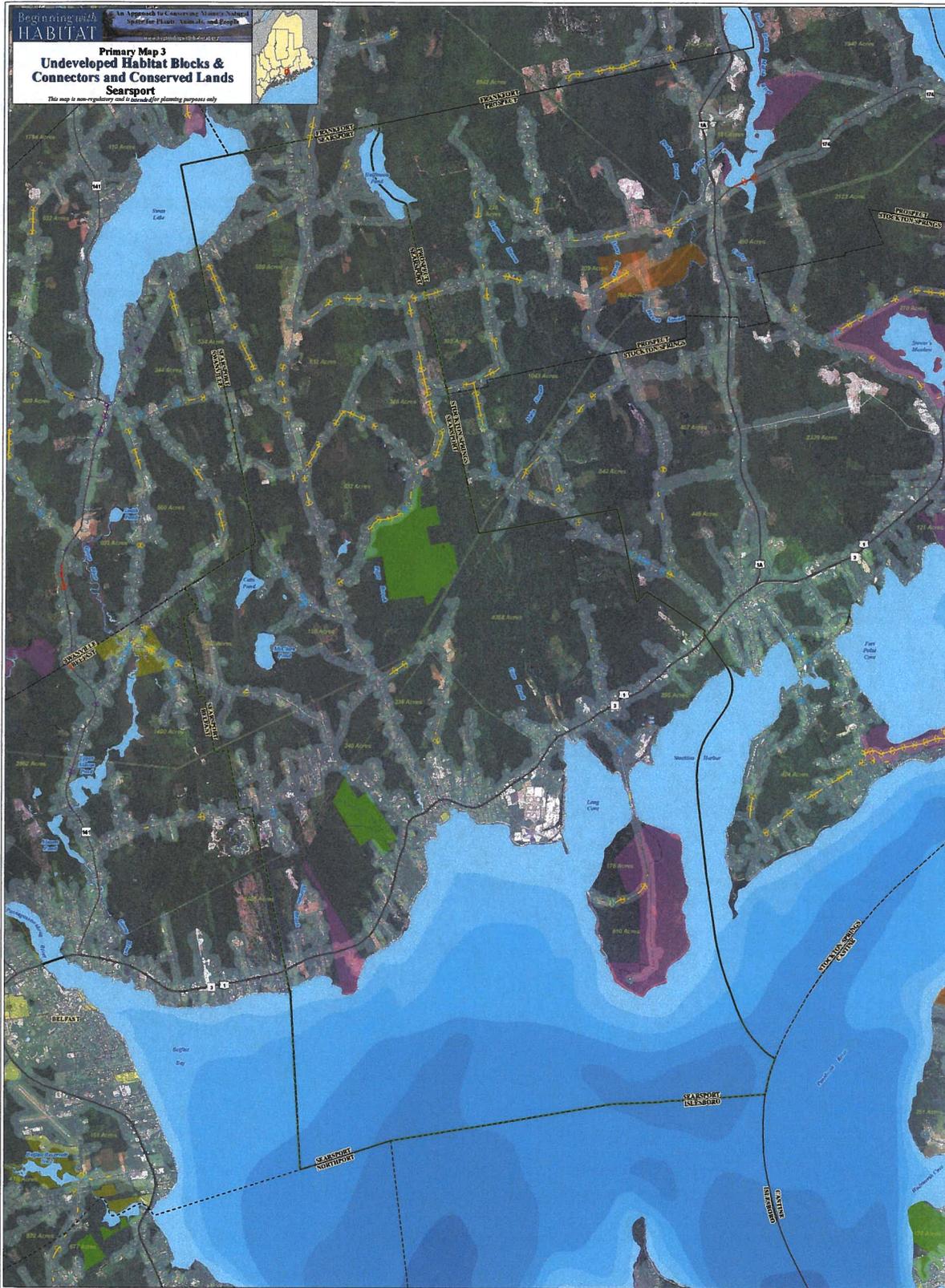
DIGITAL DATA REQUEST
 To request digital data for a town or organization, please visit our website: <http://www.maine.gov/maine/government/legislative-services/natural-resources/>

Beginning with HABITAT

An Approach to Conserving Maine's Natural Open Space, Wildlife, and Forest

**Primary Map 3
Undeveloped Habitat Blocks &
Connectors and Conserved Lands
Searsport**

This map is non-regulatory and is intended for planning purposes only.



LEGEND

This map highlights undeveloped natural areas likely to provide core habitat blocks and habitat connectors that facilitate species movements between blocks. Undeveloped habitat blocks provide relatively undisturbed habitat conditions required by many of Maine's species. Habitat connectors provide necessary opportunities for wildlife to travel between preferred habitat types in search for food, water, and mates. Roads and development fragment habitat blocks and can be barriers to moving wildlife. By maintaining a network of interconnected blocks and connectors, we can ensure a wide variety of Maine's species—both rare and common—can ensure rich species diversity long into the future. Maintaining a network of these large and open spaces also protects their opportunities for forestry, agriculture, and outdoor recreation.

- Organized Township Boundary
- Unorganized Township
- Selected Town or Area of Interest

Habitat Blocks
Development Buffer (pale transparency)
250-500 foot buffer around improved roads and developed areas based on development intensity.
Undeveloped Habitat Block
Remaining land outside of Development Buffer. Blocks greater than 100 acres are labeled with their estimated acreage.

Approximate Road Crossings Habitat Connections
Represented habitat connections identified through computer modeling highlight locations where quality habitat is likely to occur on both sides of a given road between undeveloped habitat blocks greater than 100 acres and between higher value wetlands. These representations are approximate and have not been field verified.

Undeveloped Block Connectors
Linear road crossing areas linking undeveloped habitat blocks greater than 100 acres. The trend of habitat fragmentation and animal mortality corresponds to traffic volume.
Yellow lines represent riparian road crossings with daily traffic volumes less than 2000 vehicles per day.
Red lines represent riparian road crossings with daily traffic volumes greater than 2000 vehicles per day.

Riparian Connectors
Likely crossing locations for wetland dependent species moving between waterways and wetlands directly by road.
Blue lines represent riparian road crossings with daily traffic volumes less than 2000 vehicles per day.
Purple lines represent riparian road crossings with daily traffic volumes greater than 2000 vehicles per day.

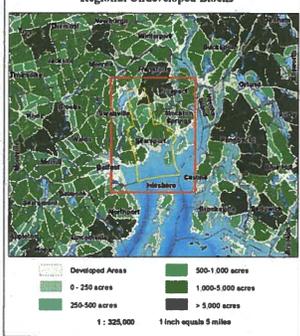
Highway Bridge Connectors
Highway bridges along I-95 and I-295 that span riparian habitat connecting adjacent but separated habitat blocks. These are locations where species are likely to take advantage of infrastructure to move between habitat blocks.

Conserved Lands
The State of Maine's conserved lands database includes lands in federal, state, and private ownership. It does not include many privately owned conservation lands, especially those protected by local land trusts or town owned conservation lands. For the most accurate and current information about land ownership, consult with the local assessor and/or other local land management agencies. If public access potential to any of the properties identified here is uncertain, landowners should be contacted to determine if permission is necessary.

- Conservation Type (transparent layers)**
- Federal
National parks, forests, and wildlife refuges (includes Canadian conserved lands)
 - State
Wildlife Management Areas and other properties managed by the Department of Inland Fisheries and Wildlife, state parks, and parcels managed by the Bureau of Parks & Lands.
 - Municipal
Town parks, water district properties, community forests, etc.
 - Private Conservation
Properties owned and managed by private (usually non-profit) organizations such as The Nature Conservancy, Maine Coast Heritage Trust, Trust for Public Land, and local land trusts.
 - Easement
Voluntary legal agreements that allow landowners to realize economic benefit by permanently restricting the amount and type of future development and other uses on all or part of their property as they continue to own and use it.

Aerial Imagery
Aerial imagery is often the best tool available to visualize existing patterns of development and resulting changes to the natural landscape. By displaying undeveloped habitat blocks, habitat connectors and conserved lands with aerial photos, the map user can more easily identify opportunities to expand the size and ecological effectiveness of local conservation efforts.

Regional Undeveloped Blocks

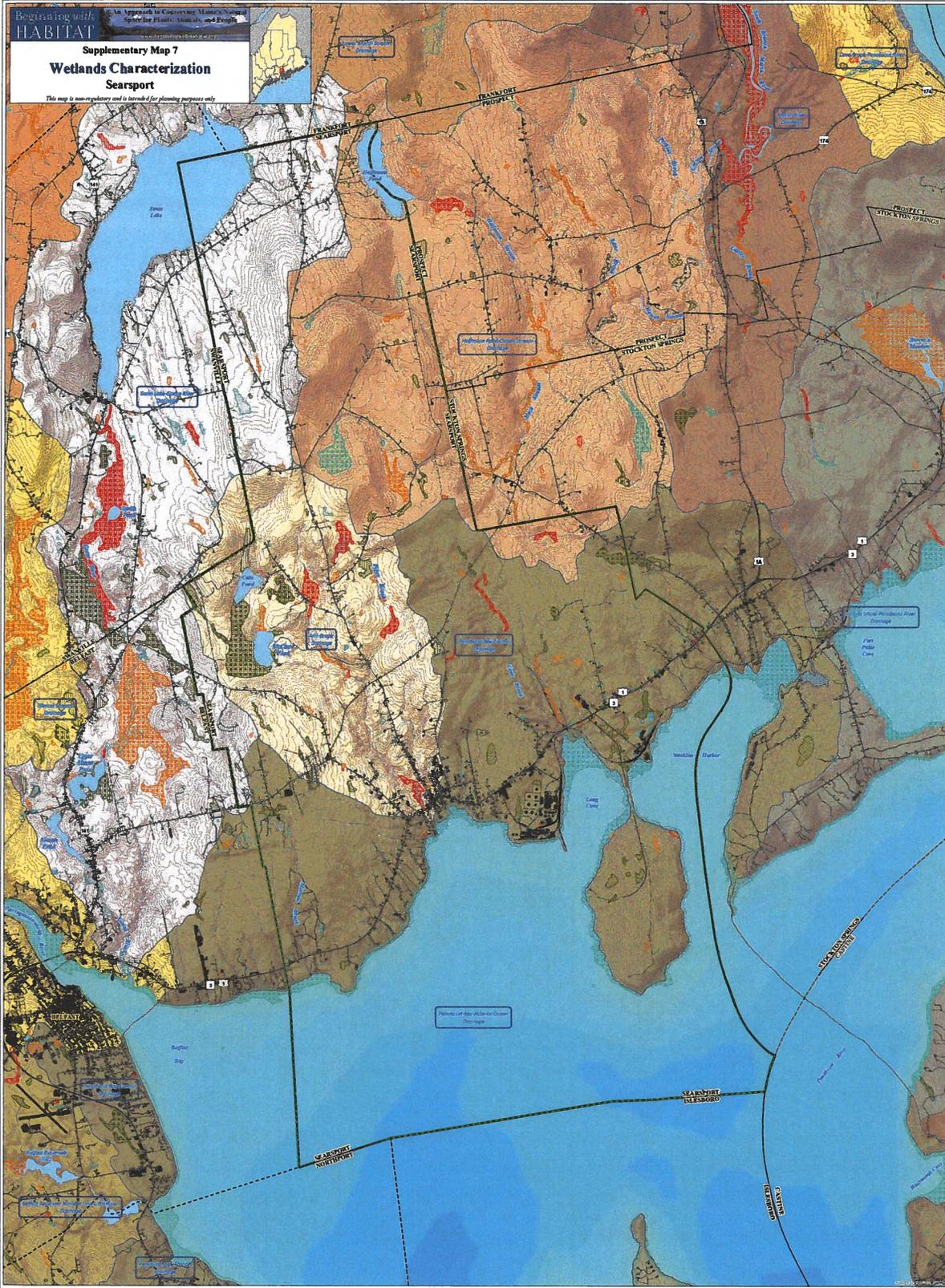


Data Sources

- DATA SOURCE INFORMATION**
TOWNSHIP BOUNDARIES
Maine Office of GIS (moge.gov) (2013)
ROADS
Maine Office of GIS, Maine Department of Transportation (mdepub.gov) (2015)
HYDROLOGY
U.S. Geological Survey, NWISD, Maine (2012)
UNDEVELOPED HABITAT BLOCKS, DEVELOPMENT BUFFER, CONNECTORS
Maine Department of Inland Fisheries and Wildlife (2015)
CONSERVATION LANDS
Maine Department of Agriculture, Conservation, and Forestry, Land Use Planning Commission, Maine Department of Inland Fisheries and Wildlife, Conserved Lands (2015)
AERIAL IMAGERY
U.S. DEPARTMENT OF AGRICULTURE NAIP 2013 - state-wide 1-meter color orthorectification
- DATA SOURCE CONTACT INFORMATION**
Maine Office of GIS - <http://www.maine.gov/ogis/ogis/index.html>
Maine Dept. of Agriculture, Conservation and Forestry - <http://www.maine.gov/acf/>
Maine Dept. of Inland Fisheries & Wildlife - <http://www.maine.gov/ifw/>
Maine Department of Transportation - <http://www.maine.gov/dot/>
Maine Department of Environmental Protection - <http://www.maine.gov/dep/>
- DIGITAL DATA REQUEST**
To request digital data for a town or organization, visit our website: http://www.beginningwithhabitat.org/maps/maps_data_request.html

**Supplementary Map 7
Wetlands Characterization
Searsport**

This map is non-regulatory and is intended for planning purposes only.



LEGEND

This map depicts all wetlands shown on National Wetland Inventory (NWI) maps, but categorized them based on a subset of wetland functions. This map and its depiction of wetland features are not intended to be used for regulatory purposes. In no way shall use of this map constitute or alter the regulatory protection that wetlands are afforded under applicable State and Federal laws. For more information about wetlands characterization contact Elizabeth Herzog at the Maine Department of Conservation (207) 287-4911. elizabeth.herzog@maine.gov

The Wetlands Characterization model is a planning tool intended to help identify likely wetland functions associated with significant wetland resources and adjacent uplands. Using GIS analysis, this map provides basic information regarding what ecological services various wetlands are likely to provide. These ecological services, each of which has associated economic benefits, include: floodflow control, sediment retention, fish and wildlife habitat, and other important wetland functions. Values for these services are not depicted in this map. Refer to www.maine.gov/dep/conservation/wetlands/wetlands/wetlands.html for additional information regarding wetland functions and values. For wetlands and small wetlands such as vernal pools are known to be underrepresented in the National Wetland Inventory (NWI) data used to create this map. The model developed to estimate the functions provided by each wetland could not capture every wetland function or value. Therefore, it is important to use local knowledge and other data sources when evaluating wetlands, and each wetland should be considered relative to the whole landscape/ watershed when assessing wetland resources of a local level.

Organized Township Boundary
Unorganized Township
Selected Town or Area of Interest
Developed: Impervious surfaces including buildings and roads

Subwatersheds: The shaded, background polygons are subwatersheds—those shaded background polygons that drain to a particular lake, wetland, pond, river, stream, or the ocean. The subwatersheds are shaded to illustrate the topographic relief. The subwatershed shading assumes the sun is shining from the northwest, so ridges and south-facing slopes appear dark, because many areas of Maine are shaded by the topographic relief shown here has been exaggerated to make the details easier to see.

Wetland Functions: Fill Pattern

- BLUNOFF/ FLOODFLOW ALTERNATION**
Wetlands with significant flood control capabilities. As natural buffers in the landscape, wetlands are able to receive, detain, and slowly release stormwater runoff from the watershed. Wetlands naturally regulate flood waters by providing an area for swollen stream flows to expand and slow runoff, spreading it over a larger area. This map assigns floodflow/ floodflow alternation functions to wetlands that (a) contained in a known flood zone, (b) associated with a surfacewater course or wetland, and (c) with slope < 2%.
- EROSION CONTROL/ SEDIMENT RETENTION**
Wetlands act as natural sponges that can hold water, allowing suspended particles such as sediment to settle out. The dense vegetation in most wetlands helps to stabilize soil and slow water flows, thereby reducing scouring and bank erosion. This map assigns erosion control/ sediment retention functions to wetlands with (a) slope < 2%, (b) emergent vegetation, and (c) close proximity to a river, stream, or lake.
- FISH HABITAT**
Wetlands with documented fish populations, including wetlands adjacent to a river, stream, or lake.
- SHRETLAND HABITAT**
Wetlands and streams can directly affect the status of coastal shellfish harvest areas. Rapid stream siltation and erosion can result in siltation from land use changes away from the coast can travel via surface water to harvestable flats. One failed siltation trap in a stream could close a mudflat harvest area. Erosion control can reduce water clarity and stimulate algal growth that degrades oyster and mussel harvest areas. Wetlands and streams buffer in coastal watersheds is a key component in marine resource conservation. This map assigns a shellfish habitat function to wetlands with (a) 5 miles of (a) identified shellfish habitat, (b) identified shellfish closure areas, or (c) mapped oyster beds OR (d) identified shellfish habitat, (e) identified shellfish closure areas, or (f) mapped oyster beds.
- PLANTANIMAL HABITAT**
Many wildlife species, and many of Maine's plant species, depend on wetlands during some part of their cycle. For the purposes of this map, wetlands containing open water or emergent vegetation, 3 or more wetland vegetation classes, and within 1/4 mile of a known park, forestland, or endangered plant or animal occurrence, within 1/4 mile of a mapped significant natural habitat, and within 1/4 mile of a rare or uncommon natural community have been assigned this function. Rare element occurrences and natural communities can be found on Map 2: High Value Plant & Animal Habitats.
- CULTURAL/ EDUCATIONAL**
Wetlands within 1/4 mile of a boat ramp or school have been assigned this value as these wetlands are likely candidates for use as outdoor classrooms, or similar social benefits. Wetlands rated for other functions listed above may also demonstrate cultural/ educational values through wetland photography.
- OR**
NO DOCUMENTED FUNCTION: The basis of this characterization is high altitude aerial photos. Photo quality often limits the information that can be interpreted from small wetland features, or those with dense canopy cover. Although not assigned a function under this study, ground surveys may reveal that these wetlands have multiple functions and values.

- Wetland Class: Fill Color**
- Aquatic Bed (floating or submerged aquatic vegetation), Open Water
 - Emergent (barbaceous vegetation), Emergent/ forested Mts (woody vegetation > 20 ft tall), Emergent/ shrub- scrub Mts (woody vegetation < 20 ft tall)
 - Forested Forested/ shrub- scrub
 - Shrub- scrub
 - Other (rocky shore, streambed, unconsolidated shore, reef, rocky bottom)

National Wetland Inventory (NWI) maps (the basis of wetlands shown on this map) are interpreted from high altitude photographs. NWI Wetlands are identified by vegetation, hydrology, and geography in accordance with "Classification of Wetlands and Deepwater Habitats" (FWS/OBS-79/1, Dec. 1979). The aerial photographs document conditions for the year they were taken. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, State, or local government. NWI maps depict general wetland locations, boundaries, and characteristics. They are not a substitute for on-ground, site-specific wetland delineation.

Data Sources

DATA SOURCE INFORMATION
 Note: Realized file names can be downloaded from Maine Office of GIS

TOWNSHIP BOUNDARIES
 Maine Office of GIS (2015); mshp24

ROADS
 Maine Office of GIS, Maine Department of Transportation (2015); mshp04b

HYDROLOGY
 Maine Office of GIS, U.S. Geological Survey (2010); ANH DEVELOPED

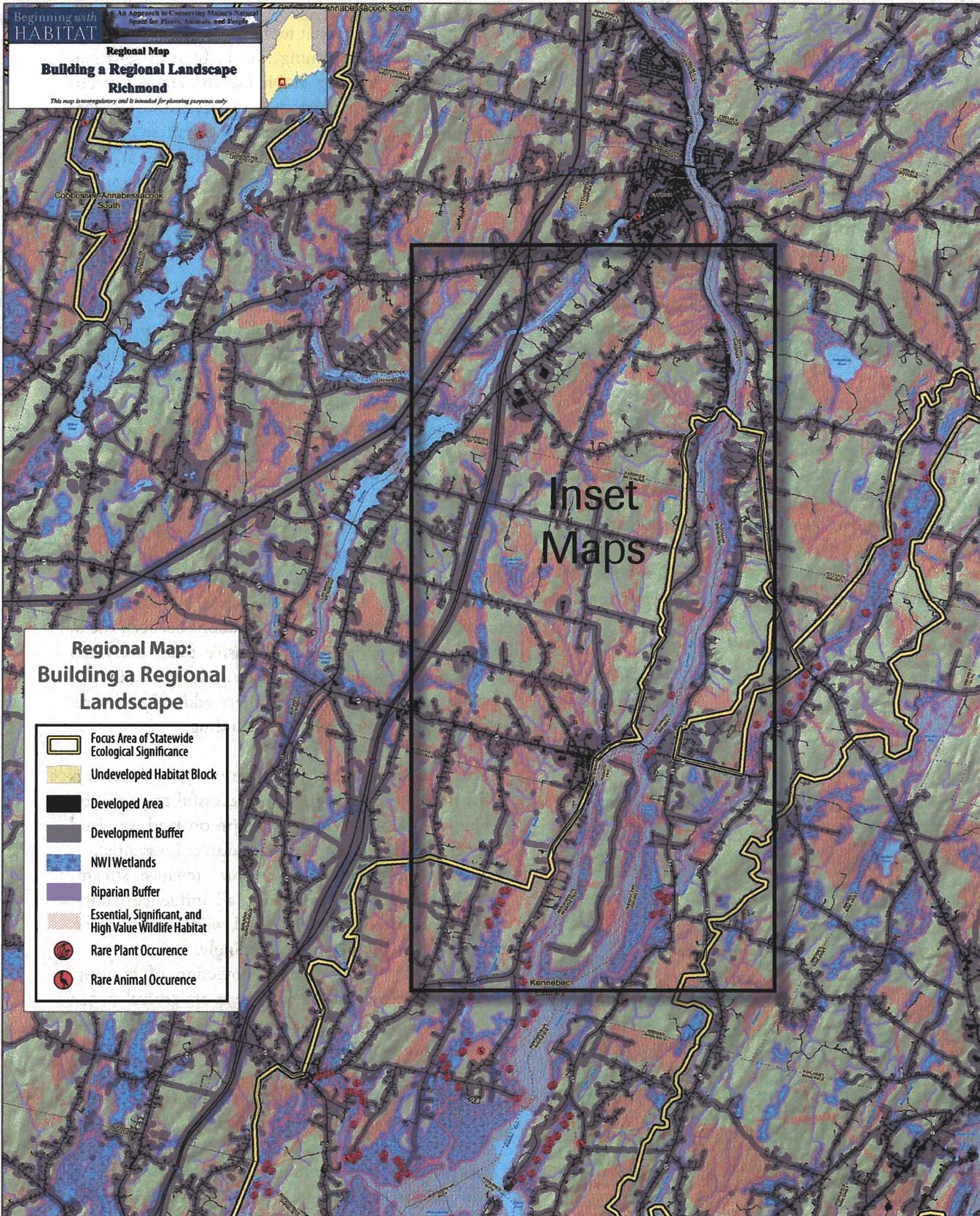
WETLANDS
 Maine Office of GIS, Maine Department of Inland Fisheries and Wildlife (2015)

NATIONAL WETLANDS INVENTORY (NWI)
 Maine Office of GIS (2015); ANH

DRAINAGE DIVIDES
 Maine Office of GIS (2015); mshp26b

DATA SOURCE CONTACT INFORMATION
 Maine Office of GIS: <http://www.maine.gov/dep>
 Maine Department of Transportation: <http://www.maine.gov/dep/transportation>
 Maine Department of Inland Fisheries and Wildlife: <http://www.maine.gov/dep/ifw>
 Maine Department of Agriculture, Conservation and Forestry: <http://www.maine.gov/dep/conservation>
 Maine Geological Survey: <http://www.maine.gov/dep/conservation/mgs>

DIGITAL DATA REQUEST
 To request digital data for a town or organization, visit our website, http://www.beginningwithhabitat.org/the_maps/sign_data_request.html



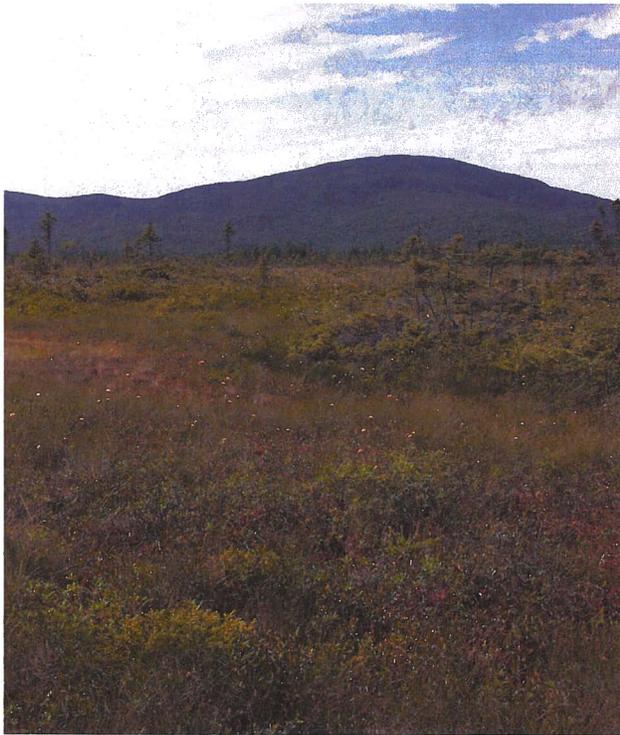
areas of undeveloped land. Some of these layers were weighted based on rarity, size or other qualitative features.

Regional Map: Building a Regional Landscape

Our waters, wildlife, and natural areas do not conform to town boundaries and are often shared between communities and among neighboring landowners. Municipalities, land trusts, and regional initiatives can all work together to conserve these important natural features. This map shows your town as well as the surrounding towns. It summarizes information from most of the preceding maps at the regional scale and also includes Focus Areas of Statewide Ecological Significance to illustrate the larger picture of regional conservation priorities, protection opportunities, and shared resources.

Local Property Map Overlay

If your town has digital tax maps (GIS parcel data), Beginning with Habitat can create a transparent mylar map layer of your community's property boundaries, specifically scaled to match hardcopies of each of the other Beginning with Habitat maps. You can overlay this parcel sheet on the Beginning with Habitat maps to quickly identify property data and to facilitate both landowner contact and outreach efforts.



Caribou Bog, a Focus Area of Statewide Ecological Significance
Photo: Maine Natural Areas Program

Toolbox

The Beginning with Habitat toolbox contains detailed information on using Beginning with Habitat in conservation and growth planning, and it also contains numerous helpful approaches for addressing conservation issues that commonly arise in Maine towns. Among these tools are a detailed guide to using Beginning with Habitat information in comprehensive planning, text from approved town comprehensive plans, examples of actual provisions from local ordinances, helpful local lessons learned, tips for creating successful open space plans, and a range of strategies and actions on conservation topics such as invasive species and wildlife-friendly road planning. There are also examples of methods for financing habitat protection efforts, such as impact fees, local land bonds, current use tax programs, and grant sources. Finally, to help evaluate the approaches that will best fit local needs, the toolbox lists advantages and disadvantages of each of the tools.

Comprehensive Planning

Comprehensive plans establish a vision for what community members want their towns to look like in the near and distant future. By identifying growth areas and rural areas, they set the stage for how growth will affect large natural habitat blocks and the connections between them. Towns typically update comprehensive plans every ten years. Beginning with Habitat maps and data are invaluable tools for helping town planners address topics required in a comprehensive plan, including:

- **Future land use:** Identifying future growth areas is the first step in developing a successful conservation blueprint. Up-to-date information on land use, land cover, and important natural resources is essential.
- **Transportation:** Road layout, maintenance, stream-crossing structures, and traffic all influence habitat quality, habitat connections and wildlife movement, and must be planned for accordingly.
- **Recreation:** Access to and protection of hunting, angling, and wildlife viewing areas are critical to our local economies. Long-term protection of key public open spaces requires strategic public investment.
- **Marine resources:** Land use practices near coastal habitats can result in significant impacts to coastal wildlife and local resource economies.
- **Water resources:** Effective efforts to protect water quality starts with an understanding of how wetlands and streams interconnect with aquifers and lakes.
- **Critical natural resources:** Towns are in the best position to protect irreplaceable natural communi-

Conservation Focus Areas

At the state level, biologists from the Maine Natural Areas Program, the Department of Inland Fisheries and Wildlife, and other Beginning with Habitat partners have identified more than 140 Focus Areas of Statewide Ecological Significance that support unusually rich concentrations of rare and high-value species and natural communities that intersect with large blocks of undeveloped habitat. The state has adopted these focus areas as conservation priorities in Maine's Wildlife Action Plan as an approach to strategically investing limited conservation dollars.

You can use Beginning with Habitat's data and technical assistance to help designate local focus areas based on the statewide approach. Our staff can assist your board or committee in identifying local priorities and building a GIS approach to focus local efforts where residents feel they are most warranted.

ties and habitats for rare, threatened, and endangered species through local land use ordinances, landowner incentives, and proactive land conservation.

- **Important natural resources:** Consideration of undeveloped habitat blocks and connections is the most important step toward long-term conservation of landscape-scale features and ecological functions.
- **Agriculture and Forestry:** Protecting unfragmented natural areas, and encouraging growth in appropriate areas will ensure the necessary rural acreage for these traditional resource industries.
- **Regional coordination:** Conserving landscape-scale resources such as focus areas, shared waterbodies, watersheds, and large forests often requires cooperation between towns and with local land trusts.

Open Space Planning

Open space plans identify important natural, recreational, and cultural resources within a community or region, and may include priorities for conservation and options or recommendations for the best ways to protect these resources. When the resources are mapped together, it becomes easier to decide where to focus limited time and dollars. Beginning with Habitat can help you collect, map, and prioritize local focus areas, identify the most important sites to protect, and to develop specific strategies—such as management recommendations, changes to ordinances, property-tax relief, easements, or acquisitions—to help you meet your open space goals.

Beginning with Habitat also helps municipalities to identify potential resource restoration opportunities, in-

cluding areas where habitat connections can be restored, such as along blocked streams, in altered wetlands, and at breaks between forestlands. Once key opportunities for habitat protection or restoration are identified, Beginning with Habitat can assist your open space planning committee, or an individual landowner, identify funding sources to help realize the local conservation vision.

Local Land Use Ordinances

Once a comprehensive plan is approved, the town is encouraged to adopt strategies to implement it. Land use ordinances are the primary tool available to municipalities for encouraging growth in appropriate areas (and discouraging it in valuable natural areas). Many towns, including large ones with professional planning staff and small ones reliant on volunteer committees, have developed creative approaches to land use regulation that still allow for new development while reducing habitat fragmentation and protecting significant habitat features. The most successful ordinance tools are crafted with citizen participation, and that strive to conserve natural features valued by the community. Creative land use regulations include:

- Allowances for landowners to create smaller-than-required lots outside of subdivision review, with density balance conserved elsewhere.
- Road acceptance policies that promote shorter lengths and crossing structures that protect connectivity.
- Transfer-of-development fee programs that allow developers to purchase additional development "credits" in growth areas by funding protection of rural land elsewhere.
- Impact fee programs for subdivisions, calculated on a per-home basis, that reflect increased costs associated with meeting public open space expectations.
- Wetland compensation programs that allow developers to offset the functional loss of wetlands impacted by their projects with contributions to the conservation of other local wetlands.
- Natural resource overlay districts that require performance standards for development projects within priority resource areas (e.g., water supplies, large forests, or critical habitats) in exchange for flexible design.
- Conservation subdivisions that provide development with bonus lots in exchange for meaningful habitat protection.

Conservation Planning for Land Trusts

More than 100 small and large land trusts in Maine achieve lasting conservation by protecting open space of all kinds,



Visitors in a field of Northern Blazing Star in the Kennebunk Plains. Photo: Margaret Pizer, Maine Chapter of The Nature Conservancy

including farms, forests, wetlands, and scenic and recreational areas. Beginning with Habitat works with land trusts to help them most effectively utilize resource data in designating local focus areas and identifying priority projects in their service areas. On request, the program is able to produce GIS mapping models that highlight local natural areas with the greatest ecological value. Beginning with Habitat also routinely assists land trusts to identify funding resources and document significant features on project lands. By aligning local land trusts efforts with statewide conservation priorities, Maine is able to attract out-of-state funding and more effectively implement our shared conservation vision.

Conservation Planning for Landowners

Private landowners are the primary stewards of Maine's plant and animal habitat resources. Beginning with Habitat can connect interested landowners with biologists and ecologists from the broad Beginning with Habitat partnership who are best able to address specific landowner questions or concerns. Knowing where to get help is the first step in better stewarding private lands to maintain habitat values.

Landowners interested in developing their properties can work with Beginning with Habitat to design proj-

ects in ways that minimize unavoidable habitat impacts and effectively designate open space that secures conservation values while still achieving development goals. Tree growth and open space tax programs are available to landowners facing financial pressures from increasing tax burdens. Beginning with Habitat can help landowners identify key property features that may increase eligibility for and benefits from these current use tax programs. Additionally, Beginning with Habitat can assist in identifying private, state, and federal funds available for land conservation and management.

Visit the Beginning with Habitat toolbox at www.beginningwithhabitat.org to read more about how Maine communities are using these conservation tools. We encourage local planners to share their ideas for new tools, and to request assistance in identifying tools that will work best for their communities. Please contact our office at (207) 287-5254.

Beginning with Habitat Case Studies

The following case studies show Beginning with Habitat in action, delivering customized information and expertise that helped four very different projects achieve significant outcomes. Let Beginning with Habitat help you put together the conservation approach that's right for your community!

Smart Growth and Wildlife Protection in Biddeford

When Dave Ayers, owner of South Coast Development, Inc., attended a Beginning with Habitat presentation given to the Biddeford Planning Board, he was developing designs for a residential housing-lot subdivision on a parcel that extended into one of Maine's state-designated Focus Areas of Statewide Ecological Significance. The presentation prompted Ayers to seek help from Beginning with Habitat staff and regional biologists from the Maine Department of Inland Fisheries and Wildlife. He wanted guidance about reducing impacts that his project might have due to its location. He ultimately designed Terrapin Green, a conservation subdivision that avoided numerous key habitat areas, such as significant vernal pools, and designated significant open space in the heart of the Focus Area.

The Beginning with Habitat presentation also inspired Dave's wife Peggy to learn more about the significance of vernal pools and the Biddeford Focus Area. The wildlife and conservation information she discovered through Beginning with Habitat motivated her, in collaboration with abutting landowners, to establish a new 501(C)3 land trust called the Blanding's Park and Wildlife Sanctuary. The trust today conserves acreage protecting vernal pools and a local population of Blanding's turtles, which are endangered in Maine.

"It was always our belief that conservation and development should work together in cooperation to achieve mutual goals," Peggy says. In just four years, the Ayers' combined efforts contributed to the protection of over 160 acres and the dedication of a recreational trail through the sanctuary that provides public access to a rich and varied natural area in the heart of Biddeford.



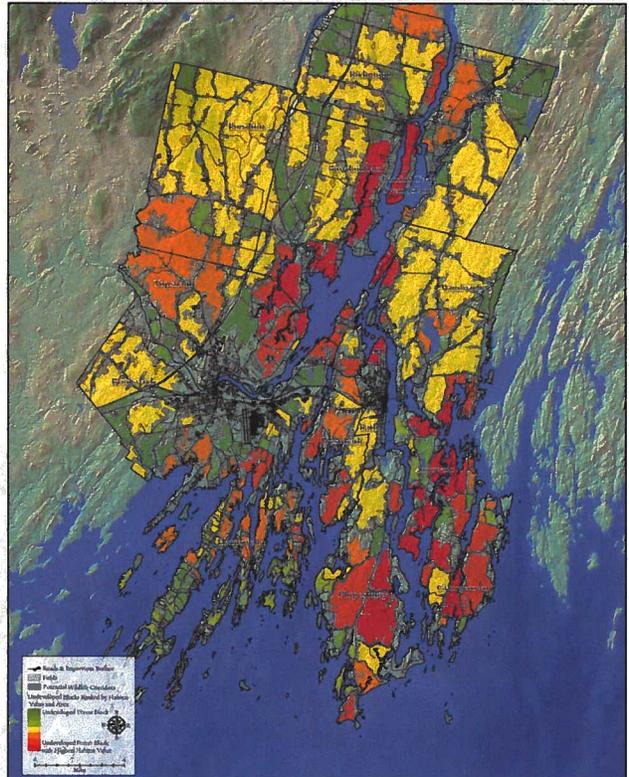
Terrapin Green

Blanding's Park and
Wildlife Sanctuary

Conservation Blueprint for the Sagadahoc Region

Creating a conservation blueprint aimed at protecting the character and prosperity of the Sagadahoc region took collaboration among 12 Maine towns: Arrowsic, Bath, Bowdoin, Bowdoinham, Brunswick, Georgetown, Harpswell, Phippsburg, Richmond, Topsham, West Bath, and Woolwich. Beginning with Habitat and the Mid-Coast Council of Governments helped spearhead the work of a steering committee of town representatives including conservation commission and planning board members, elected officials, and town staff. Becoming highly engaged in an in-depth process, committee members and representatives from state agencies translated Beginning with Habitat data and local comprehensive and open space plans into a regional vision with specific action items that each town could implement.

Released in 2010, the blueprint outlines conservation priorities and contains an inventory of high-value resources, including an assessment of regional habitat fragmentation and identification of habitat corridors. The collaborative planning process also produced a series of detailed resource maps, with sets made available for each town. Additionally, the blueprint became a starting point for consideration of a regional climate change adaptation plan as well as a resource to inform additional local conservation actions.



Undeveloped blocks ranked by habitat value and area in the Sagadahoc region of coastal Maine.

Comprehensive Planning in Brunswick

Brunswick's planning department and conservation commission faced a challenge many planners in Maine will recognize: implementing, under ever-growing development pressure, the conservation vision of the town's comprehensive plan, which was to create a protected network of habitat blocks. Working with Beginning with Habitat gave the town tools and strategies to define priorities, make practical steps forward, and bring local stakeholders into the process.

Brunswick had committed to a "growth zone" where it encouraged appropriate growth. To define priority areas for conservation outside of this zone, the town consulted with biologists and used snow-tracking surveys to help locate high-use wildlife areas. Ultimately, they identified a dozen large, forested, undeveloped, and connected habitat blocks extending from one side of town to the other. Next, the town held a series of focus group meetings with developers, realtors, homebuyers, and recreation interests to identify mutually acceptable approaches that could lead to protecting the conservation focus areas. The meetings brought forth many suggestions and two major results.

First, Brunswick revised its long-standing open space subdivision approach, to better guide the designation of open space and increase flexibility for developers. The town developed two overlay zones: one drawn around habitat blocks, and one around connecting corridors. Rather than dictate development design, the overlay zones set limits on the acreage of mapped habitat that can be developed before developers have to set aside compensatory habitat acreage.

Second, a local conservation blueprint evolved from the process, clearly identifying conservation priorities and also helping to direct rural growth to the most appropriate areas. Importantly, it expressed the shared vision of a variety of local stakeholders and conservation partners in a policy called the Rural Brunswick Smart Growth

Plan. In effect for six years as of 2012, the plan has already resulted in the conservation of more than 300 acres through the local subdivision process. It has also bolstered several local land acquisition grant applications, enabling the town and local land trust to protect an additional 500 acres.

Conserving the St. George River Watershed

For 17 years, the Georges River Land Trust operated without a conservation plan and conserved an average of 50 acres per year. Working with Beginning with Habitat changed that: the Trust now conserves 200 acres annually, and 70 percent of that is high-value habitat.

When the Trust began working with Beginning with Habitat, it wanted to create a strategic plan that would focus its efforts on conserving the highest-priority natural resources, for great and lasting public benefits, of the 225 square-mile St. George River watershed. This is a unique area of mountains, seacoast, lakes, tidal streams and inlets extending from Montville to Muscongus Bay. The Trust had opportunities to protect a variety of important features, including high-value plant and wildlife habitats, natural communities and wetlands, major tributaries, linkages between significant habitat areas, large undeveloped blocks, working landscapes, and areas of traditional public access.

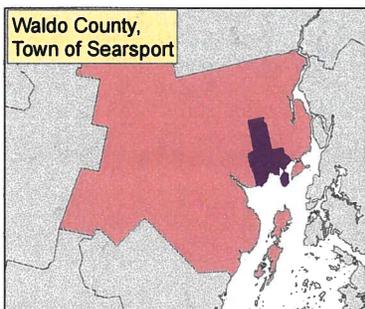
What would be the best plan? Beginning with Habitat offered the tools needed to find out, including the most comprehensive statewide natural resource information and a landscape-scale approach to analyzing natural resource values. This enabled the Trust to decide what was most important to consider in the watershed. Once priority sites were identified, the Trust then hired a consulting biologist to conduct field research in specific areas.

Ultimately, the Trust designated nine focus areas where it now concentrates land conservation efforts. For each area, it also developed maps and narratives that describe and illustrate its value and importance to the region—information that has proved helpful in promoting the Trust's efforts with funders and other conservation partners. The Trust leveraged the data and expertise that Beginning with Habitat provided to vastly increase both the quality and quantity of the lands it protects. It is now better fulfilling its mission "to conserve and steward the natural resources and traditional character" of the St. George River region for future generations.



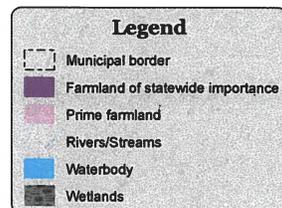
Weskeag Marsh, a conservation focus area identified by the Georges River Land Trust. Photo: Janet McMahon

Appendix 5 - Agricultural and Forest Resources



Searsport Agricultural Resources

Source Data: USDA, MEGIS, Maine DACF
 Projection: UTM, NAD83, Zone 19, Meters
 Produced by: Municipal Planning
 Assistance Program, DACF
 October 2017



DATA LINKS

Please follow the link listed below, for comprehensive planning data relevant to the following topic area:

- **Agriculture**

1) <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm> Soils for a property by its mailing address.

2) http://soils.usda.gov/survey/printed_surveys/state.asp?state=Maine&abbr=ME Archived County Soil Survey data

Questions about these websites and the data they contain should be directed to:

Stephanie Gilbert
Farm Viability and Farmland Protection Specialist
Maine Department of Agriculture, Conservation and Forestry
28 SHS
Augusta, ME 04333-0028
Stephanie.Gilbert@maine.gov
Desk: 207-287-7520
Cell: 207-557-2036
Fax: 207-287-5576

Ms. Gilbert is also available to help your Comprehensive Planning Committee/Agriculture Sub-Committee prioritize and streamline the data collection and planning processes relative to agriculture, and to help them get right to work on LOCAL strategies to support the farms in your town.

IS YOUR TOWN FARM FRIENDLY? A CHECKLIST FOR SUSTAINING RURAL CHARACTER

by Gary Matteson

Take the Test!

YES NO

Does your town...

- *...have a detailed section on agriculture in the Town Master Plan?* The Master Plan is the big picture view of what land uses are encouraged, protected, or excluded within a town. Does your town's Master Plan refer to "maintaining rural character", but overlook agriculture as the primary component? Agriculture shouldn't be an afterthought!
- *...allow agricultural uses in more than one zoning district?* Agricultural businesses are not the same as other commercial development. Some towns confine agricultural businesses to the commercial zone only, while other towns prohibit such uses in the commercial zone! Farm enterprises are often hybrids of several different uses; ordinances and regulations should allow farm businesses flexibility.
- *...allow simpler design standards for Site Plan Review regulations on agricultural businesses limited to seasonal use?* Simpler standards for certain aspects of Site Plan Review regulations make sense for agricultural uses, such as parking requirements for seasonal retailing or events. When agricultural uses are limited in scope and impact, they need not be treated as if they were year-round permanent businesses. Does your town apply the same site design requirements to a seasonal farm stand as to a grocery store?
- *...allow flexibility in regulations to accommodate the unusual needs of agricultural businesses?* Both the land use impact and the off-site impact of a seasonal farm business is much less than that of a full-time business. Pick-your-own strawberries or Christmas tree farm businesses can't be viable in a town that treats farms like all other retailers. Do your town's regulations provide for reduced restrictions such as expanded hours of business operation, temporary signs, parking near pick-your-own fields, or on street parking?
- *...require buffer zones between farmland and residential uses?* The old saying "good fences make good neighbors" has a modern corollary that says "good buffer zones make new neighbors good neighbors." New development should not place the burden on existing farms to give up boundary land as a buffer zone between agricultural and residential uses. New residential development should provide for its own buffer zone and/or landscape plantings for screening when necessary.
- *...provide for the agricultural use of open space land created by innovative residential subdivisions?* Many towns have adopted innovative subdivision regulations like cluster housing, which provide for setting aside open space land within the subdivision. Ideally, such land should be the most valuable agricultural land, be big enough for commercial agricultural purposes, and specifically allow long term agricultural use to provide consistent resource management. Smaller plots of set aside land could accommodate community gardens. Land set aside for open space can stay productive agricultural land and at the same time contribute to the ecological health and scenic quality of the area -- instead of becoming grown over with brush.
- *...allow off-site signs to attract and direct farm stand customers?* Farm stands are often seasonal businesses that need to capture potential sales at harvest time. Signs that give directions to the farm stand and let customers know what's available (such as strawberries, corn, apples) are vitally important.
- *...allow accessory uses to agriculture?* Remember, it's not just the farmland that makes farming possible: businesses related to agriculture (veterinarians, equipment and supply dealers, custom farm providers, feed milling and delivery, etc.) have to be close enough to serve farmers' needs.

Take the Test!

YES NO

Does your town...(continued)

- **...have a consistent policy approach for local land use procedures that deal with agriculture?** Planning Boards, Zoning Boards, and Conservation Commissions have different responsibilities, but a common regulatory outlook is possible. Update your Master Plan to express the value agriculture contributes to your town's quality of life through open space, wildlife habitation, watershed purification and natural resource preservation. Establish a policy presumption that agriculture is of beneficial use in your town, and fairness will follow.
- **...have a good idea of how much agriculture there is in town?** Consider having a Town appointed committee formulate an Agricultural Profile to demonstrate the economic, cultural, and resource stewardship value of agriculture in your Town. People often carry the misconception that "there's no agriculture in our town" if they don't see cows and red barns. Agriculture in New Hampshire stretches from apples and bees to yaks and zinnias!
- **...allow roadside stands or pick-your-own operations by right?** Consider amending your Town's zoning ordinance so that certain agricultural operations don't need a Special Exception or Variance. Write flexibility into ordinances or regulations that may apply to agricultural land uses so the intent is clearly to promote such use, not to deny because the rules don't fit the unique situations that frequently arise with agricultural businesses.
- **...use zoning definitions such as "agricultural accessory uses" in a broad and inclusive manner?** "Agricultural accessory uses" refers to everything from machinery sheds to housing for seasonal workers. Various agricultural businesses have very different needs that can test the balance of rule and exceptions. Flexibility written into the ordinances and regulations can prevent many denials of the sort where "the rules don't fit".
- **...allow farm stands to sell produce purchased elsewhere?** Many towns have rules that a certain percentage of farm stand produce be grown on the farm. The unintended consequence of such regulation is to penalize farm operators who have a crop failure! The rational basis for allowing a farm stand shouldn't only be how much is grown on the farm, but what benefit the farm provides to the town from the open space, wildlife habitation, watershed purification and natural resource preservation it accomplishes.
- **...properly assess specialized agricultural structures?** Specialized structures such as silos, milking parlors, and permanent greenhouses depreciate in value over time. Providing assessors with depreciation schedules may enable more accurate valuations, which can lead to lower assessments. If your town frequently overvalues agricultural structures, this can have a chilling effect on all types of farm investment.
- **...allow non-traditional or retail-based farm businesses in an agricultural zoning district?** Agricultural businesses don't all look alike. Trying to decide what constitutes an agricultural business can involve splitting hairs to make unfamiliar distinctions between what is "commercial" and what is "agricultural". Ordinances defining agriculture based on state law may be accurate, yet need local interpretation. Your town should recognize that newer types of farm businesses such as horse arenas, landscape nurseries, or greenhouses are more intensive in land use, but still carry valuable elements of rural character that benefit the town.
- **...address agricultural structures in building and safety codes?** Building practices that are state of the art for a specialized use in agriculture may not fit the specifics of codes meant for housing or commercial structures. Bringing up to code agricultural buildings that are historic structures may destroy the very qualities that make them special.

Take the Test!

YES NO

Total Your Score!

Yes on 20-23

Yes on 16-19

Yes on 12-15

Yes on 8-11

Yes on 4-7

Yes on 0-3

Does your town...

- *...consider farmland a natural resource and encourage conservation easements, discretionary easements, and purchase of farmland?* Easements and outright purchases of farmland ensure preservation of the natural resource base for agriculture. Once a town has applied these techniques, the benefits of keeping farmland in private ownership can be more clearly appreciated. By understanding and allowing for the peculiarities of agricultural land use, towns can encourage working farms that contribute to the town's well-being at no cost to the taxpayers.
- *...have any visible demonstration of the value of agriculture?* Does your town have a county fair, an apple festival, or an Old Home Day parade? Making agriculture visible to the general public helps establish the economic, cultural, and resource stewardship value of having active farms in a town.
- *...respect the state Right to Farm law, which has specific exemptions for odor and noise?* Local control is an important tradition for New Hampshire towns. The state Right to Farm law provides a backstop to farmers if local officials overreach their regulatory authority. Conflicts between agriculture and other land uses can be reduced when town officials are informed about Best Management Practices (BMP's) that may alleviate nuisance complaints. University of New Hampshire's Cooperative Extension Service writes BMP's about various agricultural practices based on sound scientific research.
- *...encourage farmers to use the Soil Productivity Index (SPI) calculations to reduce Current Use tax burdens?* Using Soil Productivity Index (SPI) information may reduce the Current Use assessment on less productive agricultural land. By reducing the tax burden on agricultural land, towns can encourage the maintenance of open space at a relatively low cost.
- *...have farmers serving on local land use Planning and Zoning Boards, Conservation and Heritage Commissions?* There are few better ways to incorporate agricultural concerns into local land use ordinances and regulations than having farmers serve. Help your town's land use boards keep a broad perspective by asking "Have you thought of the consequences...?"
- *...have farmers serving on the local Economic Development Committee?* Agricultural businesses are frequently undervalued in terms of their effect on the community. Most of the economic activity generated by farms stays within the community. Negative impressions about the strength of New Hampshire agriculture may have a similar impact on the availability of credit to viable farm operations. Having successful farmers on Economic Development Committees can change these misperceptions.
- *...know where to go to get advice and assistance on farm questions?* Make the connection to resources such as the Department of Agriculture, Markets and Food (industry regulator, statewide perspective); UNH Cooperative Extension (technical questions, BMP's); New Hampshire Farm Bureau (non-governmental farm lobby, broad experience); Natural Resource Conservation Service (land and water resource management).

Your Results...

- Your town is exceptionally friendly and helpful to its farmers.
- Your town knows that farmers are good neighbors who provide lots of benefits to the quality of life, but you're not sure what to do to encourage them.
- Careful! Your town may be less farm friendly than you think...even inadvertently unfriendly.
- Time to get to work helping your fellow citizens understand the importance of protecting its agricultural base.
- Yours is not a farm friendly town, but there might still be hope. Seek help immediately from farmers, farm groups and related organizations!
- Ask yourself what you like about your town, and then what it would be like without any agriculture whatsoever. If there are any farmers left in town, take them out to dinner and ask them to help you turn over a new leaf.

**A Quick Comparison of Maine's Current-Use Property Tax Programs:
Farmland, Open Space, Tree Growth and Working Waterfront**

Key questions for you to consider when comparing Maine's four current-use property tax programs

- *How do I currently use my land? What is the land producing?*
- *What are my land management and ownership goals and objectives for the next 5 years?*
- *What are my land management plans for the next 10 - 20 years?*

Please review the enclosed chart before going on line to obtain Tax Bulletins and Application Forms

<http://www.maine.gov/revenue/forms/property/appsformspubs.htm>

Please contact the following agency people to address your specific questions about each program

ALL PROGRAMS **Jeff Kendall, Appraiser, Property Tax Division**
DAFS, Maine Revenue Service
287- 2013 or 287- 4786

Jeffrey.P.Kendall@maine.gov

OPEN SPACE **Amanda Shearin, Wildlife Planner**
DIFW, Beginning with Habitat Program
287-5878

amanda.f.shearin@maine.gov

Molly Docherty, Director
DACF, Maine Natural Areas Program
287-8045

Molly.Docherty@maine.gov

FARMLAND

Stephanie Gilbert, Farmland Protection Specialist
Maine Department of Agriculture, Conservation & Forestry
287-7520

Stephanie.Gilbert@maine.gov

WORKING WATERFRONT

Matt Nixon, Senior Planner
DACF, Maine Coastal Program
287-1491

Mathew.E.Nixon@maine.gov

TREE GROWTH

Andy Shultz, Landowner Outreach Forester
DACF, Maine Forest Service
287-8430

Andrew.H.Shultz@maine.gov

CURRENT USE PROGRAM	Farmland F Tax Bulletin #20	Open Space OS Tax Bulletin #21	Tree Growth TG Tax Bulletin #19	Working Waterfront WW Frequently Asked ?s
Purpose	To encourage farmland owners to maintain and improve land that is used for farming, agricultural or horticultural activities.	To encourage landowners of open, undeveloped land to prevent or restrict its use from development by conserving scenic resources, enhancing public recreation, promoting game management or preserving wildlife or wildlife habitat.	To encourage forest landowners to retain and improve their forestlands; to promote better forest management; and to support the overall forest products industry in Maine.	To encourage landowners of land located in the intertidal zone to maintain the primary use for that land to support or provide access to the conduct of commercial fishing activities.
Types of Land Cover	Mixed – annual and perennial crops, pasture, orchards, blueberries, wetlands, woodland and wasteland.	Undeveloped acres – open and/or wooded land that is not intended to be developed for commercial or residential purposes.	Forested land used primarily for the growing of trees used to produce commercial forest products.	Land located in the intertidal zone used primarily to support or provide access to the conduct of commercial fishing activities

Length of Time	Permanent: May be withdrawn with payment of a penalty; must be withdrawn if used for non-conforming purposes.	Permanent: May be withdrawn with payment of a penalty; must be withdrawn if used for non-conforming purposes.	Permanent: May be withdrawn with payment of a penalty; must be withdrawn if used for non-conforming purposes.	Permanent: May be withdrawn with payment of a penalty; must be withdrawn if used for non-conforming purposes.
Legally	Voluntary enrollment by landowner. The Town sets the value based upon value of the land as farmland only. State published per acre values recommended but not required.	Voluntary enrollment by landowner. The Town sets the valuation based upon comparable sales statutorily prescribed percentage reduction from full value.	Voluntary enrollment by landowner. The State tax Assessor determines the 100% valuation per acre for softwood, hardwood, and mixed wood cover types by region each year. Areas within a parcel other than classified forest acres must be valued on a fair market value basis.	Voluntary enrollment by landowner. Town sets the valuation based upon eliminating the excess value associated with proximity to water <u>or</u> by defaulting to the statutorily prescribed percentage reduction from full value.
Tax Implications	Landowner's proportionate tax burden is reduced.	Landowner's proportionate tax burden is reduced.	Landowner's proportionate tax burden is reduced.	Landowner's proportionate tax burden is reduced.
Municipal Benefit	Avoids costs associated with development; state subsidies are positively impacted.	Avoids costs associated with development; state subsidies are positively impacted.	Avoids costs associated with development; state subsidies are positively impacted; direct subsidy available from the State.	Avoids costs associated with development; state subsidies are positively impacted.
Parcel Size	5 contiguous acre minimum.	No minimum acreage: *Minimum and setback areas for non-conforming uses are excluded.	Minimum 10 forested acres devoted primarily to growth and harvest of commercial forest products.	No minimum acreage: *Minimum and setback areas for non-conforming uses are excluded.
Landowner Requirements	Application, detailed map of the parcel & gross income report* must be given to the assessor by April 1. Must report annual gross income* of \$2,000 in 1 of 2, or 3 of 5 years preceding application. *An accounting of the value of commodities produced and sold or for consumed by farm household. * If 2-year Provisional	Application with a detailed map of the parcel) must be given to the assessor by April 1. "Ordinary" @ 20%: none "Permanently Protected" (up to 50% reduction in value): recorded enforceable deed restrictions. "Permanently Protected and Forever Wild" (up to 70% reduction in value): recorded deed restrictions.	Must have written Forest Management and Harvest Plan prepared/approved by a Maine Licensed Forester. Landowner must follow the recommendations in the Plan, update the Plan at least once every 10 years, and is required to re-certify compliance with the plan to the assessing jurisdiction every 10 years. Must inform assessor of any changes in the use of the parcel.	Application & a detailed map of the parcel must be given to the assessor by April 1. WW land used primarily(50%) to support or provide access to commercial fishing 20% reduction in value WW land used predominantly(90%) to support or provide access to commercial fishing 30% reduction in value WW land that is permanently

DATA LINKS

Please follow the links listed below, for comprehensive planning resources relating to the following topics:

- **CLIMATE CHANGE**

- 1) [Climate Change/Adaptation/Resiliency](#)
- 2) [Adaptation Toolkit](#)

For more information, or to discuss possible issues/opportunities related to your municipality's comprehensive plan on climate change and resilience efforts, please contact:

Nathan P. Robbins, Climate Change Specialist
Sustainability Division
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
207-592-6590 (phone)
nathan.p.robbs@maine.gov

- **SUSTAINABILITY**

For more information, or to discuss possible issues/opportunities related to your municipality's comprehensive plan on sustainability efforts, please contact:

George M. MacDonald, Director
Sustainability Division
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
(207) 287-2870 (desk)
george.macdonald@maine.gov



Preserving Agriculture and Farmland

The first and most important step is to engage your community's farmers at the beginning of preserving agriculture discussions. Then farmers, farm groups, related organizations, town officials and neighbors work together to envision the community's farming future.

Some of the next steps your community can take include:

Support farmers

- Create a supportive business environment for farming.
- Encourage farmers' markets and farmstands.
- Recognize the farm families in your community for their long-term land tenure and stewardship.

Strengthen farming

- Adopt farm-friendly policies that enable farms to diversify and expand their businesses.
- Help existing and new farmers access good farmland so they can thrive in your community.

Save farmland

- Work with farmers to identify and prioritize farmland.
- Support landowners' enrollment in Maine's current use tax programs.
- Support landowners' efforts to permanently preserve their land for agriculture.

The Farm Protection Toolbox

The good news is that Maine has public policies, programs and organizations to help towns protect their farmland. There are also a variety of tools at the local level.

Statewide Policies, Programs and Organizations

- **Maine's Farm, Open Space and Tree Growth Tax Programs** allows eligible properties to be assessed at current, rather than "highest and best" use.
- Local land trusts and the Maine Department of Agriculture can apply for funds from the **Land for Maine's Future Program** and the **USDA Farm and Ranch Lands Protection Program** to purchase development rights on working farms. In exchange for cash, farmland owners grant a Conservation Easement to protect the farm's use of the property forever.
- The Maine Department of Agriculture's **Farms for the Future Program** grants farmers assistance with developing business plans and conducting market research. Farmers with complete plans are eligible to compete for additional grants to implement their plan.
- **Maine Farmland Trust** helps landowners explore a variety of strategies to protect the future of their farm.
- **Maine FarmLink**, a program of Maine Farmland Trust, connects new farmers seeking land with retiring Maine farmers and farm owners who wish to see their land remain active farmland.

- **Maine's Right-to-Farm Law** protects farmers from nuisance lawsuits from neighbors moving into a farming area.

Local options citizens can explore

- **Agricultural Advisory Committees** are farm-focused local boards that develop strategies to protect and promote agriculture in their communities. They are liaisons between farmers, residents and local government.
- **Agricultural Overlay Districts** identify areas where farming is the primary and preferred land use, and discourage or prohibit incompatible development and land speculation. The overlay zone helps to ease neighbor conflicts while encouraging agriculture and compatible uses such as farm-support businesses and on-farm processing facilities.
- **Subdivision Regulations** can be used to review the division of land and prevent the creation of lots that are too small or unsuited for agricultural use and which can fragment the rural land base.
- **Conservation Subdivision policies** can provide incentives for developers and landowners to build new structures on smaller clustered lots to protect important farmland soils for continued agricultural use.
- **Transfer of Development Rights policies** can permanently protect farmland by allowing developers to purchase development rights from farmland owners and transfer the rights to other designated town areas.
- **Dedicated Land Conservation Funding** gives communities the flexibility to respond strategically to opportunities to save farmland. Local farmland protection funding encourages farmers to reinvest in agriculture. Local conservation dollars can often be used to leverage available State and federal funding.
- **Collaboration with Land Trusts** can help towns complete farmland protection deals or even establish local farm preservation strategies. Nonprofit land trusts can often provide valuable technical, and sometimes financial, assistance with these efforts.

It's not farmland without farmers.™

The greatest investment you can make to protect working farmland is to help your community plan for the future of agriculture. START TODAY!

Additional Resources

- Maine Dept of Agriculture, Farmland Protection Program <http://www.state.me.us/agriculture/mpd/farmland/>
- Maine Farmland Trust www.maineFarmlandtrust.org
- American Farmland Trust www.farmland.org
- Land for Maine's Future www.state.me.us/spo/lmf/
- Maine Land Trust Network mltn.org
- Eat Local Foods Coalition of Maine www.eatlocalfoods.org/

Protecting Maine's Working Farmland

Keeping Maine farms and farmland working and profitable requires active, local participation from citizen planners, town officials, conservationists and neighbors – like you.



Fifty years ago Cape Elizabeth had fifty operating farms. Today, the William H. Jordan Farm is one of a handful that remain in operation. In 2004, forty-seven acres of the farm were permanently protected by the Jordan family, the Town of Cape Elizabeth, the Cape Elizabeth Land Trust, the Land for Maine's Future Program and the USDA Farm and Ranch Lands Protection Program.

Farmers need affordable productive land to survive. Whether your community includes small farms, large farms or both, find ways to support these important local family businesses. Meet with the farmers in your community. Learn what they will need to compete with and adapt to regional, national and international changes affecting their industry. While traditional dairy and crop farms require large tracts of land to remain viable, many smaller-scale farms are emerging that serve specialty markets such as flowers and seedlings, wines, fiber, organic produce and meats. These specialty farms have different land needs and require different infrastructure. Farms of *all* types are vitally important to maintaining a healthy and diverse farm economy and working landscape in Maine.

Strong, Healthy Agriculture Means:

A Vital Local Economy...

- Maine's farms and food processors provide over 65,000 jobs and contribute \$1.2 billion annually to Maine's economy.
- Farms support a broad base of local businesses, from local merchants to suppliers to mechanics, creating a diverse economic base for the region.
- Maine farms are a tourist attraction. They offer visitors opportunities to hunt, fish, hike, ski, snowmobile, pick apples and enjoy nature and the rural countryside.

.....and a Healthy Environment

- Farm fields and forested wetlands are important areas for groundwater recharge. Farm hedgerows filter rain and surface water runoff helping to protect water quality.
- Farms provide essential habitat for fish, birds and other important wildlife species.

...to Preserve Maine's Heritage.

- Farms provide lush green natural areas and pastoral vistas that are welcome refuge from our hectic, crowded everyday lives.
- Maine's farms are a historic and cultural legacy.

The Challenge

People relocating to the countryside seek affordable, accessible land with ample sun and clean air. These are the same qualities that farmers need to grow good crops. Housing construction may bring new jobs while building is underway, but once house lots replace farmland, there is no going back. The challenge is how to provide for and protect agricultural land use while also accommodating growth. Planning for agriculture helps to ensure that farming will have a place as your community grows.

MAINE'S GOAL*

To permanently conserve 250,000 acres of working farmland by 2025

In the last 10 years, 160,000 acres of Maine's best farmland was converted to residential and commercial use.

If the tillable portion of Maine's currently active farmland is developed at the same rate as it was during the past decade, most of Maine's productive farmland will disappear in the next 45 years.

*Maine Dept. of Agriculture, Food and Rural Resources

Summary of Timber Harvest Information for the town of:

Searsport

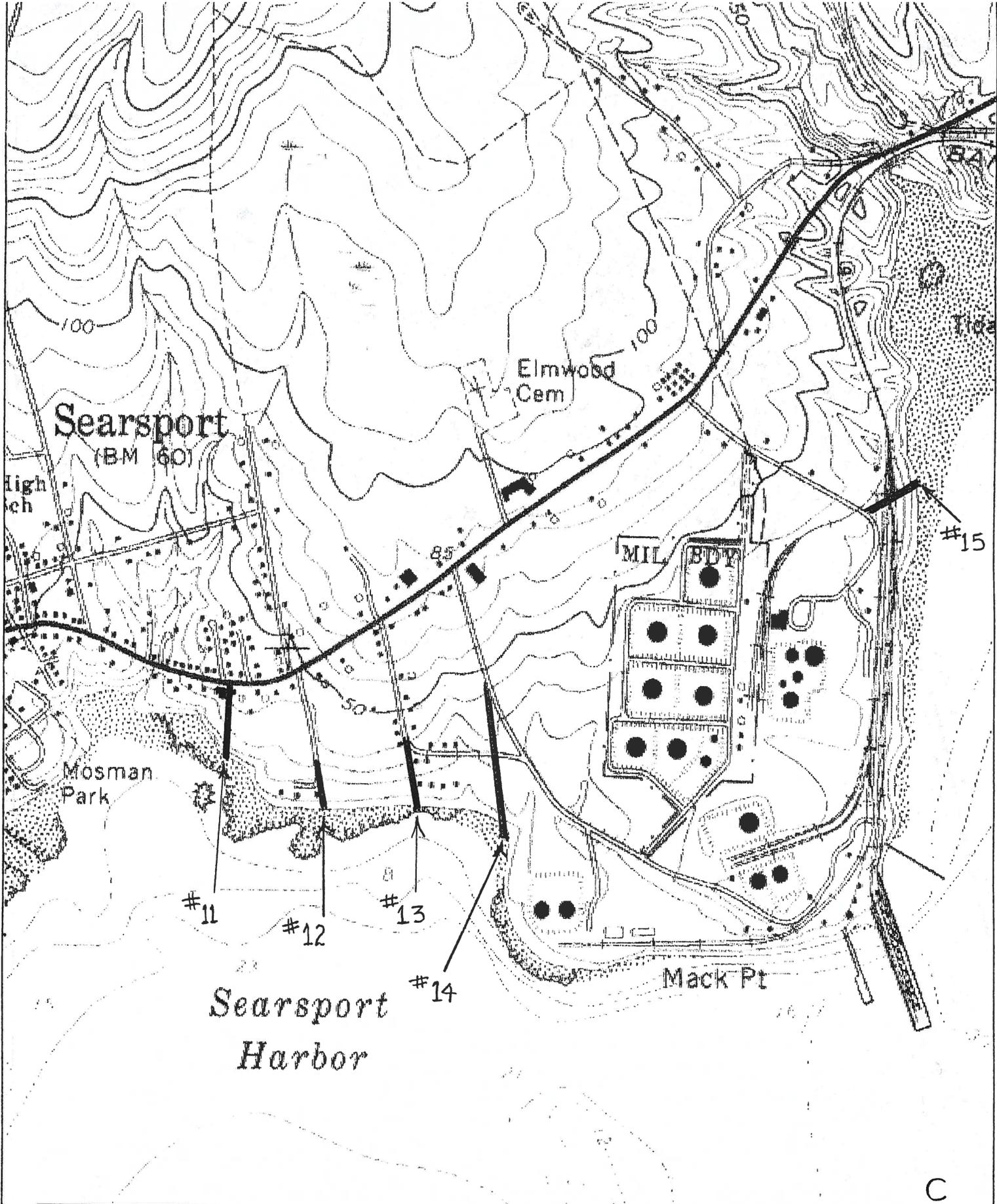
YEAR	Selection harvest, acres	Shelterwood harvest, acres	Clearcut harvest, acres	Total Harvest, acres	Change of land use, acres	Number of active Notifications
1991-1992	115	25	0	140	0	5
1993	51	20	15	86	0	5
1994	95	0	0	95	0	4
1995	142	0	0	142	0	6
1996	134	10	5	149	5	5
1997	335	0	9	344	4	7
1998	737	14	10	761	0	17
1999	605	0	10	615	0	32
2000	410	0	0	410	0	36
2001	196	2	0	198	60	24
2002	203	1	0	204	2	14
2003	155	58	0	213	5	14
2004	122	5	0	127	0	12
2005	300	11	0	311	10	17
2006	206	11	0	217	23	15
2007	231	0	0	231	32	15
2008	66	15	0	81	0	10
2009	19	2	0	21	0	10
2010	170	40	0	210	8	15
2011	113	0	0	113	3	11
2012	22	46	0	68	0	7
2013	161	0	0	161	0	14
2014	139	0	0	139	1.5	11
2015	81.5	105	0	186.5	26	20
2016	187.9	65	0	252.9	4.75	17
Total	4996.4	430	49	5475.4	184.25	343
Average	200	17	2	219	7	14

Data compiled from Confidential Year End Landowner Reports to Maine Forest Service.

Department of Agriculture, Conservation and Forestry - Maine Forest Service
We help you make informed decisions about Maine's forests

*** To protect confidential landowner information, data is reported only where three or**

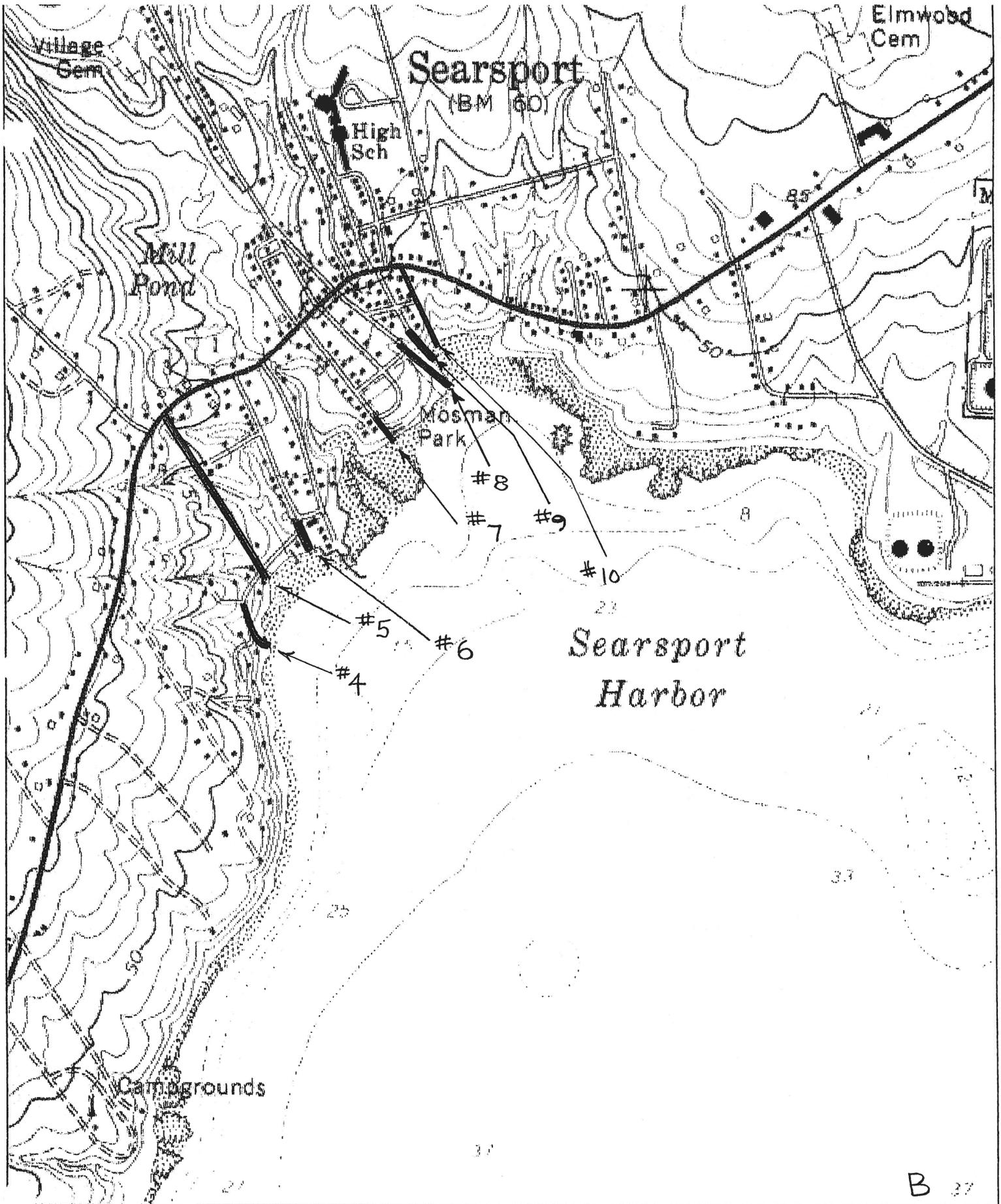
Appendix 6 - Marine Resources



Name: SEARSPORT
 Date: 2/9/2004
 Scale: 1 inch equals 1000 feet

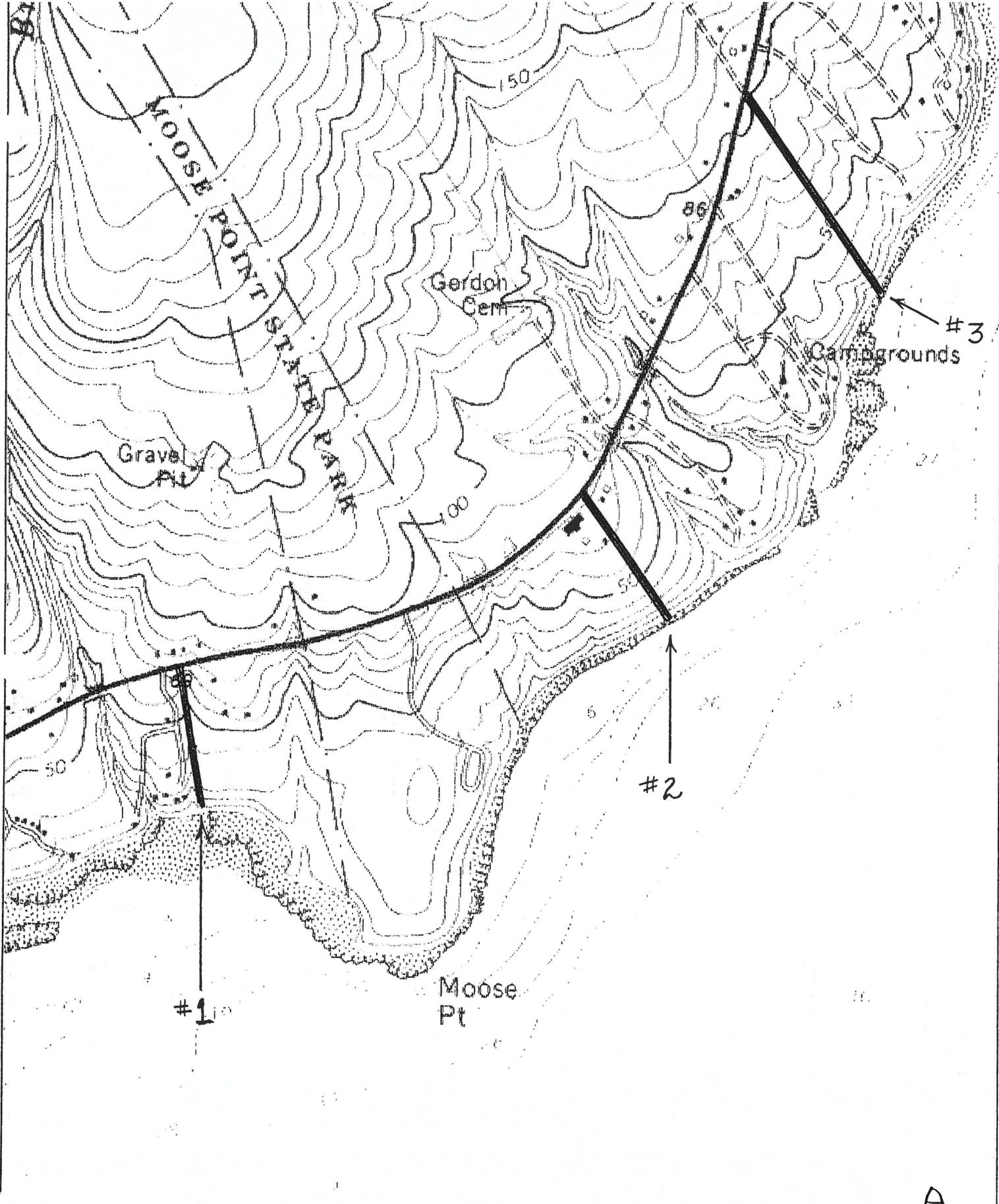
Location: 19 0507175 E 4922914 N
 Caption: SEARSPORT
 SHORE ACCESS

C



Name: SEARSPORT
 Date: 2/9/2004
 Scale: 1 inch equals 1000 feet

Location: 19 0506306 E 4922039 N
 Caption: SEARSPORT
 SHORE ACCESS



Name: SEARSPORT
Date: 2/9/2004
Scale: 1 inch equals 1000 feet

Location: 19 0504614 E 4920267 N
Caption: SEARSPORT
SHORE ACCESS

A



B E L F A S T

Name: SEARSPORT
 Date: 2/9/2004
 Scale: 1 inch equals 4000 feet

Location: 19 0506375 E 4923669 N
 Caption: SEARSPORT
 SHORE ACCESS

**TOWN OF SEARSPORT
SHORE ACCESS**

NO.	ROAD NAME	DATE	RESEARCHERS FINDINGS ***
001	M-1,L-46 (ROAD # 3 IN 1808)	04/12/01	THE PUBLIC HAS RIGHTS IN THE OLD ROADWAY
002	M-1,L-33 (ROAD # 2 IN 1808)	02/02/01	THE PUBLIC HAS RIGHTS IN THE OLD ROADWAY
003	M-1,L-09 (ROAD # 1 IN 1808)	05/09/96	THE PUBLIC HAS RIGHTS IN THE OLD ROADWAY, ADJOINERS DO NOT SHOW THIS ROW ON RECORDED SUBDIVISION PLANS
004	COTTAGE STREET	12/23/97	THE RECORD DID NOT REVEAL TOWN RIGHTS TO THE SHORE FROM THIS ROAD.
005	M-13,L-13 (ROAD # 0 IN 1808)	03/13/00	THIS ROAD IS NOT EVIDENCED EITHER BY THE RECORD OR ON THE GROUND.
006	NORRIS STREET	01/22/04	A TOWN WAY TO THE SHORE
007	WATER STREET	02/05/04	A TOWN WAY TO THE SHORE
008	LEACH STREET	09/27/95	ACCESS RESERVED FOR MOSMAN MEMORIAL PARK ONLY.
009	ELM STREET	02/22/96	PUBLIC ACCESS TO THE SHORE WAS NOT FOUND IN THE RECORDS.
010	MERITHEW LANE	09/20/99	PRIVATE WAY (OLD SHIPYARD ROAD)
011	McGILVERY STREET	07/10/99	THIS ROAD HAS BEEN DEEDED TO WAYNE HAMILTON BY THE TOWN
012	SUMMER STREET	01/31/98	A TOWN WAY TO THE SHORE
013	NAVY STREET	02/23/96	A TOWN WAY TO THE SHORE
014	TRUNDY ROAD	03/06/00	DOES NOT EXTEND TO THE SHORE
015	STATION AVENUE	03/19/97	DOES NOT EXTEND TO THE SHORE

*** THESE FINDINGS SHOULD BE REVIEWED BY
THE TOWN ATTORNEY

GARROLD COMPANY
LAND SURVEYING AND MAPPING
4 HOWARD STREET - PO BOX 293 - SEARSPORT, MAINE 04974
Phone: 207 548 2587 - e mail: garrold@acadia.net - cell: 207 323 1587

February 10, 2004

**SEARSPORT SHORE ACCESS
PROJECT 86-09**

SUMMARY REPORT

In 1994, Fred Breslin, Town Manager received notice from the Office of Community Development that a Grant Program for "Public Access Discovery" was being offered to the Maine Coastal Towns.

Working together, Fred Breslin and Don Garrold identified fifteen possible shore access locations. These are enumerated and mapped in the index section of this report. Grants were received for investigation of these sites in 1994, 1995, 1996, 1998 and 1999. Fred Breslin and his successor, Jerry Storey, provided cooperation and guidance for these projects.

This loose-leaf compilation is the result of these grant program investigations.

A site index including "Researchers Findings" and accompanying location maps are included in the front for reference.

Each site location section contains a report derived from the data reviewed, a sketch of the locus and deed flow histories for the pertinent land adjoining the site. A researchers opinion about public rights is included in each site report. This opinion is not a legal opinion and should be reviewed by the Town Attorney before taking any action at the sites.

This project has been an action among many taken by the town to provide the information required to manage the Town Infrastructure.

I am pleased to be a part of this continuing effort by the Town.

Respectfully submitted,


Don Garrold, PLS

Count of License Name	Column Labels	
Row Labels	SEARSPORT	Grand Total
Commercial Fishing Single (CFS)	3	3
Commercial Shellfish (CS)	13	13
Elver Dip Net (EO)	2	2
Elver Dip Net Crew (EOC)	1	1
Lobster/Crab +70 (LCO)	1	1
Lobster/Crab Apprentice (LA)	2	2
Lobster/Crab Class 1 (LC1)	2	2
Lobster/Crab Class 2 (LC2)	3	3
Lobster/Crab Class 2 +70 (LC2O)	3	3
Lobster/Crab Class 3 (LC3)	1	1
Lobster/Crab Non Commercial (LNC)	4	4
Lobster/Crab student (LCS)	3	3
Marine Worm Digging (MWD)	4	4
Mussel Hand (MH)	1	1
Recreational Saltwater Fishing Operator (SWRO)	2	2
Recreational Saltwater Registry (SWR)	1	1
Scallop Diver with Tender (SDT)	2	2
Sea Urchin with Tender (SUWT)	1	1
Grand Total	49	49

2017 Vessel Length Count by Town

Count of Vessel Length	Column Labels	
Row Labels	SEARSPORT	Grand Total
14	1	1
16	2	2
18	1	1
19	3	3
20	3	3
21	2	2
22	1	1
24	1	1
25	1	1
30	2	2
36	3	3
(blank)		
Grand Total	20	20

**A Quick Comparison of Maine's Current-Use Property Tax Programs:
Farmland, Open Space, Tree Growth and Working Waterfront**

Key questions for you to consider when comparing Maine's four current-use property tax programs

- *How do I currently use my land? What is the land producing?*
- *What are my land management and ownership goals and objectives for the next 5 years?*
- *What are my land management plans for the next 10 - 20 years?*

Please review the enclosed chart before going on line to obtain Tax Bulletins and Application Forms

<http://www.maine.gov/revenue/forms/property/appsformspubs.htm>

Please contact the following agency people to address your specific questions about each program

ALL PROGRAMS	Jeff Kendall, Appraiser, Property Tax Division DAFS, Maine Revenue Service 287- 2013 or 287- 4786	Jeffrey.P.Kendall@maine.gov
OPEN SPACE	Amanda Shearin, Wildlife Planner DIFW, Beginning with Habitat Program 287-5878	amanda.f.shearin@maine.gov
	Molly Docherty, Director DACF, Maine Natural Areas Program 287-8045	Molly.Docherty@maine.gov

FARMLAND

Stephanie Gilbert, Farmland Protection Specialist
 Maine Department of Agriculture, Conservation & Forestry
 287-7520
Stephanie.Gilbert@maine.gov

WORKING WATERFRONT

Matt Nixon, Senior Planner
 DACF, Maine Coastal Program
 287-1491

Mathew.E.Nixon@maine.gov

TREE GROWTH

Andy Shultz, Landowner Outreach Forester
 DACF, Maine Forest Service
 287-8430

Andrew.H.Shultz@maine.gov

CURRENT USE PROGRAM	Farmland F Tax Bulletin #20	Open Space OS Tax Bulletin #21	Tree Growth TG Tax Bulletin #19	Working Waterfront WW Frequently Asked ?s
Purpose	To encourage farmland owners to maintain and improve land that is used for farming, agricultural or horticultural activities.	To encourage landowners of open, undeveloped land to prevent or restrict its use from development by conserving scenic resources, enhancing public recreation, promoting game management or preserving wildlife or wildlife habitat.	To encourage forest landowners to retain and improve their forestlands; to promote better forest management; and to support the overall forest products industry in Maine.	To encourage landowners of land located in the intertidal zone to maintain the primary use for that land to support or provide access to the conduct of commercial fishing activities.
Types of Land Cover	Mixed – annual and perennial crops, pasture, orchards, blueberries, wetlands, woodland and wasteland.	Undeveloped acres – open and/or wooded land that is not intended to be developed for commercial or residential purposes.	Forested land used primarily for the growing of trees used to produce commercial forest products.	Land located in the intertidal zone used primarily to support or provide access to the conduct of commercial fishing activities

Length of Time	Permanent: May be withdrawn with payment of a penalty; must be withdrawn if used for non-conforming purposes.	Permanent: May be withdrawn with payment of a penalty; must be withdrawn if used for non-conforming purposes.	Permanent: May be withdrawn with payment of a penalty; must be withdrawn if used for non-conforming purposes.	Permanent: May be withdrawn with payment of a penalty; must be withdrawn if used for non-conforming purposes.
Legally	Voluntary enrollment by landowner. The Town sets the value based upon value of the land as farmland only. State published per acre values recommended but not required.	Voluntary enrollment by landowner. The Town sets the valuation based upon comparable sales statutorily prescribed percentage reduction from full value.	Voluntary enrollment by landowner. The State tax Assessor determines the 100% valuation per acre for softwood, hardwood, and mixed wood cover types by region each year. Areas within a parcel other than classified forest acres must be valued on a fair market value basis.	Voluntary enrollment by landowner. Town sets the valuation based upon eliminating the excess value associated with proximity to water <u>or</u> by defaulting to the statutorily prescribed percentage reduction from full value.
Tax Implications	Landowner's proportionate tax burden is reduced.	Landowner's proportionate tax burden is reduced.	Landowner's proportionate tax burden is reduced.	Landowner's proportionate tax burden is reduced.
Municipal Benefit	Avoids costs associated with development; state subsidies are positively impacted.	Avoids costs associated with development; state subsidies are positively impacted.	Avoids costs associated with development; state subsidies are positively impacted; direct subsidy available from the State.	Avoids costs associated with development; state subsidies are positively impacted.
Parcel Size	5 contiguous acre minimum.	No minimum acreage. *Minimum and setback areas for non-conforming uses are excluded.	Minimum 10 forested acres devoted primarily to growth and harvest of commercial forest products.	No minimum acreage. *Minimum and setback areas for non-conforming uses are excluded.
Landowner Requirements	Application, detailed map of the parcel & gross income report* must be given to the assessor by April 1. Must report annual gross income* of \$2,000 in 1 of 2, or 3 of 5 years preceding application. *An accounting of the value of commodities produced and sold or for consumed by farm household. * If 2-year Provisional	Application with a detailed map of the parcel) must be given to the assessor by April 1. "Ordinary" @ 20%: none "Permanently Protected" (up to 50% reduction in value): recorded enforceable deed restrictions. "Permanently Protected and Forever Wild" (up to 70% reduction in value): recorded deed restrictions.	Must have written Forest Management and Harvest Plan prepared/approved by a Maine Licensed Forester. Landowner must follow the recommendations in the Plan, update the Plan at least once every 10 years, and is required to re-certify compliance with the plan to the assessing jurisdiction every 10 years. Must inform assessor of any changes in the use of the parcel.	Application & a detailed map of the parcel must be given to the assessor by April 1. WW land used primarily(50%) to support or provide access to commercial fishing 20% reduction in value WW land used predominantly(90%) to support or provide access to commercial fishing 30% reduction in value WW land that is permanently

Appendix 7 - Population and Demographics

DATA LINKS

Please follow the links listed below, for comprehensive planning data relevant to the following topic areas:

- **Population**
- **Housing**
- **Economy**

1) <http://econ.maine.gov/index/comprehensive> Various demographic, housing and economic data from the Census Bureau and other sources are available through this Office of Policy and Management webpage.

2) <http://www.maine.gov/economist/projections/index.shtml> Population projections for Maine cities and towns are available through this Office of Policy and Management webpage.

3) <http://www.maine.gov/labor/cwri/employers.html> The "Employer Locator" tool found on this Maine Department of Labor webpage allows the creation of a list of a town's employers and the number of workers employed by each one. There are 3 tabs on top of the window where the lists appear. To get a town-specific list, press the "Employer Name" tab and then, on the right hand side of the following page, select the county and then the town from the "City" dropdown box.

4) <http://www.mainehousing.org/data/housing-facts> This Maine State Housing Authority webpage provides home ownership and rental information by state, county and market area.

5) <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml> The U.S. Census Bureau's American Fact Finder site can provide additional detailed local housing and other information.

Questions about the Office of Policy and Management webpages and the data they contain should be directed to:

Amanda Rector
State Economist
Governor's Office of Policy and Management
Amanda.Rector@Maine.gov
(207) 287-2873

Questions about the Maine Department of Labor webpage and the data it contains should be directed to:

Ruth Pease
Senior Economic Research Analyst
Maine Department of Labor
Ruth.E.Pease@Maine.gov
(207) 621-5189

Questions about the MaineHousing webpage and the data it contains should be directed to:

Richard Taylor
Research Director
MaineHousing
Richard.Taylor@mainehousing.org
(207) 626-4644

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Economics & Demographics

[Comprehensive Plan](#)

[Commonly Requested Data](#)

[Build Your Own Spreadsheet](#)

Comprehensive Plan

Searsport

[Change selection.](#)

Population - Estimates, Annual, 2015

Population Estimate

Population - Decennial Total, 2010

Total Population

Population - Decennial Total, 2000

Total Population

Population - Decennial Total, 1990

Total Population

Population - Decennial Total, 1980

Total Population

Population - Decennial Total, 1970

Total Population

Population - by Age (Decennial), 2010

Under 5 years

[Census Information](#)
[Annual Income](#)
[Growth Factor](#)
[Taxable Retail Sales](#)

[Releases](#)

[Build Your Own Datasheet](#)

	Searsport	Waldo County	Maine
Population Estimate	2,626	39,155	1,329,453
Total Population	2,615	38,786	1,328,361
Total Population	2,641	36,280	1,274,923
Total Population	2,602	33,018	1,227,928
Total Population	2,309	28,414	1,125,043
Total Population	1,951	23,328	993,722
Under 5 years	119	2,072	69,520

5 to 9 years	140	2,185	74,116
10 to 14 years	137	2,344	79,013
15 to 17 years	100	1,546	51,884
18 and 19 years	52	949	36,426
20 years	23	457	17,408
21 years	27	420	16,566
22 to 24 years	67	1,096	45,672
25 to 29 years	125	1,898	72,681
30 to 34 years	152	2,137	71,943
35 to 39 years	149	2,279	79,905
40 to 44 years	153	2,490	91,471
45 to 49 years	185	2,949	107,619
50 to 54 years	208	3,279	110,956
55 to 59 years	259	3,299	102,441
60 and 61 years	98	1,300	37,823
62 to 64 years	123	1,806	51,837
65 to 69 years	147	2,130	65,014
70 to 74 years	128	1,461	47,637
75 to 79 years	97	1,125	38,894
80 to 84 years	60	795	30,399
85 years and over	66	769	29,136

Population - by Age (Decennial), 2000

	Searsport	Waldo County	Maine
Under 5 years	153	2,042	70,726
5 to 9 years	169	2,425	83,022
10 to 14 years	178	2,721	92,252
15 to 17 years	115	1,588	55,238
18 and 19 years	59	873	34,247
20 years	24	361	15,330
21 years	18	403	14,805
22 to 24 years	88	1,086	39,521
25 to 29 years	147	2,024	71,951
30 to 34 years	156	2,297	85,666
35 to 39 years	177	2,751	104,149
40 to 44 years	199	3,023	108,831
45 to 49 years	251	3,070	101,921
50 to 54 years	201	2,962	90,675
55 to 59 years	140	2,026	68,490
60 and 61 years	64	630	22,367
62 to 64 years	100	1,051	32,330
65 to 69 years	122	1,500	50,100
70 to 74 years	107	1,257	46,096
75 to 79 years	90	1,020	38,098
80 to 84 years	53	609	25,792
85 years and over	30	561	23,316

Educational Attainment, 2015

	Searsport	Waldo County	Maine
Less than 9th grade	65	632	29,080
Margin of Error	57	128	936
9th to 12th grade, no diploma	178	1,582	50,525
Margin of Error	89	195	1,435
High school graduate (includes equivalency)	609	9,613	316,556
Margin of Error	171	412	3,058
Some college, no degree	358	5,283	189,860
Margin of Error	136	343	2,496
Associate degree	316	2,570	90,595

Margin of Error	161	249	1,778
Bachelor's degree	334	5,386	178,375
Margin of Error	122	382	2,568
Graduate or professional degree	150	3,174	97,786
Margin of Error	96	253	1,868
% High School Graduate or Higher	87.90	92.20	91.60
Margin of Error	6.20	0.90	0.20
% Bachelor's Degree or Higher	24.10	30.30	29
Margin of Error	7.70	1.60	0.40

Educational Attainment, 2010

	Searsport	Waldo County	Maine
Less than 9th grade	49	974	35,336
Margin of Error	32	215	1,337
9th to 12th grade, no diploma	178	1,755	59,859
Margin of Error	87	202	1,823
High school graduate (includes equivalency)	881	10,885	326,777
Margin of Error	155	445	2,956
Some college, no degree	234	5,514	178,022
Margin of Error	84	349	2,198
Associate degree	107	1,949	82,580
Margin of Error	75	250	1,605
Bachelor's degree	330	4,055	159,601
Margin of Error	117	275	2,299
Graduate or professional degree	114	2,282	87,126
Margin of Error	66	248	1,730
% High School Graduate or Higher	88	90	89.80
Margin of Error	4.60	1.10	0.20
% Bachelor's Degree or Higher	23.50	23.10	26.50
Margin of Error	6.90	1.30	0.30

Educational Attainment, 2000

	Searsport	Waldo County	Maine
Less than 9th grade	74	1,295	47,183
Margin of Error	n/a	n/a	n/a
9th to 12th grade, no diploma	151	2,529	80,105
Margin of Error	n/a	n/a	n/a
High school graduate (includes equivalency)	856	9,630	314,600
Margin of Error	n/a	n/a	n/a
Some college, no degree	319	4,210	165,111
Margin of Error	n/a	n/a	n/a
Associate degree	86	1,609	63,934
Margin of Error	n/a	n/a	n/a
Bachelor's degree	236	3,599	129,992
Margin of Error	n/a	n/a	n/a
Graduate or professional degree	103	1,946	68,968
Margin of Error	n/a	n/a	n/a
% High School Graduate or Higher	87.67	84.59	85.37
Margin of Error	n/a	n/a	n/a
% Bachelor's Degree or Higher	18.58	22.34	22.87
Margin of Error	n/a	n/a	n/a

Population - Average Household Size, 2015

	Searsport	Waldo County	Maine
Average Household Size	1.91	2.26	2.34
Margin of Error	0.20	0.04	0.01

Income - Median Household, 2015

	Searsport	Waldo County	Maine
--	-----------	-----------------	-------

Median Household Income	32,500	44,082	49,331
Margin of Error	9,457	1,630	512
Income - Families below poverty level, 2015	Searsport	Waldo County	Maine
All families - Total	768	10,795	347,579
All families - Total; Margin of Error	104	344	2,224
All families - Percent below poverty level	14.60	10.70	9.30
All families - Percent below poverty level; Margin of Error	9	1.40	0.40
Employment - Occupation, 2015	Searsport	Waldo County	Maine
Civilian employed population 16 years and over	1,227	18,381	648,687
Margin of Error; Civilian employed population 16 years and over	179	426	2,995
Management, business, science, and arts occupations	503	6,215	229,781
Margin of Error; Management, business, science, and arts occupations	150	350	2,748
Service occupations	172	3,672	120,088
Margin of Error; Service occupations	83	285	1,913
Sales and office occupations	212	4,038	155,292
Margin of Error; Sales and office occupations	90	291	2,570
Natural resources, construction, and maintenance occupations	86	2,223	69,640
Margin of Error; Natural resources, construction, and maintenance occupations	67	188	1,703
Production, transportation, and material moving occupations	254	2,233	73,886
Margin of Error; Production, transportation, and material moving occupations	138	234	1,603
Transportation - Means of Travel To Work, 2015	Searsport	Waldo County	Maine
Total	1,196	17,757	635,475
Margin of Error	182	427	3,108
Car, truck, or van - drove alone	785	13,345	495,743
Margin of Error	165	418	3,442
Car, truck, or van - carpooled	225	1,829	65,287
Margin of Error	93	165	2,054
Public transportation (excluding taxicab)	0	75	4,032
Margin of Error	9	43	406
Walked	0	667	25,475
Margin of Error	9	157	1,015
Taxicab, motorcycle, bicycle, or other means	66	334	10,451
Margin of Error	57	128	811
Worked at home	120	1,507	34,487
Margin of Error	116	216	1,199
Transportation - Travel Time to Work, 2015	Searsport	Waldo County	Maine
Workers over 16 who did not work at home	1,076	16,250	600,988
Margin of Error	202	424	2,966
Less than 5 minutes	0	838	31,878
Margin of Error	9	168	1,240
5 to 9 minutes	101	1,688	77,889
Margin of Error	76	235	1,606
10 to 14 minutes	129	1,919	92,898
Margin of Error	81	213	1,739
15 to 19 minutes	195	2,233	91,411
Margin of Error	98	283	1,901
20 to 24 minutes	293	2,117	83,913

Margin of Error	127	244	1,990
25 to 29 minutes	31	1,207	37,395
Margin of Error	42	196	1,084
30 to 34 minutes	50	2,330	67,807
Margin of Error	46	240	1,710
35 to 39 minutes	17	586	16,863
Margin of Error	23	111	861
40 to 44 minutes	8	518	20,388
Margin of Error	14	90	757
45 to 59 minutes	157	1,521	41,623
Margin of Error	74	178	1,169
60 to 89 minutes	14	843	25,604
Margin of Error	20	150	1,066
90 or more minutes	81	450	13,319
Margin of Error	65	110	763

Housing - Median Home Price, 2013	Searsport	Waldo County	Maine
Affordable at Median Income	127,192	133,384	165,374
Income Needed for Median Price	35,213	44,008	49,034
Median Sale Price	112,000	150,000	169,900

Housing - Unable to Afford Median Home Price, 2013	Searsport	Waldo County	Maine
Percentage of Households Unable to Afford Median Home Price	0.44	0.55	0.52
Number of Households Unable to Afford Median Home Price	518	9,150	292,965

Housing - Average 2 Bedroom Rent with Utilities, 2013	Searsport	Waldo County	Maine
Average 2Bdr Rent with Utilities	839.68	851.32	n/a

Housing - Age of Home by Tenure, 2015	Searsport	Waldo County	Maine
Total	1,376	16,888	553,284
Margin of Error: Total	143	313	2,234
Owner occupied	921	13,094	393,995
Margin of Error: Owner occupied	129	297	2,425
Built 2005 or later			
Margin of Error: 2005 or later			
Built 2000 to 2004			
Margin of Error: 2000 to 2004			
Built 1990 to 1999	150	2,115	54,699
Margin of Error: 1990 to 1999	79	216	1,015
Built 1980 to 1989	148	2,090	61,317
Margin of Error: 1980 to 1989	84	201	1,438
Built 1970 to 1979	114	1,914	57,682
Margin of Error: 1970 to 1979	84	150	1,075
Built 1960 to 1969	112	687	27,348
Margin of Error: 1960 to 1969	79	122	856
Built 1950 to 1959	101	487	27,913
Margin of Error: 1950 to 1959	58	109	969
Built 1940 to 1949	23	229	17,369
Margin of Error: 1940 to 1949	26	64	632
Built 1939 or earlier	79	2,694	85,530
Margin of Error: 1939 or earlier	68	214	1,432
Renter occupied	455	3,794	159,289
Margin of Error: Renter occupied	144	310	2,116
Built 2005 or later			

Margin of Error: 2005 or later Built 2000 to 2004			
Margin of Error: 2000 to 2004 Built 1990 to 1999	43	569	13,436
Margin of Error: 1990 to 1999 Built 1980 to 1989	39	138	810
Margin of Error: 1980 to 1989 Built 1970 to 1979	127	673	22,854
Margin of Error: 1970 to 1979 Built 1960 to 1969	93	136	1,102
Margin of Error: 1960 to 1969 Built 1950 to 1959	128	678	24,773
Margin of Error: 1950 to 1959 Built 1940 to 1949	72	137	1,015
Margin of Error: 1940 to 1949 Built 1939 or earlier	50	187	11,823
Margin of Error: 1939 or earlier	54	69	684
	36	209	11,675
	37	104	760
	0	59	8,916
	9	36	690
	56	1,152	51,902
	78	176	1,371

Housing - Substandard, 2015	Searsport	Waldo County	Maine
Lacking complete kitchen facilities	35	175	5,941
Margin of Error: kitchen facilities	39	66	521
Lacking complete plumbing facilities	32	271	4,411
Margin of Error: plumbing facilities	33	77	433

Housing - Subsidized Units, 2013	Searsport	Waldo County	Maine
Disabled Units	0	5	1,097
Family Units	40	253	12,015
Housing Choice Vouchers	9	76	9,778
Senior Units	61	362	15,234
Special Needs Units	0	2	1,202
Total	110	698	39,326

Sources:

Population - Estimates, Annual from:
US Census Population Estimates

Population - Decennial Total from:
US Census Bureau, Decennial Census

Population - by Age (Decennial) from:
US Census Bureau, Decennial Census

Educational Attainment from:
American Community Survey 5-year estimates
US Census Bureau, Decennial Census

Population - Average Household Size from:
American Community Survey 5-year Estimates

Income - Median Household from:
American Community Survey 5-year estimates

Income - Families below poverty level from:
American Community Survey 5-year estimates

Employment - Occupation from:
American Community Survey 5-year estimates

Transportation - Means of Travel To Work from:
American Community Survey 5-year estimates

Transportation - Travel Time to Work from:
American Community Survey 5-year estimates

Housing - Median Home Price from:
Maine Housing

Housing - Unable to Afford Median Home Price from:

Maine Housing
Housing - Average 2 Bedroom Rent with Utilities from:
Maine Housing
Housing - Age of Home by Tenure from:
American Community Survey 5-year estimates
Housing - Substandard from:
American Community Survey 5-year estimates
Housing - Subsidized Units from:
Maine Housing

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Contact

State Economist
78 State House Station
Augusta, ME 04333

Phone: (207) 624-7800

Appendix 8 - Economy

Town of Searsport, Maine
Minutes – Selectmen’s Meeting
September 19, 2017

1. Call to Order:

Chairman Jack Merrithew called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Chairman Jack Merrithew, after which he informed the viewing public of the call-in number for the meeting was 930-8189.

3. Roll Call:

Members present were Jack Merrithew, Richard Desmarais, Mark Bradstreet, Doug Norman and Aaron Fethke.

4. Acceptance of September 5, 2017 Selectmen’s meeting minutes:

A motion was made by Richard Desmarais and seconded by Doug Norman to accept the minutes of the September 5, 2017 Selectmen’s meeting as presented. Motion was carried with a vote of 4 – 0, with 1 abstention by Aaron Fethke, as he was not present at that meeting.

5. Acceptance of Agenda:

Town Manager James Gillway presented the Agenda, and noted there were four (4) 11th Hour items which had been added. A motion was made by Aaron Fethke and seconded by Doug Norman to accept the Agenda as amended. Motion was carried with a vote of 5 – 0.

6. Open to the Public:

There were no members of the public present.

7. New Business:

a. Wastewater Manhole Inspections (discussion / action):

Town Manager James Gillway reported inspections of the manholes on Route 1 were needed, and he had been in contact with a company which has the equipment to film the interiors. A motion was made by Aaron Fethke and seconded by Richard Desmarais to authorize the expenditure of up to \$12,500.00 from the Wastewater budget for the manhole inspections. Mark Bradstreet inquired if this was something that should be put out to bid, and Town Manager James Gillway responded that there is only one known company within our area which provides this service. Motion was carried with a vote of 5 – 0.

b. Wastewater Expansion Study (discussion / action):

Town Manager James Gillway requested a preliminary study for expanding and upgrading our Wastewater service in the downtown and East side of town areas, as there are funds available from an USDA Rural Development grant which the town may qualify to receive. He noted the Wastewater Plant is now 28 years old, and this would be a TIFF expenditure. A motion was made by Aaron Fethke and seconded by Doug Norman to allow the expenditure of up to \$30,000.00 from TIFF funds for the purpose of the expansion study. Motion was carried with a vote of 5 – 0.

c. Downtown Planning Study (discussion / action):

Town Manager James Gillway reported there is the possibility of new TIFF funding for retail development to include the East side of town as well as downtown. He noted this would be a good opportunity to expand the retail economy downtown. A motion was made by Aaron Fethke and seconded by Doug Norman to authorize the expenditure of up to \$18,000.00 for the TIFF planning study. Motion was carried with a vote of 5 – 0.

d. Expansion of Bonding to Include Public Works (discussion / action):

Town Manager James Gillway spoke regarding the replacement of the Public Works Building (aka Butler Building). He has spoken with the Bond Council and they recommended the town go to the Bond Bank on their own. The Bond Council will provide, at no cost, a rating advisor. A special town meeting will be needed to include this cost to the town budget, and Jack Merrithew recommended there be dates set in order for the public to view the building to assess the condition. Town Manager James Gillway said he would coordinate with the rating advisor, per the support of the selectmen.

8. 11th Hour:

a. Town Manager James Gillway reported the Maine Municipal annual business meeting & convention will be held October 4, 2017. A motion was made by Aaron Fethke and seconded by Mark Bradstreet to elect James Gillway as the representative to the Maine Municipal convention. Motion was carried with a vote of 5 – 0.

b. Town Manager James Gillway stated he has been invited to attend a meeting with Intro Maine, regarding the Lac Megantic Railway of Quebec on September 25, 2017. This will be an overnight trip and will involve a trip via rail on the Lac Megantic railway from Sherbrook, New Hampshire to Lac Megantic, Quebec. A motion was made by Aaron Fethke and seconded by Doug Norman to provide James Gillway with up to \$150.00 for traveling expenses. Motion was carried with a vote of 5 – 0.

c. Town Manager James Gillway presented the official ballot for District 2 of the Waldo County Budget Committee, of which there was one seat open for election. A

motion was made by Richard Desmarais and seconded by Doug Norman to cast a vote for Bill Snead for the open seat. Motion was carried with a vote of 5 – 0.

d. Town Manager James Gillway reported there would be an authorized training seminar for port pricing on October 11 & 12, 2017. He recommended Economic Development Director, Dean Bennett attend this seminar, as James has already attended the first portion of the seminar; he said if Dean was unable to attend, he would go in his place. A motion was made by Aaron Fethke and seconded by Richard Desmarais to authorize up to \$1,500.00 from TIFF funds for the expenses of this seminar. Motion was carried with a vote of 5 – 0.

9. Correspondence:

Town Manager James Gillway reported the receipt of the following correspondence: MRC Board of Directors nomination form; Searsport Dock Expansion Plan informational notice; an email stating the Wastewater department is now within the requirements of Civil Rights Act; and a notice that the Workers Compensation rebate will be \$5,650.00.

10. Treasurer's Warrant:

A motion was made by Aaron Fethke and seconded by Doug Norman to accept the Treasurer's Warrant as presented, pending signatures. Motion was carried with a vote of 5 – 0.

11. Department Head's Reports:

Town Manager James Gillway circulated the Department Head's Reports. He stated there was no report at this time from the Fire Department as Chief Andy Webster had been out of town on vacation. A motion was made by Aaron Fethke and seconded by Doug Norman to accept the reports as presented. Motion was carried with a vote of 5 – 0.

12. Selectmen's Reports:

Aaron Fethke noted that a Public Hearing Vote should be added to the next meeting Agenda.

Richard Desmarais reported there is now a new deadline for notices which are going to publication in both the Radio Searsport and the Republican Journal; the new deadline is Fridays by noon.

Doug Norman reminded everyone that the Fling Into Fall event will be October 7, 2017.

Mark Bradstreet inquired concerning the due date / interest accruing date for property taxes, as the due date states October 10, but Columbus Day holiday is October 9, and the office will be closed. Town Manager James Gillway confirmed property taxes paid

through October 10, 2017, will not be charged interest; the interest will begin October 11, 2017.

Jack Merrithew reported he had received several compliments on the paving project, specifically, Steamboat Avenue and the Hamilton Wharf parking area. Town Manager James Gillway noted the last time the wharf parking area was paved in its entirety was in the 1970's. He also wanted residents to be aware the paving on Old County Road is only a skim coat; this needs to set for 1 – 2 years before a finish coat can be applied.

13. Open to the Public and the Viewing Public:

There were no comments during this time.

14. Executive Session:

A motion was made by Aaron Fethke and seconded by Doug Norman to enter into Executive Session at 7:37 p.m.

Motion by Aaron Fethke seconded by Doug Norman to exit executive session and re-enter regular session. Vote 5-0

Motion by Aaron Fethke seconded by Mark Bradstreet to fund WP-17-12 in up to \$500 from the Jenny Lawrence Worthy Poor fund. Vote 5-0

At 7:46 Motion by Aaron Fethke seconded by Doug Norman to adjourn. Vote 5-0

Respectfully Submitted,

Linda M. Payson

Town of Searsport
P.O. Box 499
1 Union Street
Searsport, Maine 04974

Request for Proposal: Community Economic Development Director

Searsport is requesting proposals from qualified individuals or firms to perform economic development activities for our community for the remainder of 2015 with options to renew the contract for the following year and beyond.

Proposals must be received at Searsport Town Hall in a sealed envelope clearly marked **RFP Economic Development** by 4:00 PM, July 30, 2015 to be considered.

Community Background

Searsport (pop. 2700) is located in the mid-coast along coastal Route 1. Searsport, a historic town established in 1945 and is located in Waldo County. Searsport has strong ties to its sailing and shipbuilding history. Penobscot Marine Museum is located in the heart of downtown. Searsport is the site of an active industrial port which is one of the State of Maine's designated ports in its three port strategy. A familiarization with port development activities is not a priority as the population has been polled and is very interested in development in all areas of town.

The Town currently has a downtown revitalization effort ongoing that has been somewhat successful. We are fully funded to have a rebuild in 2017. We are looking to improve the esthetic look and feel of downtown to attract new retail business and to appeal to visitors.

The rebuild is a partnership between the Town and the Maine Department of Transportation.

2015 Proposed Work Plan

1. **Small Business Advocacy:** The Town (through its contractor or employee) will work with existing and prospective Searsport small businesses and entrepreneurs and advocate on their behalf to promote business start-up, growth and success in the community. This would encompass appropriate outreach to businesses and business groups to help identify needs and opportunities, and confidential one-on-one business consultation regarding planning and development issues related to doing business in Maine and the town of Searsport. In addition to serving as a liaison with the Town of Searsport, the Advocate will also act as a broker on behalf of local business to state, federal and non-profit programs that may provide more in-depth or specialized assistance and resources such as loan and grant programs.
2. **Small Business Workshop Series:** The Town will facilitate a locally sponsored small business workshop series, in conjunction with the Head of the Bay Association (HOBA) and other business advocacy groups within the region. The goal of these workshops will be to educate and inform area businesses on issues of common interest, and provide opportunity for dialog and feedback regarding issues impacting small business development in the area to help focus future economic development efforts. It is anticipated that an estimated four workshops would be conducted in 2015. These events would likely be held in the spring and fall in order to not conflict with the summer tourist season and winter weather, and will generally be from one to two hours in duration. Topics will be determined in

consultation with HOBA and other small business groups in order to best tailor the programs to meet local needs and issues. Given the concentration of tourist-oriented businesses on the Route 1 corridor (food, lodging, artisans, antiques, etc.), marketing and branding the area to visitors is a likely topic. Other presentations could include using social media, access to capital, developing an effective business plan, etc.

3. **Inventory Assets and Prepare Searsport Prospectus:** This element involves preparing a brief marketing piece (4-8 pages) that will help communicate the features, assets and resources associated with doing business in Searsport and the Port of Searsport. This document would include information regarding available workforce, transportation, infrastructure, land available for development, assistance programs, local amenities, Searsport as a place to live, and other information relevant to locating and investing in Searsport.

Although the Searsport Prospectus will build on past efforts such as the Town of Searsport Business Planning Guide, some additional research is expected to identify and assemble the most up to date and relevant information in coordination with the various public and private stakeholders who support the Searsport economy. The marketing piece will target business sectors ranging from service industries to light manufacturers that best fit Searsport's portfolio of assets and location.

4. **Port of Searsport:** The town's contractor/employee would work with public and private stakeholders toward a shared vision for the Port of Searsport and Searsport as strategic intermodal freight hub within the state of Maine. This element would involve forming and supporting the efforts of a working group with representatives from stakeholders such as the Town of Searsport, MaineDOT, CMQR Railroad, Sprague Energy, GAC, Irving and others with a direct interest in the Port. The group would discuss market opportunities and strategies, obstacles that need to be addressed, and how the parties can work together with the objective of leveraging Searsport's transportation assets and location to promote business success, investment, job creation and economic development. Support would also include necessary research into appropriate industry targets, and market outreach to help facilitate the group's effort. The process would culminate in the fall of 2015 with a "Searsport Port Summit", to discuss the future of the port and solicit additional strategies and ideas from the community on how to best maximize and utilize these strategic assets as well as grow state/local and public/private partnerships to benefit all.

5. **Strategic Support to Town and Economic Development Committee:** Contractor/ employee would be available to support the Town Manager and Board of Selectmen with further strategic planning related to economic and community development matters. This could also include support and guidance to a town-appointed economic development committee on matters related to the economic development issues, strategies, and priority setting, as well as training and education of the committee on the practice of economic development.

6. **Project and Grant Assistance (as needed):** Contractor/employee would assist the Town on specific business deals and development opportunities with the potential of generating jobs and/or growing the local tax base. Tasks may include assisting in the development of proposals to accommodate the

needs of specific business prospects that are considering Searsport for a new location or expansion, seeking out such opportunities, or helping to secure outside resources (such as grants) to support local infrastructure development and provision of services needed to grow the local economy.

7. **Education Related Opportunities:** Contractor/employee will assist in the development and nurturing of relationships with educational institutions in the region (such as the University of Maine and Maine Maritime Academy) where Searsport's assets and aspirations align with the academic and research interests of the educational community (such as in marine sciences and technology). This would also extend to those institutions and organizations engaged in workforce development that may be able to assist Searsport in its efforts to create jobs and fulfill the workforce needs of existing and prospective employers in the community.

Contents of Proposal

The following information must be provided for consideration:

1. Introduction of the proposing contractor/firm, stating qualifications pertinent to this position. In addition to Economic Development experience the contractor/firm should demonstrate experience in business location and recruitment services.
2. Resumes of contractor/firm team members. Resumes should also be accompanied by experience within the scope of work outline for the project purpose.
3. Proposed timeline that would begin in June.
4. List of similar economic development positions/projects and at least three references.
5. The successful firm should be readily accessible to Searsport for required and unscheduled meetings.
6. Hourly rate for service. We anticipate that we will fund the Economic Development position at a rate of 832 hours per year. The hours will be flexible and can adjust from week to week. Successful performance can guarantee renewal of contract.
7. Respondents shall submit an original signed and 6 copies of their proposal. The proposal must be valid for 60 days after the due date of proposal submittals.

Award of Contract

The Town reserves the right to select a vendor who, in the management team's opinion provide the most advantageous solution to the Town and best demonstrates their ability to provide the expected outcomes of the proposal.

Proposals may be mailed to:

Town of Searsport
Attn: James Gillway
RFP Economic Development
P.O. Box 499
Searsport, Maine 04974

or delivered to:

Town of Searsport
Attn: James Gillway
RFP Economic Development
1 Union Street
Searsport, Maine 04974

All Proposals must be received no later than 4:00 PM on Monday, July 30, 2015.

Any questions regarding this proposal may be directed to:

James Gillway, Town Manager

Phone 207-548-6372

**PPSA-OV Tax Increment Financing (TIF)
ANSWERS TO QUESTIONS**

The Town of Searsport and PPSA-OV started talking about a TIF package when they first moved to town in 2004.

The PPSA-OV clay slurry plant was construction started in 2004 and finished in 2005.

The Town of Searsport and PPSA-OV started to finalize negotiations on a TIF package in late 2005.

PPSA-OV's stated that the reason for the TIF was to fund an expansion at the plant to build additional storage capacity at the facility. They have begun this.

The Town of Searsport held a public hearing on the proposed TIF package on January 31, 2006 after proper public notice.

Following the public hearing the Board of Selectmen approved the TIF package and an application was forwarded to the State and was approved on March 28, 2006.

A Credit Enhancement Agreement between the Town of Searsport and PPSA-OV is in place.

At every Annual Town Meeting for the next 18 years the Town of Searsport will have an article on its Annual Town Meeting Warrant to appropriate 65% of the taxes paid by PPSA-OV back to the company per this agreement.

The 35% of tax monies that come back to the town will be placed in the TIF reserve account and will gain interest. This money is not allocated for any particular project. Decisions about how to use this money in the future will involve a public process.

The taxes paid by PPSA-OV will be sheltered from State valuation for the next 20 years.

The Town of Searsport entered into this agreement through an open process. We did this with a spirit of cooperation to work with our business community.

TOWN OF SEARSPORT

Tax Increment Financing Policy

TAX INCREMENT FINANCING GUIDELINES

Revised and adopted January 19, 2016

I. INTRODUCTION

Tax Increment Financing (TIF) is one of the few techniques authorized under state law to promote economic development projects by cities and towns. A TIF District defines the geographic area where the town may capture, shelter, and designate the new taxes generated on personal and/or real property towards economic development purposes designated in an associated TIF Development Program. The Development Program outlines and defines the allowable uses of new tax (TIF) revenues generated in the District. TIF revenues may be used for municipal economic development purposes summarized in the Development Program, as allowed under State law. TIF revenues may also be used as part of Credit Enhancement Agreement (CEA). A CEA is a contract that allows new taxes paid on a new investment or property development in a TIF District to be returned to the owner or developer of that project.

II. TIF FOR MUNICIPAL PURPOSES

A TIF District and Development Program may be established with or without a CEA. The Town may, following all required State rules, establish a TIF for purposes of capturing new investment value and directing any portion of that new value towards a Development Program in order to advance a portion of the Town's economic development program or other uses allowable under TIF statute.

III. REQUESTS FOR CREDIT ENHANCEMENT AGREEMENT(S)

In the Town of Searsport, a request for a CEA may be considered for existing or newly designated TIF Districts as long as the proposed District is zoned for commercial development in an effort to build community and economic growth through public-private partnerships with both existing and new businesses.

TIF Districts and CEA requests will only be considered for economic development projects that meet the following standards:

- a) Would not occur otherwise;
- b) Will create or retain employment opportunities;
- c) Will expand the Town's tax base; and
- d) Will conform to the quality and types of development sought by the Town as outlined in the Zoning Ordinance, Comprehensive Plan, and other policies enacted by the Town of Searsport.

The purpose of this Policy is to establish the guidelines and standards that the Town of Searsport will use in considering applications for CEAs with any eligible existing or new TIF Districts.

Notwithstanding these guidelines, the creation of a CEA is a policy decision made on a case-by-case basis by the Searsport Board of Selectmen. New TIF Districts, Development must be approved by the

Maine Department of Economic & Community Development. Tax Increment Financing is not a right under Maine law and meeting these guidelines should not be interpreted as creating any rights or entitlements in any application.

Application (request) for any CEA will be considered and are at the sole discretion of the Searsport Board of Selectmen. CEA terms shall be negotiated between the Town (Board, its Manager, or representative) and the applicant.

The Town of Searsport's Manager and Board of Selectmen will negotiate for the Town based on the merits of the project and these guidelines. A request shall be in writing, by letter, to the Town Manager under "confidential" envelope. The request and any subsequent negotiations shall be confidential and under terms of Executive Session as authorized under §405.6.C.

In order to maximize the Town's negotiation position and consideration for any CEA request, the Board of Selectman may consider a CEA of any length of term allowable by statute that includes annual terms that reimburse up to 100% of new taxes generated and paid by an owner or developer of a project. The applicant is required to submit all documentation that will serve to protect the Town's economic and financial position.

III. MANDATORY GUIDELINES—FOR CEA REQUESTS

In all instances, applicants for any CEA must demonstrate that the Town of Searsport's participation is economically necessary and that participation is needed to undertake the project. Such justification is demonstrated by:

- a) The CEA will not give the company an unfair advantage over existing similar businesses;
- b) The business is viable (track record, age of business, product need);
- c) The company is solvent (the Town may require that the company provide financial records and the Town may hire a consultant to verify the information therein);
- d) The business has long-term growth potential;
- e) The company will bring (direct & indirect) employment to the town, county and/or region;
- f) The company will offer above average wages and health benefits;
- g) The company will demonstrate intent to stay for at least 10 years at the end of the CEA period;
- h) The business will disclose the plan and its impact on town resources/infrastructure;
- i) The company has a need to offset infrastructure costs unique to the site;
- j) The company needs to offset economic advantages available to it if it should develop a project (or expand operations) outside of Searsport;
- k) Due to the specific project there is a lack of sufficient private or other public funding sources to meet the full capital investments needed to undertake a project;
- l) The project creates significant new tax value throughout the Town's planned development, commercial, and industrial zones, and other areas the Board of Selectmen deems necessary;
- m) The developer is compliant with all statutory and regulatory guidelines of the Town of Searsport and the State of Maine.

IV. GUIDELINES THAT DETERMINE THE LEVEL OF MUNICIPAL PARTICIPATION IN A CEA

Although an applicant need not meet each of the following criteria, the following will be used to determine the level of participation by the Town of Searsport:

- i. The project assists an established business in the Town of Searsport, thus retaining existing employment opportunities;
- ii. The project creates long-term, permanent and quality employment opportunities;
- iii. The project improves a blighted building site in need of rehabilitation;
- iv. The project creates public infrastructure facilities that have application beyond the particular development such as improvements to traffic patterns, parking facilities, green space, etc.;
- v. The project supports or will support community projects, provides job training, provides student internships, supports local contractors and suppliers; and
- vi. The project supports or will support local efforts and programs that assist those who are under-employed or who are making the transition from welfare to work, etc.

V. STANDARD OPERATING PROCEDURES FOR CEA REQUESTS

The Town Manager will coordinate all activities regarding applications for financing CEA. Working with applicants, the Manager or his/her designee will undertake the following preliminary steps:

- A. Provide information on tax increment financing and this Policy;
- B. Discuss project proposals and accept requests (applications);
- C. Review applications based on policy guidelines with the Tax Assessor, Town Attorney, Code Enforcement Officer, Director of Public Works; Superintendent of the Searsport Water District; Searsport Wastewater Superintendent; Searsport Fire Chief; Searsport Ambulance Director; Searsport Police Chief; and Advise applicants on the findings of Town staff. During this preliminary review process, the Town Manager will bring preliminary requests and applications to the Searsport Board of Selectmen for review and consideration of terms
- D. Subsequent to and based on the Board of Selectmen's direction and approval of the terms of a CEA, the Town Manager or designee will prepare and submit applications for tax increment financing to the State of Maine, including, as required, any additional public hearings or Town Meetings
- E. The Manager will monitor ongoing public and private investments in the particular development project.

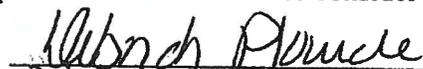
Preliminary applications for any CEA or to establish a TIF District and subsequent CEA should be sent to the Town Manager, Town of Searsport, P.O. Box 499, Searsport, Maine 04974.

All applicants for any CEA must pay a \$500 non-refundable application fee at the time of submission.

All applicants are required to reimburse the Town of Searsport for all legal and consulting costs incurred as a result of the establishment of TIF District or CEA request.

Finally, whether or not an application is approved, the applicant will reimburse any additional expenses incurred by the Town of Searsport in connection with the request to establish a TIF or consider a CEA.

This is a true and attested copy by:


Deborah Plourde, Town Clerk

APPLICATION COVER SHEET

MUNICIPAL TAX INCREMENT FINANCING
--

A. General Information

1. Municipality Name: Searsport		
2. Address: PO Box 499, Searsport, ME 04974		
3. Telephone: 207.548.6372	4. Fax: 207.548.2305	5. Email: searsportmanager@roadrunner.com
6. Municipal Contact Person: James Gilway Manager		
7. Business Name: PPSA, transferred to Imerys Clays, Inc		
8. Address:		
9. Telephone:	10. Fax:	11. Email:
12. Business Contact Person:		
13. Principal Place of Business:		
14. Company Structure (e.g. corporation, sub-chapter S, etc.):		
15. Place of Incorporation:		
16. Names of Officers:		
17. Principal Owner(s) Name: n/a		
18. Address: n/a		

B. Disclosure

1. Check the public purpose that will be met by the business using this incentive (any that apply):		
job creation	job retention	<input checked="" type="checkbox"/> capital investment
training investment	<input checked="" type="checkbox"/> tax base improvement	<input checked="" type="checkbox"/> public facilities improvement
other (list):		
2. Check the specific items for which TIF revenues will be used (any that apply):		
real estate purchase	<input checked="" type="checkbox"/> machinery & equipment purchase	training costs
debt reduction	other (list):	

C. Employment Data

List the company's goals for the number, type and wage levels of jobs to be created or retained as part of this TIF development project (<i>please use next page</i>).
--

DATA LINKS

Please follow the links listed below, for comprehensive planning data relevant to the following topic areas:

- **Population**
- **Housing**
- **Economy**

1) <http://econ.maine.gov/index/comprehensive> Various demographic, housing and economic data from the Census Bureau and other sources are available through this Office of Policy and Management webpage.

2) <http://www.maine.gov/economist/projections/index.shtml> Population projections for Maine cities and towns are available through this Office of Policy and Management webpage.

3) <http://www.maine.gov/labor/cwri/employers.html> The "Employer Locator" tool found on this Maine Department of Labor webpage allows the creation of a list of a town's employers and the number of workers employed by each one. There are 3 tabs on top of the window where the lists appear. To get a town-specific list, press the "Employer Name" tab and then, on the right hand side of the following page, select the county and then the town from the "City" dropdown box.

4) <http://www.mainehousing.org/data/housing-facts> This Maine State Housing Authority webpage provides home ownership and rental information by state, county and market area.

5) <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml> The U.S. Census Bureau's American Fact Finder site can provide additional detailed local housing and other information.

Questions about the Office of Policy and Management webpages and the data they contain should be directed to:

Amanda Rector
State Economist
Governor's Office of Policy and Management
Amanda.Rector@Maine.gov
(207) 287-2873

Questions about the Maine Department of Labor webpage and the data it contains should be directed to:

Ruth Pease
Senior Economic Research Analyst
Maine Department of Labor
Ruth.E.Pease@Maine.gov
(207) 621-5189

Questions about the MaineHousing webpage and the data it contains should be directed to:

Richard Taylor
Research Director
MaineHousing
Richard.Taylor@mainehousing.org
(207) 626-4644

Economics & Demographics

Comprehensive Plan

Commonly Requested Data

Build Your Own Spreadsheet

Searsport

[Download CSV](#)

Change selection.

Population - Estimates, Annual, 2013

Population Estimate

Searsport	Waldo County	Maine
2,625	38,940	1,328,702

Population - Decennial Total, 2010

Total Population

Searsport	Waldo County	Maine
2,615	38,786	1,328,361

Population - Decennial Total, 2000

Total Population

Searsport	Waldo County	Maine
2,641	36,280	1,274,923

Population - Decennial Total, 1990

Total Population

Searsport	Waldo County	Maine
2,602	33,018	1,227,928

Population - Decennial Total, 1980

Total Population

Searsport	Waldo County	Maine
2,309	28,414	1,125,043

Population - Decennial Total, 1970

Total Population

Searsport	Waldo County	Maine
1,951	23,328	993,722

Population - by Age (Decennial), 2010

Under 5 years

5 to 9 years

10 to 14 years

15 to 17 years

18 and 19 years

20 years

21 years

22 to 24 years

25 to 29 years

30 to 34 years

35 to 39 years

40 to 44 years

45 to 49 years

50 to 54 years

55 to 59 years

60 and 61 years

62 to 64 years

65 to 69 years

Searsport	Waldo County	Maine
119	2,072	69,520
140	2,185	74,116
137	2,344	79,013
100	1,546	51,884
52	949	36,426
23	457	17,408
27	420	16,566
67	1,096	45,672
125	1,898	72,681
152	2,137	71,943
149	2,279	79,905
153	2,490	91,471
185	2,949	107,619
208	3,279	110,956
259	3,299	102,441
98	1,300	37,823
123	1,806	51,837
147	2,130	65,014

70 to 74 years	128	1,461	47,637
75 to 79 years	97	1,125	38,894
80 to 84 years	60	795	30,399
85 years and over	66	769	29,136

Population - by Age (Decennial), 2000

	Searsport	Waldo County	Maine
Under 5 years	153	2,042	70,726
5 to 9 years	169	2,425	83,022
10 to 14 years	178	2,721	92,252
15 to 17 years	115	1,588	55,238
18 and 19 years	59	873	34,247
20 years	24	361	15,330
21 years	18	403	14,805
22 to 24 years	88	1,086	39,521
25 to 29 years	147	2,024	71,951
30 to 34 years	156	2,297	85,666
35 to 39 years	177	2,751	104,149
40 to 44 years	199	3,023	108,831
45 to 49 years	251	3,070	101,921
50 to 54 years	201	2,962	90,675
55 to 59 years	140	2,026	68,490
60 and 61 years	64	630	22,367
62 to 64 years	100	1,051	32,330
65 to 69 years	122	1,500	50,100
70 to 74 years	107	1,257	46,096
75 to 79 years	90	1,020	38,098
80 to 84 years	53	609	25,792
85 years and over	30	561	23,316

Educational Attainment, 2013

	Searsport	Waldo County	Maine
Less than 9th grade	28	660	31,220
Margin of Error	30	129	880
9th to 12th grade, no diploma	210	1,799	53,077
Margin of Error	93	196	1,514
High school graduate (includes equivalency)	768	10,109	319,732
Margin of Error	149	386	2,737
Some college, no degree	310	5,320	189,295
Margin of Error	121	340	2,116
Associate degree	104	2,093	86,337
Margin of Error	75	211	1,981
Bachelor's degree	351	4,909	169,061
Margin of Error	106	329	2,555
Graduate or professional degree	141	2,930	94,559
Margin of Error	77	253	1,946
% High School Graduate or Higher	87.60	91.20	91.10
Margin of Error	4.70	0.80	0.20
% Bachelor's Degree or Higher	25.70	28.20	27.90
Margin of Error	6.60	1.30	0.30

Educational Attainment, 2010

	Searsport	Waldo County	Maine
Less than 9th grade	49	974	35,336
Margin of Error	32	215	1,337
9th to 12th grade, no diploma	178	1,755	59,859
Margin of Error	87	202	1,823
High school graduate (includes equivalency)	881	10,885	326,777

Margin of Error	155	445	2,956
Some college, no degree	234	5,514	178,022
Margin of Error	84	349	2,198
Associate degree	107	1,949	82,580
Margin of Error	75	250	1,605
Bachelor's degree	330	4,055	159,601
Margin of Error	117	275	2,299
Graduate or professional degree	114	2,282	87,126
Margin of Error	66	248	1,730
% High School Graduate or Higher	88	90	89.80
Margin of Error	4.60	1.10	0.20
% Bachelor's Degree or Higher	23.50	23.10	26.50
Margin of Error	6.90	1.30	0.30

Educational Attainment, 2000	Searsport	Waldo County	Maine
Less than 9th grade	74	1,295	47,183
Margin of Error	n/a	n/a	n/a
9th to 12th grade, no diploma	151	2,529	80,105
Margin of Error	n/a	n/a	n/a
High school graduate (includes equivalency)	856	9,630	314,600
Margin of Error	n/a	n/a	n/a
Some college, no degree	319	4,210	165,111
Margin of Error	n/a	n/a	n/a
Associate degree	86	1,609	63,934
Margin of Error	n/a	n/a	n/a
Bachelor's degree	236	3,599	129,992
Margin of Error	n/a	n/a	n/a
Graduate or professional degree	103	1,946	68,968
Margin of Error	n/a	n/a	n/a
% High School Graduate or Higher	87.67	84.59	85.37
Margin of Error	n/a	n/a	n/a
% Bachelor's Degree or Higher	18.58	22.34	22.87
Margin of Error	n/a	n/a	n/a

Population - Average Household Size, 2013	Searsport	Waldo County	Maine
Average Household Size	2.13	2.32	2.33
Margin of Error	0.22	0.04	0.01

Income - Median Household, 2013	Searsport	Waldo County	Maine
Median Household Income	31,800	42,221	48,453
Margin of Error	10,342	1,734	521

Income - Families below poverty level, 2013	Searsport	Waldo County	Maine
All families - Total	794	10,519	350,205
All families - Total; Margin of Error	91	352	2,295
All families - Percent below poverty level	14.70	10.90	9.10
All families - Percent below poverty level; Margin of Error	6.50	1.80	0.30

Employment - Occupation, 2013	Searsport	Waldo County	Maine
Civilian employed population 16 years and over	1,084	18,064	647,099
Margin of Error; Civilian employed population 16 years and over	168	347	2,972
Management, business, science, and arts	375	5,881	227,403

occupations			
Margin of Error; Management, business, science, and arts occupations	104	375	2,920
Service occupations	145	3,520	118,513
Margin of Error; Service occupations	69	268	2,128
Sales and office occupations	316	4,013	155,969
Margin of Error; Sales and office occupations	104	295	2,130
Natural resources, construction, and maintenance occupations	92	2,261	70,871
Margin of Error; Natural resources, construction, and maintenance occupations	55	213	1,664
Production, transportation, and material moving occupations	156	2,389	74,343
Margin of Error; Production, transportation, and material moving occupations	79	204	1,946

Transportation - Means of Travel To Work, 2013

	Searsport	Waldo County	Maine
Total	1,084	17,395	633,153
Margin of Error	168	359	3,008
Car, truck, or van - drove alone	748	13,156	496,573
Margin of Error	194	420	3,169
Car, truck, or van - carpoled	200	1,893	63,713
Margin of Error	93	194	1,862
Public transportation (excluding taxicab)	0	73	3,828
Margin of Error	10	39	456
Walked	0	573	25,297
Margin of Error	10	118	1,053
Taxicab, motorcycle, bicycle, or other means	50	328	10,102
Margin of Error	46	109	790
Worked at home	86	1,372	33,640
Margin of Error	58	198	1,209

Transportation - Travel Time to Work, 2013

	Searsport	Waldo County	Maine
Workers over 16 who did not work at home	998	16,023	599,513
Margin of Error	179	383	3,064
Less than 5 minutes	9	896	33,953
Margin of Error	14	177	1,259
5 to 9 minutes	72	1,536	80,201
Margin of Error	54	207	1,944
10 to 14 minutes	169	2,190	94,459
Margin of Error	104	286	2,238
15 to 19 minutes	256	1,994	88,666
Margin of Error	96	199	1,996
20 to 24 minutes	182	2,158	84,472
Margin of Error	100	263	1,946
25 to 29 minutes	94	1,080	35,897
Margin of Error	77	143	1,118
30 to 34 minutes	63	2,384	67,387
Margin of Error	39	263	1,591
35 to 39 minutes	15	556	15,689
Margin of Error	21	104	784
40 to 44 minutes	15	589	20,309
Margin of Error	22	100	944
45 to 59 minutes	64	1,343	39,587
Margin of Error	40	164	1,133
60 to 89 minutes	59	833	25,660
Margin of Error	68	169	942

90 or more minutes	0	464	13,233
Margin of Error	10	97	749

Housing - Median Home Price, 2013

Searsport	Waldo County	Maine	
Affordable at Median Income	127,192	133,384	165,374
Income Needed for Median Price	35,213	44,008	49,034
Median Sale Price	112,000	150,000	169,900

Housing - Unable to Afford Median Home Price, 2013

Searsport	Waldo County	Maine	
Percentage of Households Unable to Afford Median Home Price	0.44	0.55	0.52
Number of Households Unable to Afford Median Home Price	518	9,150	292,965

Housing - Average 2 Bedroom Rent with Utilities, 2013

Searsport	Waldo County	Maine	
Average 2Bdr Rent with Utilities	839.68	851.32	n/a

Housing - Age of Home by Tenure, 2013

	Searsport	Waldo County	Maine
Total	1,232	16,448	553,823
Margin of Error: Total	129	328	2,219
Owner occupied	855	12,912	397,512
Margin of Error: Owner occupied	117	309	2,611
Built 2005 or later			
Margin of Error: 2005 or later			
Built 2000 to 2004			
Margin of Error: 2000 to 2004			
Built 1990 to 1999	136	2,152	55,227
Margin of Error: 1990 to 1999	66	201	1,440
Built 1980 to 1989	198	2,157	62,850
Margin of Error: 1980 to 1989	75	171	1,312
Built 1970 to 1979	105	1,988	59,053
Margin of Error: 1970 to 1979	84	213	1,108
Built 1960 to 1969	26	699	27,250
Margin of Error: 1960 to 1969	32	138	762
Built 1950 to 1959	84	568	28,740
Margin of Error: 1950 to 1959	64	119	1,045
Built 1940 to 1949	7	303	18,637
Margin of Error: 1940 to 1949	13	90	712
Built 1939 or earlier	113	2,798	90,143
Margin of Error: 1939 or earlier	68	210	1,570
Renter occupied	377	3,536	156,311
Margin of Error: Renter occupied	88	254	2,266
Built 2005 or later			
Margin of Error: 2005 or later			
Built 2000 to 2004			
Margin of Error: 2000 to 2004			
Built 1990 to 1999	73	520	12,710
Margin of Error: 1990 to 1999	54	116	742
Built 1980 to 1989	42	546	21,710
Margin of Error: 1980 to 1989	44	113	1,043
Built 1970 to 1979	107	665	23,679
Margin of Error: 1970 to 1979	57	130	927
Built 1960 to 1969	31	195	11,382
Margin of Error: 1960 to 1969	32	65	722
Built 1950 to 1959	15	199	11,822

Margin of Error: 1950 to 1959	22	97	781
Built 1940 to 1949	0	74	8,397
Margin of Error: 1940 to 1949	10	41	656
Built 1939 or earlier	62	1,034	53,317
Margin of Error: 1939 or earlier	63	203	1,634

Housing - Substandard, 2013

	Searsport	Waldo County	Maine
Lacking complete kitchen facilities	32	206	5,788
Margin of Error: kitchen facilities	37	71	519
Lacking complete plumbing facilities	12	265	4,735
Margin of Error: plumbing facilities	20	68	511

Housing - Subsidized Units, 2013

	Searsport	Waldo County	Maine
Disabled Units	0	5	1,097
Family Units	40	253	12,015
Housing Choice Vouchers	9	76	9,778
Senior Units	61	362	15,234
Special Needs Units	0	2	1,202
Total	110	698	39,326

Sources:

Population - Estimates, Annual from:

US Census Population Estimates

Population - Decennial Total from:

US Census Bureau, Decennial Census

Population - by Age (Decennial) from:

US Census Bureau, Decennial Census

Educational Attainment from:

American Community Survey 5-year estimates

US Census Bureau, Decennial Census

Population - Average Household Size from:

ACS 5-year

Income - Median Household from:

American Community Survey 5-year estimates

Income - Families below poverty level from:

American Community Survey 5-year estimates

Employment - Occupation from:

American Community Survey 5-year estimates

Transportation - Means of Travel To Work from:

American Community Survey 5-year estimates

Transportation - Travel Time to Work from:

American Community Survey 5-year estimates

Housing - Median Home Price from:

Maine Housing

Housing - Unable to Afford Median Home Price from:

Maine Housing

Housing - Average 2 Bedroom Rent with Utilities from:

Maine Housing

Housing - Age of Home by Tenure from:

American Community Survey 5-year estimates

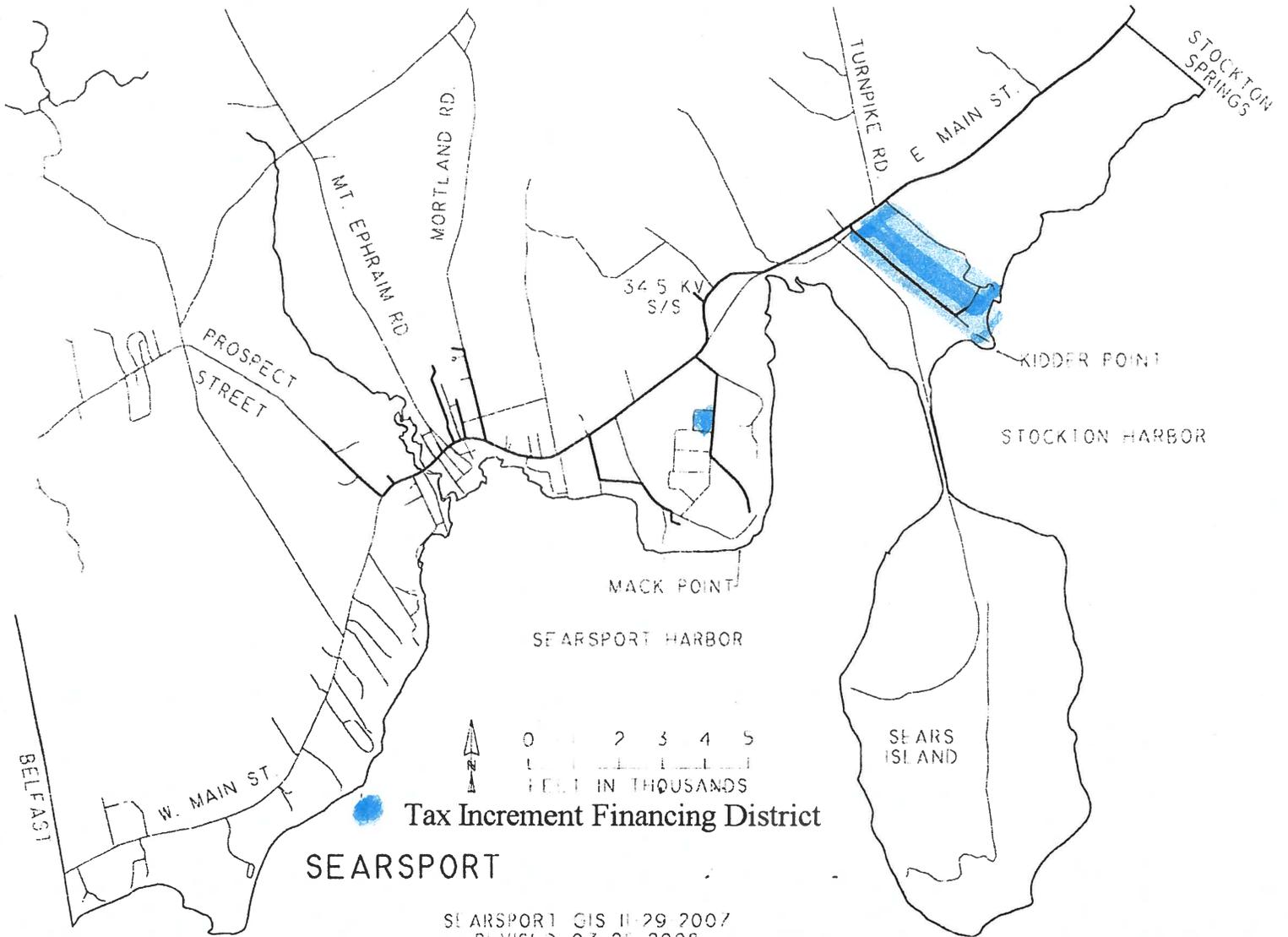
Housing - Substandard from:

American Community Survey 5-year estimates

Housing - Subsidized Units from:

Maine Housing

[Download CSV](#)

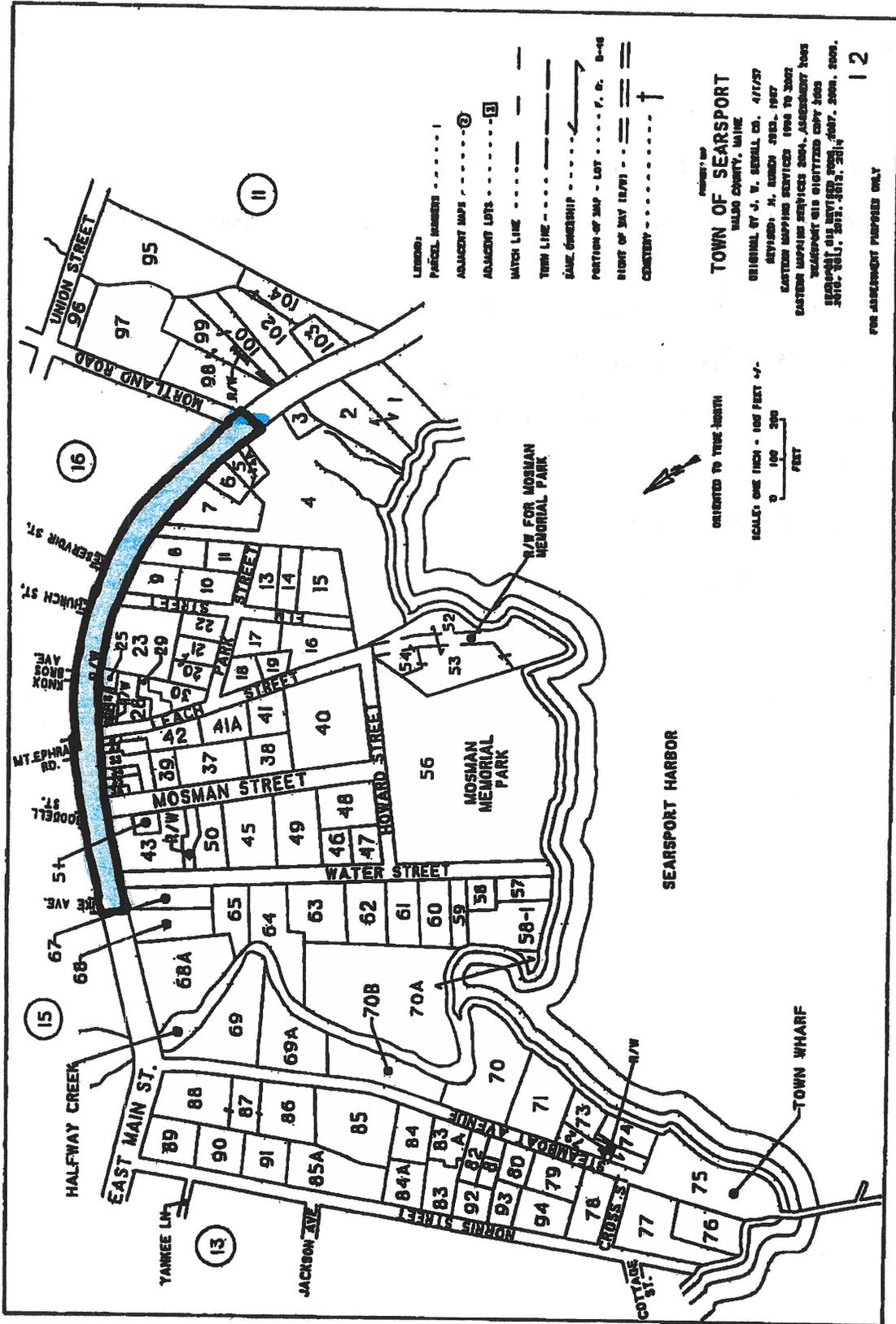


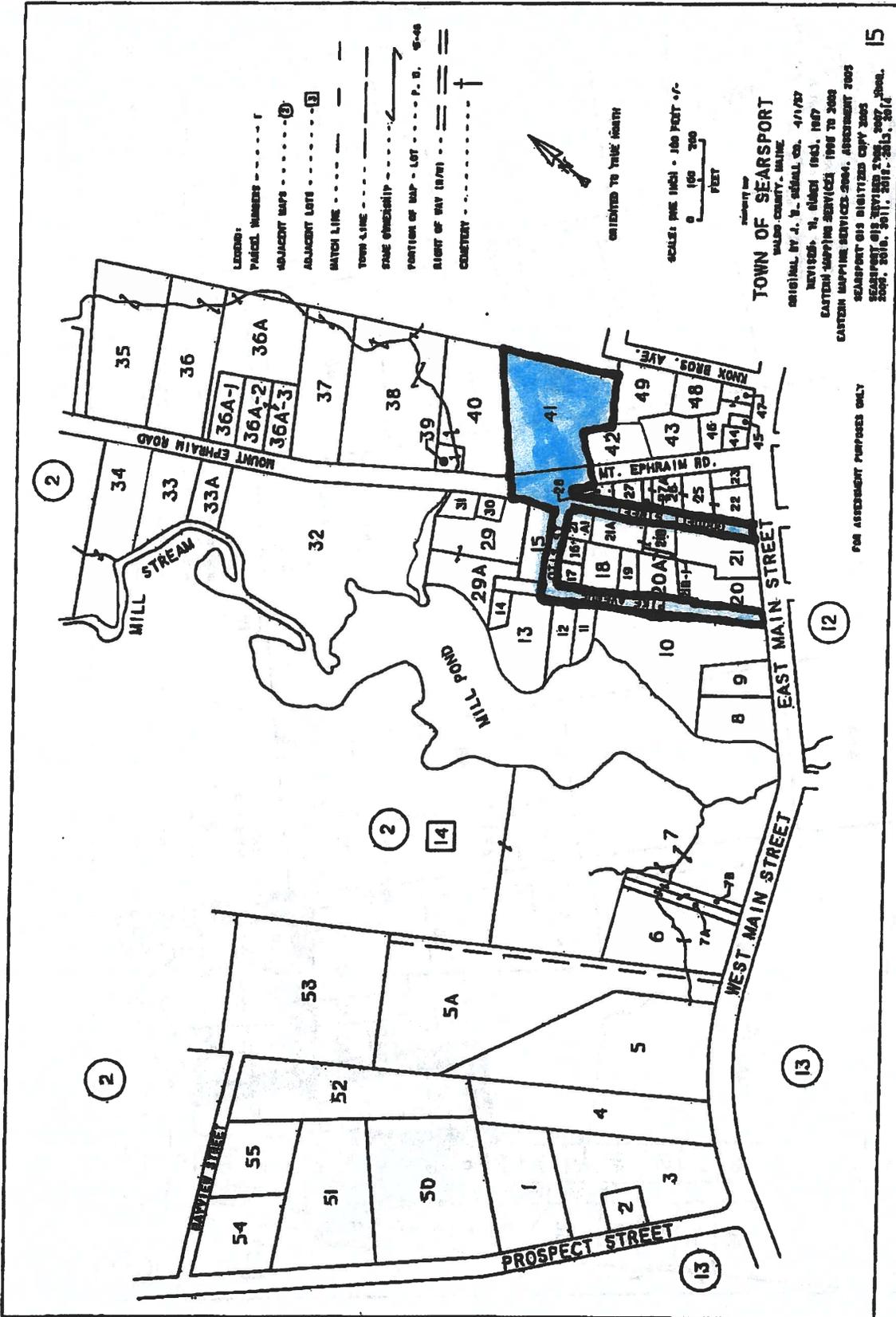
Tax Increment Financing District
SEARSPORT

SEARSPORT GIS 11-29-2007
 REVISED 03-25-2008

List of Exhibits

- Exhibit 1 Original TIF Development Program**
- Exhibit 2 Town of Searsport Tax Increment Financing Policy**
- Exhibit 3 Revised TIF Revenue Projections, pro-forma, including actual TIF Expenditures to Date;
Revised Tax Shift Calculations**
- Exhibit 4 Assessor's Certificate, Revised for Amendment**
- Exhibit 5 Maps of Amended TIF District**
- Exhibit 6 Required Statutory Requirements and Thresholds Form**
- Exhibit 7 Notice of Public Hearing**
- Exhibit 8 Minutes of Public Hearing**
- Exhibit 9 Record of Municipal Vote**





LEGEND:
 PARCEL NUMBERS - - - - -
 ADJACENT MAPS - - - - -
 ADJACENT LOTS - - - - -
 MATCH LINE - - - - -
 TOWN LINE - - - - -
 STATE JURISDICTION - - - - -
 PORTION OF MAP - LOT - P. D. 9-48
 RIGHT OF WAY (R/W) - - - - -
 COUNTRY - - - - -



ORIENTED TO TRUE NORTH

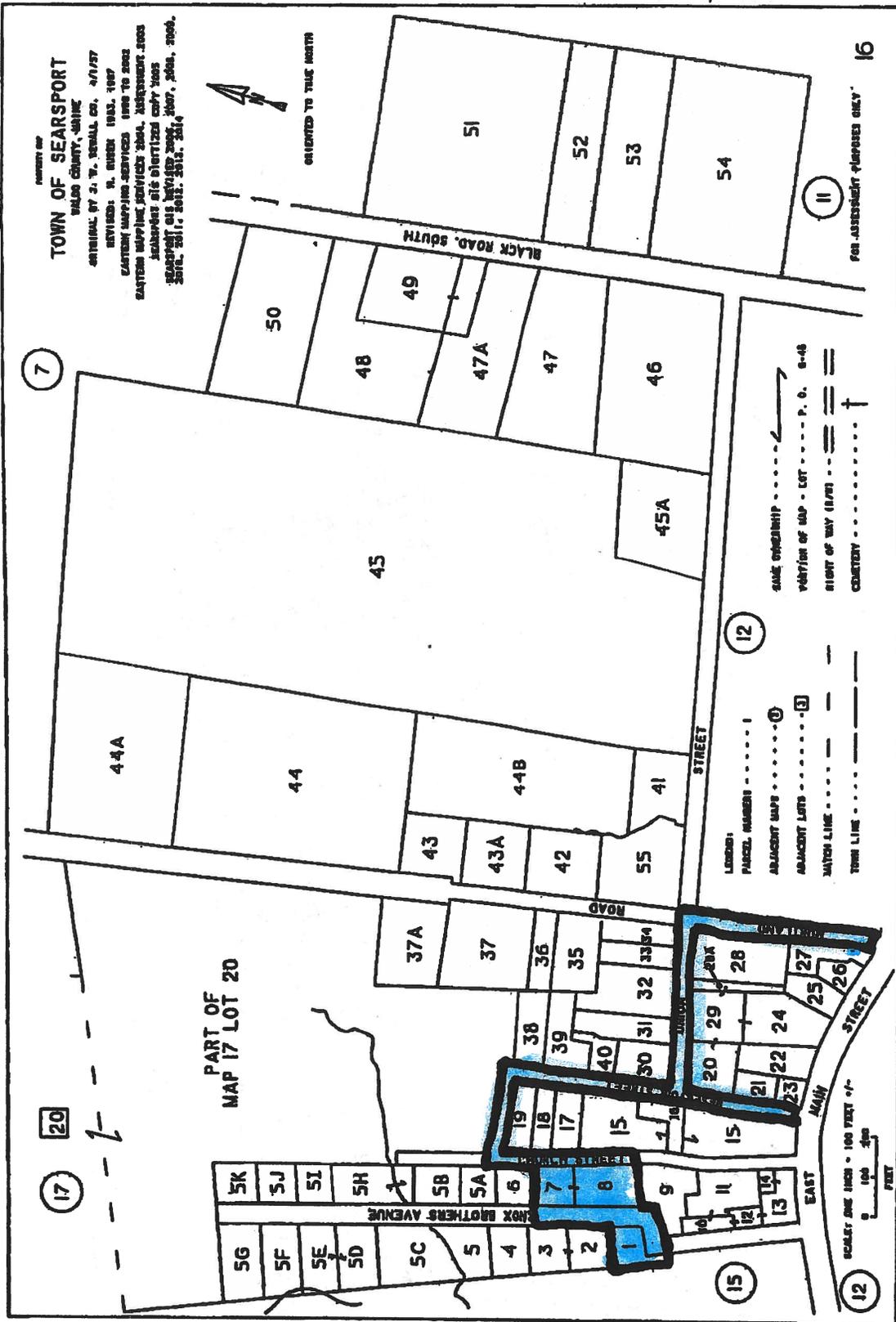
SCALE: ONE INCH = 100 FEET +/-
 0 100 200
 FEET

TOWN OF SEARSPORT
 WALDO COUNTY, MAINE

ORIGINAL BY J. B. SIBBALD, CO. 4/1/87
 REVISED BY SIBBALD 10/3, 1987
 EASTERN MAPPING SERVICES 1990 TO 2000
 EASTERN MAPPING SERVICES 2000. AGREEMENT 2005
 SEARSPORT GIS DIGITIZED COPY 2005
 2004, 2016, 2017, 2018, 2019, 2020

FOR ASSESSMENT PURPOSES ONLY

TOWN OF SEARSPORT
 PLANNING DEPT
 WALDO COUNTY, MAINE
 ORIGINAL BY J. W. SMALL CO. 4/1/27
 REVISED: N. BUDEN 1933, 1937
 EASTERN MAPPING SERVICES 1999 TO 2002
 EASTERN MAPPING SERVICES 2004, 2005, 2006
 SEARSPORT GIS SERVICES 2007, 2008, 2009,
 2010, 2011, 2012, 2013, 2014



7

20

17

12

LEGEND:
 PARCEL NUMBERS - - - - -
 ADJACENT MAPS - - - - -
 ADJACENT LOTS - - - - -
 WATCH LINE - - - - -
 TOWN LINE - - - - -

SAME ORIGINITY - - - - -
 VERIFICATION OF MAP - LOT - P. O. 6-48
 RIGHT OF WAY 18703 - - - - -
 COUNTRY - - - - -

SCALE: ONE INCH = 100 FEET ±
 0 100 200
 FEET

15

12

16

FOR ASSESSMENT PURPOSES ONLY

Appendix 9 - Housing

DATA LINKS

Please follow the links listed below, for comprehensive planning data relevant to the following topic areas:

- **Population**
- **Housing**
- **Economy**

1) <http://econ.maine.gov/index/comprehensive> Various demographic, housing and economic data from the Census Bureau and other sources are available through this Office of Policy and Management webpage.

2) <http://www.maine.gov/economist/projections/index.shtml> Population projections for Maine cities and towns are available through this Office of Policy and Management webpage.

3) <http://www.maine.gov/labor/cwri/employers.html> The "Employer Locator" tool found on this Maine Department of Labor webpage allows the creation of a list of a town's employers and the number of workers employed by each one. There are 3 tabs on top of the window where the lists appear. To get a town-specific list, press the "Employer Name" tab and then, on the right hand side of the following page, select the county and then the town from the "City" dropdown box.

4) <http://www.mainehousing.org/data/housing-facts> This Maine State Housing Authority webpage provides home ownership and rental information by state, county and market area.

5) <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml> The U.S. Census Bureau's American Fact Finder site can provide additional detailed local housing and other information.

Questions about the Office of Policy and Management webpages and the data they contain should be directed to:

Amanda Rector
State Economist
Governor's Office of Policy and Management
Amanda.Rector@Maine.gov
(207) 287-2873

Questions about the Maine Department of Labor webpage and the data it contains should be directed to:

Ruth Pease
Senior Economic Research Analyst
Maine Department of Labor
Ruth.E.Pease@Maine.gov
(207) 621-5189

Questions about the MaineHousing webpage and the data it contains should be directed to:

Richard Taylor
Research Director
MaineHousing
Richard.Taylor@mainehousing.org
(207) 626-4644

MaineHousing - Rent Restricted Programs
Income Eligibility Limits and
Maximum Rent Levels

Incomes and Rents Effective 4-14-2017
 FedHOME Rents Effective 6-15-2017
 Housing Trust Fund Rents Effective 4-11-2017

	% Median Income - Adjusted by Family Size								Maximum Gross Rents				
	One	Two	Three	Four	Five	Six	Seven	Eight	0BR	1BR	2BR	3BR	4BR
Waldo County													
30% AMI	11,750	13,400	15,100	16,750	18,100	19,450	20,800	22,150	293	314	377	435	486
40% AMI	15,675	17,900	20,150	22,350	24,150	25,950	27,750	29,525	391	419	503	581	648
50% AMI	19,600	22,400	25,200	27,950	30,200	32,450	34,700	36,900	490	525	630	726	811
60% AMI	23,520	26,880	30,240	33,540	36,240	38,940	41,640	44,280	588	630	756	872	973
80% AMI	31,300	35,800	40,250	44,700	48,300	51,900	55,450	59,050	782	838	1,006	1,162	1,297
Low HOME	19,600	22,400	25,200	27,950	30,200	32,450	34,700	36,900	490	525	630	726	811
High HOME	23,520	26,880	30,240	33,540	36,240	38,940	41,640	44,280	618	675	779	979	1,073
HTF	12,060	16,240	20,420	24,600	28,780	32,960	37,140	41,320	301	353	510	667	824
FMR Effective 10-1-2016									618	675	779	1,031	1,113
Washington County													
HERA 30%	13,020	14,880	16,740	18,570	20,070	21,570	23,040	24,540	325	348	418	483	539
HERA 40%	17,360	19,840	22,320	24,760	26,760	28,760	30,720	32,720	434	465	558	644	719
HERA 50%	21,700	24,800	27,900	30,950	33,450	35,950	38,400	40,900	542	581	697	805	898
HERA 60%	26,040	29,760	33,480	37,140	40,140	43,140	46,080	49,080	651	697	837	966	1,078
50% AMI	19,600	22,400	25,200	27,950	30,200	32,450	34,700	36,900	490	525	630	726	811
60% AMI	23,520	26,880	30,240	33,540	36,240	38,940	41,640	44,280	588	630	756	872	973
80% AMI	31,300	35,800	40,250	44,700	48,300	51,900	55,450	59,050	782	838	1,006	1,162	1,297
Low HOME	19,600	22,400	25,200	27,950	30,200	32,450	34,700	36,900	490	525	630	726	811
High HOME	23,520	26,880	30,240	33,540	36,240	38,940	41,640	44,280	573	586	694	895	1,055
HTF	12,060	16,240	20,420	24,600	28,780	32,960	37,140	41,320	301	353	510	667	824
FMR Effective 10-1-2016									573	586	694	895	1,055
York HMFA													
HERA 30%	15,450	17,640	19,860	22,050	23,820	25,590	27,360	29,130	386	413	496	573	639
HERA 40%	20,600	23,520	26,480	29,400	31,760	34,120	36,480	38,840	515	551	662	764	853
HERA 50%	25,750	29,400	33,100	36,750	39,700	42,650	45,600	48,550	643	689	827	955	1,066
HERA 60%	30,900	35,280	39,720	44,100	47,640	51,180	54,720	58,260	772	827	993	1,146	1,279
50% AMI	25,300	28,900	32,500	36,100	39,000	41,900	44,800	47,700	632	677	812	938	1,047
60% AMI	30,360	34,680	39,000	43,320	46,800	50,280	53,760	57,240	759	813	975	1,126	1,257
80% AMI	40,450	46,200	52,000	57,750	62,400	67,000	71,650	76,250	1,011	1,083	1,300	1,501	1,675
Low HOME	25,300	28,900	32,500	36,100	39,000	41,900	44,800	47,700	628	677	812	938	1,047
High HOME	30,360	34,680	39,000	43,320	46,800	50,280	53,760	57,240	628	725	890	1,190	1,227
HTF	15,200	17,350	20,420	24,600	28,780	32,960	37,140	41,320	380	406	510	667	824
FMR Effective 10-1-2016									628	725	890	1,190	1,227

Name	Location / # of Units	Building #	1 Bedroom	2 Bedroom	3 Bedroom	Total Units	
Pine Grove Apartments	18 Union Street / 56	A	4	4		8	
		B	4	4		8	
		C	4	4		8	
		D	4	4		8	
		E	4	4		8	
		F		4	2		6
		G	2				2
Seabreeze Associates	8 Prospect Street / 18		18			18	
Windward Housing Associates	33 Prospect Street / 18	1	2	2	2	6	
		2	2	2	2	6	
		3	2	2	2	6	
Searsport Realty Associates aka Marriner Woods	27 Mortland Road / 24	1	2	2		4	
		2	1	5		6	
		3	2	2		4	
		4	1	5		6	
		5	2	2		4	
Harborlight Square Associates	17 West Main Street / 25	1st floor	8	4		12	
		2nd floor	8	5		13	

Appendix 10 - Recreation



American Planning Association

Making Great Communities Happen

May/June 2016

PAS MEMO

Alternatives for Determining Parks and Recreation Level of Service

By David Barth, PhD, AICP

Public agencies use Level of Service (LOS) standards to plan and monitor the quality of services provided to their constituents. For example, transportation planners use roadway LOS to categorize traffic flow and assign “grades” to roadways (e.g., A, B, C, etc.) based on speed, density, and other performance measures. Similarly, utility departments and agencies use LOS standards to characterize the performance of various levels of potable water and wastewater systems.

In contrast, parks and recreation system planning has historically been more art than science. Unlike other elements of the public realm, there are no nationally accepted standards for determining ideal levels of service for parks, indoor recreation centers, athletic fields, trails, and other recreation facilities.

The last set of national guidelines published by the National Recreation and Park Association (NRPA) in 1996 encourages communities to develop their own LOS standards rather than rely on any national standards: “A standard for parks and recreation cannot be universal, nor can one city be compared with another even though they are similar in many respects” (Mertes and Hall 1996, 59). Each city or county must determine the appropriate LOS required to meet the specific needs of its residents.

Peter Harnik (Harnik 2010, 5) summarizes the complexities of parks planning in *Urban Green*:

A major problem for [park] advocates and managers is that parks seem relatively simple and straight forward. People frequently say, “It’s not rocket science, it’s just a park.” No! For rockets ... you need to be good at math. Parks require math plus horticulture, hydrology, psychology, sociology and communication. They are immensely complicated.

Determining LOS standards for parks and recreation systems can be challenging for several reasons. One is the many different

ways in which parks and recreation systems can be measured: typical metrics may address parkland acreage, numbers of recreation facilities, distance to parks and facilities, quality of parks and facilities, operating costs, revenues, or other factors. In addition, LOS metrics can differ between various components of a parks system; for example, LOS may be measured differently for a neighborhood park than a tournament sports facility. Appropriate LOS standards may also differ based on the community context — whether the setting is urban, suburban, or rural.

The purpose of this *PAS Memo* is to assist planners in determining the most appropriate LOS metric(s) to use for their parks and recreation systems, collecting the necessary data, and developing appropriate LOS standards that meet their communities’ specific needs.

Overview of Parks and Recreation LOS

Parks and recreation LOS standards are used in a variety of ways. For example, a LOS analysis can be used to help determine community needs and priorities in conjunction with other techniques such as surveys, interviews, focus group meetings, site visits, public workshops, social media, and online forums. LOS standards can be used to help determine if parkland, facilities, programs, and funding are distributed equitably across geographic, political, and socioeconomic boundaries.

In long-range planning, LOS standards can help planners determine the general size and location of proposed new parks and recreation facilities needed to accommodate anticipated growth. And land development codes and policies (comprehensive plans, land development codes, impact fees, etc.) incorporate LOS standards to help determine the “fair share” of parks and recreation capital and operating costs to be borne by the developers of new residential or mixed use projects.

Table 1 describes the most common parks and recreation LOS metrics, followed by a description of each metric.

Table 1: Common Parks and Recreation LOS Metrics

Metric	Purpose
1. Acres per capita	To determine if a community has enough parkland To determine if parkland is equitably distributed based on population and geography
2. Facilities per capita	To determine if a community has enough recreation facilities such as athletic fields, playgrounds, tennis courts, swimming pools, etc. To determine if the facilities are equitably distributed based on population and geography
3. Building square footage per capita	To determine if a community has enough indoor recreation space such as recreation centers, community centers, senior center, or gymnasiums To determine if the indoor space is equitably distributed based on population and geography
4. Access distance/ time (bike, ped, car, transit)	To determine if parkland and facilities are easily accessible to residents via preferred modes of transportation including driving, transit, bicycling, or walking
5. Quality of facilities and experience	To determine if park facilities and geographies are consistent and equitably distributed across geographies
6. Operating expenditures per acre managed	To help determine if adequate funding is being provided for effective operations and maintenance
7. Operating expenditures per capita	To help determine if adequate funding is being provided for effective operations and maintenance
8. Revenue per capita	To help determine if a community is recovering enough costs to meet expectations and goals
9. Revenue as a percentage of operating costs	To help determine if a community is recovering enough costs to meet expectations and goals

Acres per Capita

The “acres of parkland per 1,000 residents” metric is the most common technique for determining whether a community has “enough” parkland. It is also known as a community’s “acreage level of service.” Acreage LOS is often used as a basis for “benchmarking” or comparing a community’s parks and recreation system against another community, for determining how much parkland should be provided in a new development to meet the needs of new residents, or as a basis for calculating parks and recreation impact fees.

The Acreage LOS metric was first established in the 1930s by George Butler of the National Recreation Association, who proposed a standard of “10 acres of park and open space per 1,000 population within each city, plus an equal area in parkways, large parks, forests, and the like, either within or adjacent to the city” (Mertes and Hall 1996, 6). Butler acknowledged that the standard may vary based on location and other factors, and today there is no published Acreage LOS standard in the U.S. Each community must determine its own standards based on local history, culture, demographics, density, development patterns, and other factors. Today, most communities calculate their current acreage LOS and simply try to maintain the current ratio of acres to population as they grow. It is important to note that Acreage LOS does not address the equitable distribu-

tion of the parkland, the capacity or quality of the facilities, or the level of programming provided.

An often-asked question is, “What should be counted in an Acreage LOS?” Unfortunately, there is no standard answer. Some communities include public golf courses and beaches, while others include publicly accessible lakes and wetlands. Some cities and counties also include public parkland owned by other agencies, such as state parks and national forests. Some communities also count private recreation areas, owned and managed by homeowner’s associations, because these areas help meet residents’ local recreation needs.

Because the primary purpose of Acreage LOS is to measure and monitor a community’s supply of parkland, it is recommended that communities count only developable, publicly accessible parkland within their jurisdiction. Undevelopable lands such as conservation areas, wetlands, water bodies, golf courses, and beaches cannot help a community meet its needs for parks, playgrounds, athletic fields, open play space, recreation centers, and other basic parks and recreation facilities. Privately owned parkland is not open to the public, and could be sold or redeveloped. Public parkland owned by another jurisdiction (such as county-owned parks within a municipality) is already counted by that jurisdiction for its own LOS, and should not be included in a community’s acreage calculation.

Facilities per Capita

Another oft-asked question is, “Do we have enough recreation facilities?” such as athletic fields, swimming pools, playgrounds, and tennis courts. Similar to the parkland acreage metric, there are no LOS standards for recreation facilities in the U.S., and the number of facilities needed can vary widely due to a number of variables between communities. For example, a community with a high percentage of senior citizens might have a much lower need for athletic fields than a community with a high percentage of youth.

When calculating current Facilities LOS, a community may wish to develop a “first-tier” and “second-tier” LOS. The first-tier LOS should count only the community’s own, publicly accessible recreation facilities to develop an accurate baseline LOS. The second-tier Facilities LOS calculation could include additional facilities that help meet residents’ needs, such as publicly accessible school athletic fields and gymnasiums, homeowners’ association pools and playgrounds, and nonprofit facilities such as YMCA pools and Boys and Girls Club gymnasiums. During the needs assessment process, the community can discuss whether the second-tier facilities are actually meeting residents’ needs, thereby potentially reducing the need to build additional first-tier facilities.

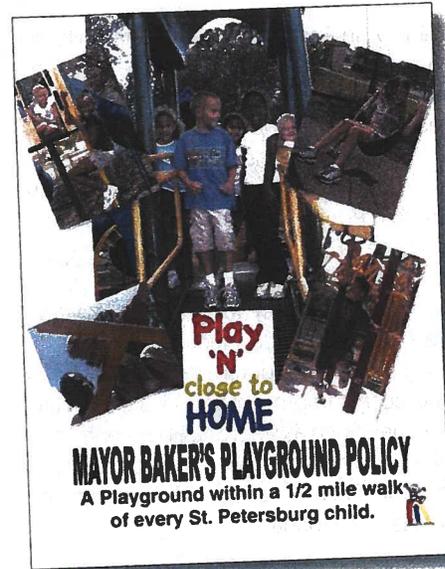
Building Square Footage per Capita

In addition to calculating the number of indoor facilities in the Facilities LOS, a community should also calculate the total square footage of indoor facilities. Recreation and community centers can range from less than 1,000 square feet to over 300,000 square feet, so a simple calculation of the number of facilities (rather than actual square footage) is not sufficient to analyze the true level of service for indoor recreation space. Similar to the Facilities LOS calculations, a community may wish to create a first-tier Facilities LOS of their own indoor facilities and a second-tier LOS of other publicly accessible facilities to enable more thoughtful discussion during the needs assessment process.

Access LOS

Access LOS is expressed as the distance, or amount of time, a resident or visitor must travel to a park or facility. As communities have become more densely populated and congested, it has become more important to ensure equitable access. Many residents do not drive cars in urban areas — either by choice or necessity — and residents are encouraged to take transit, bicycle, or walk to save energy, reduce pollution and congestion, and improve health. Thus access is an important measure of service.

Similar to the other LOS metrics, there are no standard criteria for access LOS. Each community must determine its own, based on land development patterns; street, bicycle, and pedestrian networks; transit access; and demographics. Depending on the area’s values, a standard for a neighborhood park may be a five-minute or quarter-mile walk, while a standard for a community park may be one to five miles. For example, the City of Denver set a goal of a green space within six blocks of



Playground access goal poster, City of St. Petersburg, Florida. Courtesy City of St. Petersburg

every resident, and the City of St. Petersburg, Florida, has a goal of a playground within a half-mile of every resident.

Communities may also wish to establish differential Access LOS standards for specific facilities based on existing or desired land development patterns. For example, in urban core areas

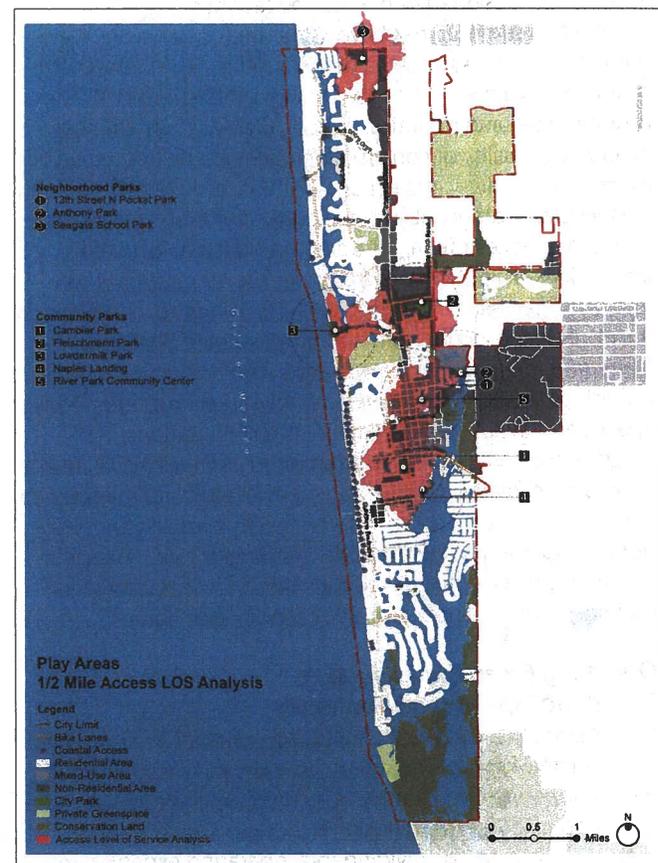


Figure 1. City of Naples, Florida, play area access LOS map. Residents who live within the pink-shaded area have access to a playground within a half-mile of their home. Courtesy Barth Associates

that encourage walkability, an Access LOS of a quarter-mile may be desirable for playgrounds, basketball courts, plazas, and other types of urban spaces or facilities. Conversely a three- to five-mile service area may be acceptable in suburban or rural communities for facilities such as soccer fields and swimming pools.

Communities should conduct a spatial analysis of the parks and recreation system to identify the existing Access LOS for both parklands and facilities. The analysis can also identify gaps in transit, roadway, bicycle, and pedestrian networks. Access to a landlocked park, for example, may be increased by creating new roadway, bicycle, or pedestrian connections, thereby reducing or eliminating the need to purchase additional park land. At the same time, access improvements also can create new recreational amenities, such as sidewalks, bike lanes, or trails. See Figure 1 for an example of an Access LOS map for play areas created through the parks and recreation planning process for the City of Naples, Florida.

Quality LOS

Quality LOS standards are used to measure whether parks and recreation facilities are meeting the design and maintenance criteria established by the local community. Even though a community may be meeting its acreage, facilities, and access LOS standards, it cannot be meeting residents' needs if it provides poorly designed or maintained facilities.

Very few communities have established Quality LOS standards for their parks and recreation facilities. Again, each community should develop its own quality criteria based on community values and priorities. Typical Quality LOS criteria may include the quality of construction materials, the frequency of maintenance, safety inspections, aesthetics, multimodal access, cleanliness, or others. Numerous publications list suggestions for maintenance criteria, including the National Recreation and Park Association's *Commission for the Accreditation of Parks and Recreation Agencies (CAPRA) Standards*, Fifth Edition (2014), and also its publication *Management of Park and Recreation Agencies*. Similarly, a wide variety of organizations publish park design guidelines, including the Project for Public Spaces and the Landscape Architecture Foundation.

Once the community has established its Quality LOS criteria, parks and recreation facilities can be evaluated and mapped to illustrate the distribution of different levels of quality throughout the community. For example, Washington, D.C., mapped the quality of its recreation centers based on their condition (deferred maintenance), size, and capacity (see Figure 2).

Operating Expenditures per Acre, Operating Expenditures Per Capita

Two metrics that can be used to gauge whether a community is adequately funded to manage, operate, and maintain its parks and recreation areas are "operating expenditures per acre managed" and "operating expenditures per capita." The first metric is calculated by dividing total operating expenditures by total parkland acres managed by the agency. The second metric is calculated by dividing total operating expenditures by the population of the jurisdiction served by the agency.

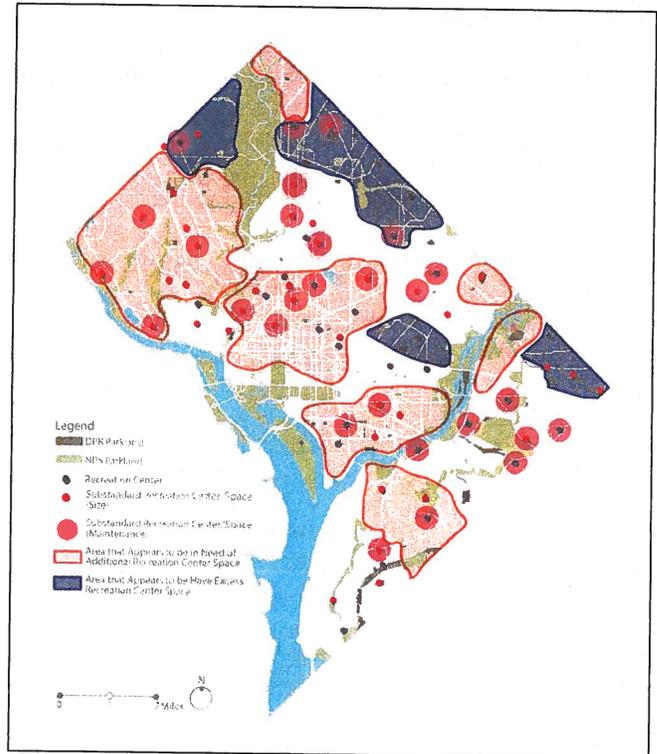


Figure 2. Washington, D.C., recreation center Quality LOS map
Courtesy AECOM Technical Services, Inc.

Operating expenditures include all of the costs to provide parks and recreation services to the community, including personnel salaries, benefits, utilities, equipment, and materials. Operating expenditures may also include debt service if it is paid out of the annual operating budget, as well as any expenditures incurred as part of a special or enterprise fund (such as a golf course) managed by the public agency.

It is important to note that operating costs can vary widely between communities due to differences in parks and recreation facility standards, types of equipment, repair and replacement schedules, types and topography of parkland, degree of maintenance required, levels of use, and other variables. Operating costs and efficiencies can also vary with the number of acres managed and the size of the population served. For example, a community that manages extensive conservation lands will have a lower ratio of expenditures to acreage than a community that primarily manages developed parkland.

Communities that benchmark operating expenditures (see below for discussion of benchmarking) should conduct follow-up research to analyze and document the specific reasons for differences in operating expenditures. For example, it may be helpful to visit and photograph the facilities at benchmarked communities and meet with agency staff to document key differences in facility quality or levels of maintenance. It may also be helpful to determine if a community is serving a larger population than its own residents. Elected officials, managers, and residents may be more supportive of increased operation budgets if they clearly understand the reasons for

variations in funding between communities and the implications of different funding levels.

Revenue per Capita, Revenue as a Percentage of Total Operating Expenditures (Cost Recovery)

Two metrics that can be used to track revenues and compare revenue generation to other agencies are “revenue per capita” and “revenue as a percentage of total operating expenditures.” The first metric is calculated by dividing the total revenues generated by the agency by the population of the jurisdiction served by the agency. The second metric (also known as “cost recovery”) is calculated by dividing the total revenues generated by the agency by the total operating expenditures of the agency. A community’s parks and recreation revenues (also known as “annual direct revenues”) include all of the monies generated directly from parks and recreation classes, programs, memberships, concessions, permits, rentals, and other nontax sources. Revenues do not include funding from taxes, grants, foundations, bonds, assessments, or other indirect sources.

In addition to revenue tracking and benchmarking, these metrics can also be used to establish cost recovery policies and goals. There are no industry standards for cost recovery; each community must establish its own goals. This is typically a policy decision determined by the agency department head, city/county manager, or elected officials. Some communities have established different cost recovery policies for senior, adult, and youth programs, while others have established overall cost recovery goals as a percentage of operating expenses. For example, a community may wish to subsidize youth programs to encourage accessibility, but require 100 percent cost recovery

for adult sports leagues. Databases such as PRORAGIS (see sidebar, “PRORAGIS and Other Parks and Recreation Data Sources”) can help agencies to determine reasonable and realistic cost recovery goals based on data from other agencies.

The Use of Parks and Recreation LOS Metrics Within the Planning Process

Parks and recreation LOS is most commonly addressed within the context of a parks and recreation master plan or needs assessment process.

The typical parks and recreation master planning process consists of four phases: (1) Existing Conditions Analysis, (2) Needs and Priorities Assessment, (3) Long-Range Vision, and (4) Implementation Strategy. Each phase of the process builds on the findings and conclusions from the previous phase(s). The following sections describe the important roles that LOS standards play in each of the first three phases of the process.

Existing Conditions Analysis

The first phase of the planning process, the Existing Conditions Analysis, includes an assessment of both the community and the parks and recreation system. The community analysis focuses on understanding the context of the parks and recreation system within the community’s history, vision, values, demographics, land-use patterns, and standards. This phase typically includes the review of previously prepared guiding documents such as comprehensive plans, vision plans, strategic plans, redevelopment plans, and previous parks and recreation master plans. It is particularly important to evaluate existing and projected future land development patterns and

PRORAGIS and Other Parks and Recreation Data Sources

Several detailed sources for parks and recreation-related data are available to planners for LOS research and benchmarking efforts for their communities. These include:

PRORAGIS: The National Recreation and Park Association (NRPA) developed its [Parks and Recreation Operating Ratio and GIS \(PRORAGIS\)](#) system to replace outdated standards with a database that allows agencies to benchmark their parks and recreation systems against other systems across the country. It is the largest collection of parks and recreation operating data in the U.S. PRORAGIS is typically used in concert with other parks and recreation system planning tools such as mail or telephone surveys, service area analyses, and stakeholder interviews. Its reporting functions provide the ability to perform side-by-side comparisons based on filtered searches including jurisdictional population, department budget, employee number, location, and acres managed. These comparisons allow agencies to benchmark and evaluate performance against most similar agencies and aggregated data from across the country.

The Trust for Public Land (TPL) City Park Facts and ParkScore: The Trust for Public Land is a national nonprofit organization working to create and improve neighborhood parks. TPL’s [ParkScore](#) index measures how well the 75 largest U.S. cities are meeting the need for parks, providing in-depth data to guide local park improvement efforts. TPL’s [City Park Facts](#) is an annually published almanac of the parks and recreation systems of the 100 most populous cities that can be used for benchmarking.

State Comprehensive Outdoor Recreation Plans

(SCORPs): States must prepare and regularly update statewide comprehensive outdoor recreation plans in order to be eligible for federal Land and Water Conservation Fund grants from the National Park Service and U.S. Department of the Interior. Most SCORPs address the supply of and demand for local, state, and federal recreation resources, identify needs and new opportunities for recreation improvements, and set forth implementation programs to meet plan goals (NPS 2008). Many SCORPs also include regional and statewide parks and recreation LOS standards or data that can be used for benchmarking.

demographics to gain a thorough understanding of the types of people who are and will be living in the community; their preferred lifestyles; the density of development in different parts of the community; and other factors that may provide insights into parks and recreation needs, priorities, and desired levels of service.

The existing conditions analysis also includes an analysis of the parks system based on the community's existing LOS standards, if available. They are most commonly found in the comprehensive plan or parks and recreation master plan, and are typically expressed in terms of parkland acreage and/or facilities per 1,000 population. The initial analysis will determine if the existing system is meeting the current LOS standards established by the community.

The assessment of the parks and recreation system includes site visits to evaluate individual parks, based on agreed-upon criteria (as discussed in the previous Quality LOS description), and evaluation of the actual existing LOS, based on the existing LOS standards. While existing standards may include only one or two metrics such as parkland acreage or facilities, the actual LOS would ideally be calculated for all of the LOS metrics listed in Table 1. Each metric is necessary to help determine actual LOS, but no metric is sufficient by itself to develop a comprehensive perspective.

Needs and Priorities Assessment

The purpose of the Needs and Priorities Assessment, the second phase of the planning process, is to determine the gaps between existing and desired conditions. Communities typically use a "triangulated" approach to identifying needs, including various types of qualitative and quantitative techniques to determine top priorities from different perspectives. Qualitative techniques typically include interviews with elected officials, community leaders, and other key stakeholders; focus group meetings with user groups such as sports leagues, seniors, and teenagers; workshops with a project advisory committee and the public; and informal discussions with residents at special events. Quantitative techniques include statistically valid surveys, nonstatistically valid online surveys, and LOS benchmarking.

Benchmarking has replaced standards in determining appropriate parks and recreation LOS. Benchmarking is generally defined as a comparison of the quality of an organization's policies, products, or programs with standard measurements or similar measurements of its peers. In parks and recreation system planning, benchmarking is used to compare one parks and recreation system to another. State and national parks and recreation associations no longer publish recommended LOS standards, but encourage communities to benchmark themselves against other communities. Several databases tracking parks and recreation-related information for hundreds of communities across the country are available to planners for this purpose (see sidebar, "PRORAGIS and Other Parks and Recreation Data Sources").

Some cities and counties benchmark themselves against communities with similar demographics, geography, or climate. Other communities select "aspirational" benchmarks using

cities or counties they wish to emulate. Both PRORAGIS and TPL reporting functions provide the ability to perform side-by-side comparison based on filtered searches including jurisdictional population, department budget, employee number, location, and acres managed. These comparisons allow agencies to benchmark and evaluate performance against the most similar agencies and aggregated data from across the country.

Findings from the LOS benchmarking can be compared against findings from surveys, focus groups, and other needs assessment techniques to determine if the existing LOS is adequate. For example, if the Facility LOS benchmarking for athletic fields indicates that the community provides a lower number of fields per capita than comparable communities — and the statistically valid survey indicates a high unmet need for athletic fields — then the community may decide to establish a higher Facility LOS standard to reflect demand and need.

Long-Range Vision

The third phase of the planning process is to develop a long-range vision. Elements of the vision should include parks and recreation subsystems; preferred service delivery model(s) for each subsystem; a classification typology for each subsystem; and differential land development patterns and lifestyles identification.

Subsystems. Subsystems include the various components of the parks and recreation system, such as parks, trails, athletics complexes, community centers, aquatics centers, civic plazas, and natural areas. Figure 3 shows some of the typical components or subsystems of a parks and recreation system. Each subsystem may use different metrics to measure and monitor LOS.

Service Delivery Models. Once the subsystems are defined, communities need to determine the preferred Service Delivery Model (SDM) for each. The four typical SDMs are: (1) centralized,

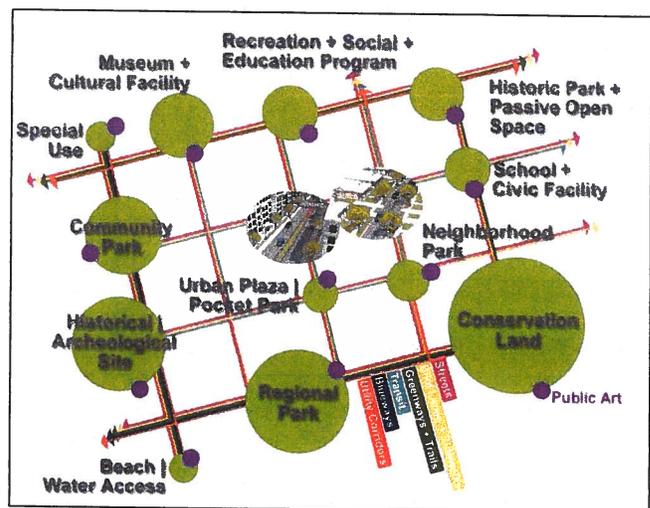


Figure 3. Typical components of a parks and recreation system
Courtesy Glattig Jackson Kercher Anglin Inc.

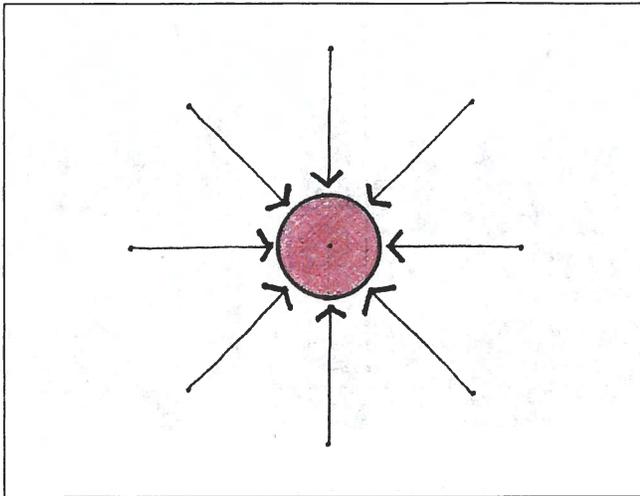


Figure 4. Centralized Model for SDM. Courtesy Barth Associates

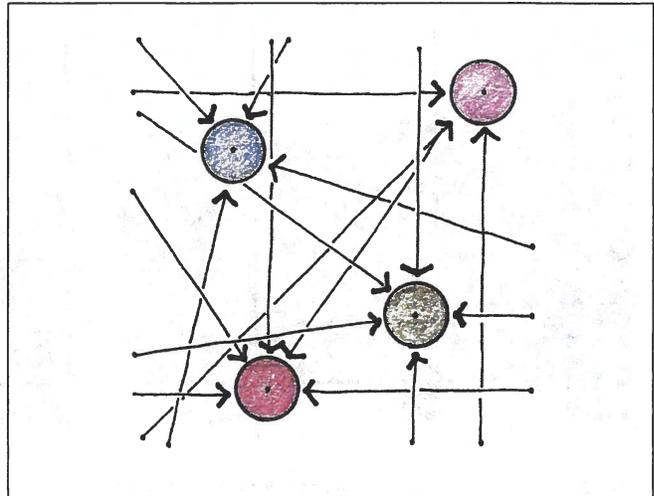


Figure 6. Venues Model for SDM. Courtesy Barth Associates

(2) decentralized, (3) venues-based, and (4) activities-based. The centralized SDM (Figure 4) assumes that residents and visitors from throughout the community will drive to the central facility. This model typically applies to regional or signature facilities and subsystems such as an aquatics center, a sports complex, an urban festival park, or a cultural center.

A decentralized SDM (Figure 5), on the other hand, focuses on the equitable distribution of services, measured in terms of distance (Access LOS) or population served (Facility or Acreage LOS). A decentralized SDM assumes that facilities or parks will be distributed equitably throughout the community, e.g., one facility per quadrant, as opposed to a single centralized facility.

A venues SDM (Figure 6) is a variation on the centralized model; it assumes that the system is comprised of specialized facilities that will serve the entire community, regardless of access distance or population densities. For example, the City of Naples, Florida, has a tennis complex, a downtown/urban festival park, a sports park, a dog park, an environmental preserve, a cultural arts park, a boat ramp park, a city beach, a city

pier, and an aquatics/community center. Each venue has been planned and designed as a first-class venue to serve the needs of residents citywide.

Finally, an activity-based SDM (Figure 7) focuses on providing desired recreation opportunities throughout the community without regard for the type of park or recreational facility. This model is most common in large, urbanized sites where land is at a premium. A dog park or tennis courts may be located on top of a parking deck, a playground may be provided through a local church, and an athletic field may be provided through partnerships with local schools. For example, the City of Seattle built a mountain bike trail underneath one of its free-way overpasses. The emphasis is not on park or facility types, but on providing access to recreational opportunities wherever and however they can be provided.

As mentioned above, each subsystem may deliver services using a different SDM. For example, an Aquatics Subsystem may deliver services through a single, large, centralized, multipurpose aquatics complex that includes a family water

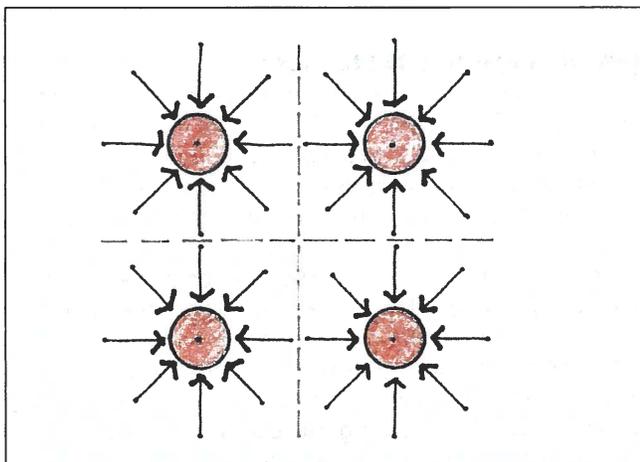


Figure 5. Decentralized Model for SDM. Courtesy Barth Associates

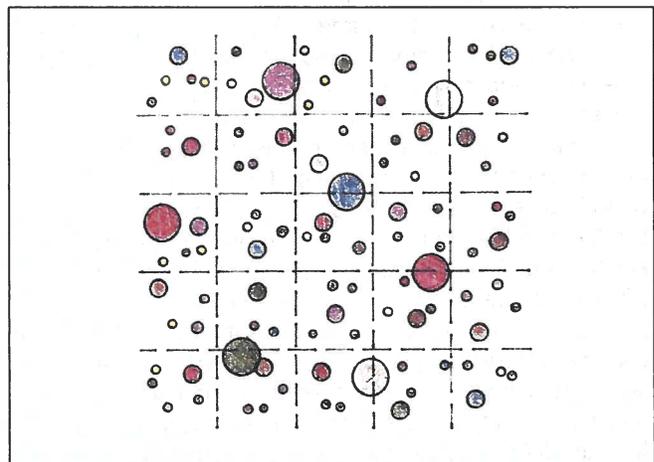


Figure 7. Activity-based Model for SDM. Courtesy Barth Associates

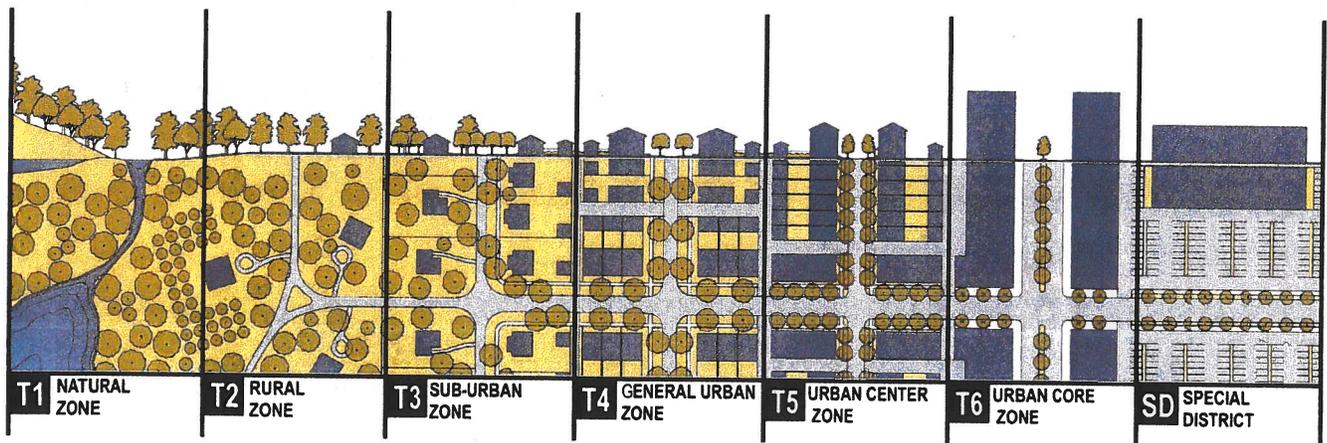


Figure 8. The “transect” illustrates the differences between urban, suburban, and rural development patterns. Courtesy Duany Plater-Zyberk & Company

park, lap pool, and competitive pool. A Neighborhood Parks Subsystem, on the other hand, may deliver services through an equitably distributed decentralized model, where every neighborhood has access to a small public or private recreation area that includes a picnic shelter, playground, basketball courts, and multipurpose lawn. The LOS for each of these two subsystems may be measured very differently.

Classifications. Traditional parks and recreation classifications have included mini-parks, neighborhood parks, school-parks, community parks, large urban parks, natural resource areas, greenways, sports complexes, and special use facilities (Mertes and Hall 1996). However, these classifications do not recognize the wide variety of facilities and spaces found in modern parks systems, including dog parks, skate parks, splash pads, festival ground, mountain bike parks, and others. They also do not reflect variations in levels of amenities and maintenance between facilities within the same subsystem. Therefore, many communities are developing their own classifications systems to better reflect their needs and priorities.

One Florida county is using a three-tiered classification system for each of its subsystems. “Top Tier” facilities include those that are least common and have the highest level of amenities, highest level of maintenance, highest level of staffing, and highest cost recovery goals. “Bottom Tier” facilities include those that are most common and have the lowest level of amenities, maintenance, staffing, and cost recovery goals. Top tier athletic facilities are classified as “Signature Facilities,” middle tier facilities are classified as “Competitive Practice and Game Fields,” and bottom tier facilities are classified as “Recreational Practice and Game Fields.” Similarly, the classification system for the county’s Natural Areas Subsystem comprises Destination Preserves, Enhanced Natural Areas, and Basic Natural Areas; and the classification system for their Community Centers Subsystem is made up of Signature Recreation Centers, Community Centers, and Neighborhood Recreation Centers.

Differential Land Development Patterns and Lifestyles.

Another determinant of a community’s parks and recreation vision — and resulting LOS — is its existing and future development patterns. The “transect” (Figure 8) illustrates the differences between urban, suburban, and rural development patterns.

Recreational lifestyles and needs can vary greatly between these patterns. For example, residents in downtown San Diego indicated that one of their top recreation activities was strolling downtown sidewalks and eating in restaurants, while the top facility priorities for many suburban residents may include bicycling and walking trails, dog parks, and multipurpose fields. Similarly, urban residents often express a desire for facilities such as indoor fitness/ exercise centers within walking distance (about a half-mile) of their homes, while rural and suburban residents are often willing to drive as much as five to 10 miles to a recreation center.

A long-range vision should reflect these differences in both existing and future land development patterns and lifestyles, and a community may wish to create differential LOS standards to reflect these differences as well.

Developing New LOS Standards

There is no single methodology for calculating a community’s desired parks and recreation LOS, but it should be based on the findings and decisions from the planning process including the existing conditions analysis, needs assessment, and long-range vision. The first step is to determine which of the LOS metrics are most appropriate for each subsystem.

The selection of metrics should be based on the values of the community and the ability to collect and maintain the appropriate data. For example, the LOS metrics for a Community Center Subsystem may include Square Footage per Capita, both communitywide and within specific geographic areas; Access LOS (for a decentralized SDM), including differentials for urban, suburban, and rural areas; and Revenues as a Percentage of Operating Costs, based on agreed-upon cost recovery goals for each center.

LOS metrics for an Athletics Subsystem may include fields per capita, broken down between competition, practice, rectangular, diamond, and multiuse fields, and Access LOS for urban, suburban, and rural areas. Depending on the governing body's philosophy and policies, there may be no cost recovery metrics required for recreational fields, but Revenues as a Percentage of Operating Costs may be an important LOS for a tournament-quality sports complex.

LOS metrics for a Neighborhood Park or Playground Subsystem may include Per Capita LOS both communitywide and within specific geographic areas; Quality LOS to ensure equal opportunity for quality experiences; and Access LOS for different development patterns. The Access LOS for a Signature Playground may be very different than the Access LOS for a Neighborhood Playground, and both types of experiences may be important to the community.

Once the desired metrics have been determined for each subsystem, the question must be asked: "Do we have enough?" The summary of findings from the Needs Assessment typically provides the answer, including findings from surveys, public workshops, interviews, focus group meetings, benchmarking, and other LOS techniques. If the Needs Assessment summary indicates a strong need or priority for a certain type of park or facility, the existing LOS is probably too low. By calculating the approximate deficiency in parkland or facilities — based on voids in service areas, lack of capacity, or other deficiencies determined during the needs assessment process — communities can estimate the approximate LOS required to satisfy community needs. The new LOS standards can be used as a basis for determining the types, locations, and size of proposed new parks or facilities for the long range vision. The new LOS standards can also be incorporated into the community's comprehensive plan and land development codes to help implement the new vision.

Trends and Additional LOS Metrics

In addition to the traditional LOS metrics outlined above, communities may wish to add other metrics to gauge their LOS regarding social equity, connectivity, water quality, or other community values and initiatives. These types of metrics are closely related to the Sustainable Development Indicators (SDIs) developed by many communities since the late 1980s to measure and monitor progress towards sustainability goals. SDIs are now viewed as both "a means for assessing the distance between a current state of affairs on the ongoing task of achieving a sustainable way of life" and "a means of instituting dialogue over the very conditions of sustainability" (Scerri & James 2010, 223). Similar to LOS standards, there are no universally agreed-upon sustainable development indicators to help measure and monitor progress towards sustainability.

Several current trends lend themselves to nontraditional parks and recreation LOS metrics, including age-friendly communities, connectivity and walkability, access to nature, sports tourism, and placemaking.

Age-Friendly Communities

Communities throughout the U.S. are recognizing the benefits of creating age-friendly communities. John Crompton at Texas A&M notes that "seniors are moving from being a relatively small fringe group to being a large central focus" of parks and recreation service. "Five changes in the status of seniors suggest that recreation and park departments should ... move them to the center of their service efforts: extension of active retirement time, enhanced discretionary income, contributions to economic development, enhanced leisure literacy and disproportionate political influence" (Crompton 2013). Parks and recreation departments wishing to promote and measure LOS related to age-friendly communities may wish to establish alternative LOS metrics such as:

- Multimodal/ Transit Access to Recreation Facilities and Programs for Seniors
- Percentage of Senior Participants
- Percentage of Multigenerational Programs and Activities
- Percentage of Programs that promote Wellness and Active Aging
- Percentage of Opportunities for Paid Work and Volunteering for Older Adults

Connectivity and Walkability

A trend directly related to Age-Friendly Communities is improved bicycle and pedestrian Connectivity and Walkability. Movements such as Smart Growth, New Urbanism, and Complete Streets have been developed in response to increased traffic congestion, automobile-dependent suburban development patterns, and the decline of safe routes for walking and biking. Many parks and recreation departments are actively involved in the development of trails systems as well as safe sidewalk and bike lane connections to parks, community centers, and other recreation facilities.

To indicate their progress towards connectivity and walkability goals, communities may wish to develop LOS metrics such as:

- Percentage of Complete Streets
- Miles of Multipurpose Trails
- Percentage of Parks with Multimodal Bike/Ped/Transit Access

Access to Nature

Recent parks and recreation needs assessment processes across the country indicate that residents feel a real need for access to nature. This need is most acute in urbanizing communities that are losing natural areas and open spaces to higher density development or redevelopment. Richard Louv notes in *Last Child in the Woods* that adults are the predominant users of natural lands, and that today's youth are losing any sense of connection with nature: "In the space of a century, the American experience of nature ... has gone from direct utilitarianism to romantic attachment to electronic detachment" (2008, 16). In response he calls for a new back-to-the-land movement,

including green cities and towns “that, by their very design, reconnect both adults and children to nature” (2008, 276).

Communities wishing to measure access to nature could establish such metrics as:

- Access Distance/ Time to Natural Areas
- Percentage of Residents Who Participate in Nature-Based Programs

Sports Tourism

Sports tourism and travel ball have had a significant impact on parks and recreation agencies in recent years, as many parks and recreation agencies are serving an increasing number of nonresidents. In “Stealing Home: How Travel Teams are Eroding Community Baseball,” author Davie Mendell (2014) laments that “community league games have lost a certain sense of community.” Mendell is concerned about the high costs of travel ball, the added pressure to perform, mental burnout, overly competitive parents, and the added wear and tear on young players. A significant impact of the shift from recreational leagues to travel ball is the added pressure on local governments to pay for “tournament-quality” sports facilities, regardless of where the players reside.

Peter Harnik of the Trust for Public Land (TPL) notes that “visitors put a different kind of strain on city park resources than do full-time residents. Tourists may make little use of pools, recreation centers and dog parks, but they are a big factor in ... signature destinations ... If heavy out-of-town-er park use truly diminishes the experience for residents, the response should be the acquisition of more parkland, preferably with some of the funds derived from nonresidents” (Harnik and Martin 2016). Parks and recreation agencies concerned with the impacts of travel ball or sports tourism may wish to track the number of visitors using local facilities — as well as related costs and revenues — and create separate LOS metrics such as:

- Percentage Use of Facilities by Visitors
- Percentage Use of Facilities by Residents
- Cost per Visitor User
- Cost per Resident User

Such data could be helpful in establishing capital and operating budgets and determining the true costs and benefits of accommodating travel teams and sports tourism.

High Performance Public Space Criteria

The following 25 criteria for a HPPS were developed through a “Delphi process” at the University of Florida involving 22 sustainability experts:

Social Criteria:

- The space improves the neighborhood
- The space improves social and physical mobility through multimodal connectivity — auto, transit, bike, pedestrian
- The space encourages the health and fitness of residents and visitors
- The space provides relief from urban congestion and stressors such as social confrontation, noise pollution, and air pollution
- The space provides places for formal and informal social gathering, art, performances, and community or civic events
- The space provides opportunities for individual, group, passive, and active recreation
- The space facilitates shared experiences among different groups of people
- The space attracts diverse populations
- The space promotes creative and constructive social interaction

Environmental Criteria:

- The space uses energy, water, and material resources efficiently
- The space improves water quality of both surface and ground water

- The space serves as a net carbon sink
- The space enhances, preserves, promotes, or contributes to biological diversity
- Hardscape materials were selected based on longevity of service, social/cultural/historical sustainability, regional availability, low carbon footprint, and/or other related criteria
- The space provides opportunities to enhance environmental awareness and knowledge
- The space serves as an interconnected node within larger-scale ecological corridors and natural habitat

Economic Criteria:

- The space creates and facilitates revenue-generating opportunities for the public and/or the private sectors
- The space creates meaningful and desirable employment
- The space indirectly creates or sustains good, living-wage jobs
- The space sustains or increases property values
- The space catalyzes infill development and/or the reuse of obsolete or underused buildings or spaces
- The space attracts new residents
- The space attracts new businesses
- The space generates increased business and tax revenues
- The space optimizes operations and maintenance costs (compared to other similar spaces)

High Performance Public Spaces

Many parks within the U.S. were developed within the “Recreation Era” between 1930 and 1965, characterized by architectural historian Galen Cranz as emphasizing basic, universal facilities to meet the increased demand for recreation, such as playgrounds, ball fields, and picnic shelters. In 2004 Cranz and Boland identified a new trend in parks and recreation design, the “Sustainable Park,” which responds to the needs for communities to become more ecologically and socially sustainable. Characteristics of Sustainable Parks include self-sufficiency of resources and maintenance, solving larger urban problems outside of park boundaries, and adopting new standards for aesthetics and landscape management (Cranz & Boland 2004).

Communities are becoming more aware of the need to design all parks and recreation facilities as great public spaces that generate multiple benefits. In my recent research at the University of Florida, I created the concept of a High Performance Public Space (HPPS), defined as “any publicly accessible space that generates economic, environmental, and social sustainability benefits for their local community” (Barth 2015). A HPPS can be a park, trail, square, green, natural area, plaza, or any other element of the public realm that generates all three types of benefits. See the sidebar on page 10 for a description of the defining criteria for a HPPS.

While it is not realistic to think that every public park or public space could meet all 25 defining HPPS criteria, every public space has the potential to generate some type of sustainability benefits either directly or indirectly. Parks and recreation agencies interested in promoting any of these criteria could establish appropriate LOS metrics to measure and track their progress.

Final Thoughts for Planners

A thoughtful, meaningful set of Parks and Recreation LOS Standards can be very useful to communities for long-range planning, needs assessments, and growth management. There are very few, if any, state or federal mandates that dictate which metrics must be used; communities are free to develop the LOS metrics and standards that best serve their needs.

Key considerations for selecting LOS metrics include:

- Do the metrics reflect the values and needs that are most important to residents?
- Are the LOS standards, metrics, and definitions logical and easy to understand?
- Is accurate data available for each metric and relatively easy to collect?
- Do the metrics truly represent the actual levels of service provided?
- Collectively, do the metrics and standards provide a comprehensive perspective of LOS, including quantity, quality, and access to facilities and programs, as well as other factors that are important to the community?

LOS metrics and standards should be developed through a comprehensive planning process, as outlined above, including a robust public review process. Preliminary metrics and

standards should be reviewed and discussed with staff, user groups, an advisory or steering committee, key stakeholders, the general public, and elected officials in order to build consensus regarding how Parks and Recreation LOS should be defined, measured, and counted.

Most importantly, LOS standards should not be viewed as static. They should be reviewed and recalculated annually, and updated every five years (at a minimum) in conjunction with a needs assessment process to ensure that they remain reflective of the community’s needs, values, and goals. A comprehensive set of LOS standards, tested and updated regularly, helps ensure that a community is truly meeting residents’ needs and generating the greatest benefits from its parks and recreation system.

About the Author

Dr. David Barth is a registered landscape architect, certified planner, and certified parks and recreation professional who specializes in the planning, design, and implementation of the public realm. He has developed parks and recreation system master plans for over 70 communities throughout the United States including Washington, D.C.; Miami-Dade County, Florida; Norfolk, Virginia; downtown San Diego; and the City of Raleigh, North Carolina; and has led the planning and design of hundreds of parks and trails. He was a co-author of the American Planning Association (APA) PAS Report From Recreation to Re-Creation, as well as a contributor to APA’s Planning and Urban Design Standards for parks and recreation needs assessments.

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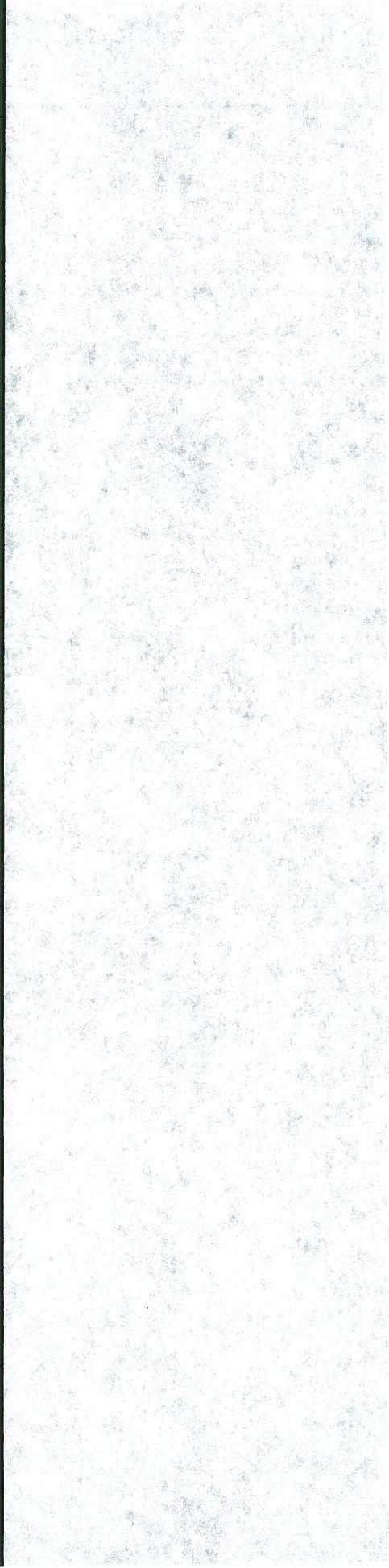
RURAL ACTIVE LIVING ASSESSMENT

<p>Town Name: - Open-Ended Response</p>	<p>D2. County name:</p>	<p>P1. Does the town have a policy that requires bikeways or pedestrian walkways in new public infrastructure projects?</p>	<p>P1. Does the town have a policy that requires bikeways or pedestrian walkways in new public infrastructure projects? - Comments</p>	<p>P2. Does the town regularly clear snow from sidewalks?</p>
<p>Searsport</p>	<p>Waldo</p>	<p>No</p>		<p>Yes</p>



<p>P2. Does the town regularly clear snow from sidewalks? -- Comments</p>	<p>P3. Does the town have a recreation department that offers physical activity programming?</p>	<p>P3. Does the town have a public recreation department that offers physical activity programming? - Other (please specify)</p>	<p>3a. Do they offer physical activity programming for local youth? If yes, What age range is served by these programs?</p>	<p>3c. Do they offer physical activity programming for local adults? If yes, what age range is served by these programs?</p>	<p>N/A</p>
<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>All Ages</p>	<p>No</p>	<p>No</p>

3e. Are physical activity resources/facilities available for local resident use outside of programming?	3f. Does the recreation department provide scholarships or offer a sliding fee scale for lower income residents?	P4. Does the town have a private organization (such as the YMCA or a religious organization) that offers physical activity programming?	P4. Does the town have a private organization (such as the YMCA or a religious organization) that offers physical activity programming? – Comments	4a. Do they offer physical activity programming for local youth?	4a. Do they offer physical activity programming for local youth? If yes, What age range is served by these programs?	4c. Do they offer physical activity programming for local adults?
Yes	Yes	No		N/A	N/A	N/A



<p>4c. Do they offer physical activity programming for local adults? If yes, what age range is served by these programs?</p>	<p>4e. Are there membership requirements to participate in these programs?</p>	<p>4f. Are physical activity resources/facilities available for local resident use outside of programming?</p>	<p>4g. Does the organization provide scholarships or offer a sliding fee scale for lower income residents?</p>	<p>P5a. Does the town offer any local public transportation options, such as public buses or vans?</p>	<p>P5a. Does the town offer any local public transportation options, such as public buses or vans? If yes, please specify.</p>	<p>5b. Are there any long-distance public transportation options available in your town, such as a train or Greyhound Bus?</p>
<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Yes</p>	<p>RTP - Demand Response</p>	<p>No</p>

<p>5b. Are there any long-distance public transportation options available in your town, such as a train or Greyhound Bus? If yes, please specify.</p>	<p>School Programs and Policies (6) - Does the town have any "Walk to School" programs or other programs that encourage children to walk or bike to school?</p>	<p>School Programs and Policies (7) - Does the town participate in the National "Safe Routes to School" program?</p>	<p>School Programs and Policies (8) - Do the public schools in the town offer other sponsored physical activity initiatives for students?</p>	<p>School Programs and Policies (9) - Do the public schools in the town allow public access to their recreation facilities after school hours?</p>	<p>School Programs and Policies (10) - Do the public schools have a late bus option for children that stay after school for sponsored activities?</p>	<p>Yes</p>
<p>No</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>

11. What percent (%) of children live within 1 mile of their school?	11. What percent (%) of children live within 1 mile of their school? - (Specific) Percent	Comments: - Open-Ended Response	D10. Presence of "Town Center"?	D10. Presence of "Town Center"? - Other (please specify)	D11. General Town Street Pattern?
Don't Know			Yes- One town center		No distinguishable pattern

D11: General Town Street Pattern? - Other (please specify)	D12+: How many public high schools are: - Within 1 mile of town center	D12+: How many public high schools are: - Between 1 and 5 miles from town center	D12+: How many public high schools are: - More than 5 miles from town center	D13+: How many middle schools are: - Within 1 mile of town center	D13+: How many public middle schools are: - Between 1 and 5 miles from town center	D13+: How many public middle schools are: - More than 5 miles from town center	D14+: How many public elementary schools are: - Within 1 mile of town center
	0	0	1	0	0	1	1

Access (check all that apply) - Designated parking for amenity	Access (check all that apply) - Sidewalks leading to amenity	Comments: - Open-Ended Response	R2. Biking Path(s)	Distance from town center	Condition
Yes	No		Yes	5-15 miles	Good/Excellent



Access (check all that apply) - Clearly marked signs for amenity	Yes	Access (check all that apply) - Designated parking for amenity	Yes	Access (check all that apply) - Sidewalks leading to amenity	No	Comments: - Open- Ended Response	R3. Public Park(s)	Yes	Distance from town center	Within 1 mile
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Condition	Access (check all that apply) - Clearly marked signs for amenity	Access (check all that apply) - Designated parking for amenity	Access (check all that apply) - Sidewalks leading to amenity	Comments: - Open-Ended Response	R4. Swimming Beach
Good/Excellent	Yes	Yes	No		Yes

Distance from town center	Condition	Access (check all that apply) - Clearly marked signs for amenity	Access (check all that apply) - Designated parking for amenity	Access (check all that apply) - Sidewalks leading to amenity	Comments: - Open-Ended Response
Within 1 mile	Good/Excellent	Yes	Yes	No	

R5. Public Use Swimming Pool	Distance from town center	Condition	Access (check all that apply) - Clearly marked signs for amenity	Access (check all that apply) - Designated parking for amenity	Access (check all that apply) - Sidewalks leading to amenity
No	Town does not have this amenity				

Comments: - Open-Ended Response	R6. River with canoe/kayak/boat/watersport	Distance from town center	Condition	Access (check all that apply) - Clearly marked signs for amenity	Access (check all that apply) - Designated parking for amenity
	Yes	Within 1 mile	Good/Excellent	Yes	Yes

Access (check all that apply) - Sidewalks leading to amenity	Comments: - Open-Ended Response	R7: Skate Park	Distance from town center	Condition	Access (check all that apply) - Clearly marked signs for amenity
No		No	Town does not have this amenity		



Access (check all that apply) - Designated parking for amenity	Access (check all that apply) - Sidewalks leading to amenity	Comments: - Open-Ended Response	R&I Ice Skating Rink	Distance from town center	Condition
			No	Town does not have this amenity	

<p>Access (check all that apply) - Clearly marked signs for amenity</p>	<p>Access (check all that apply) - Designated parking for amenity</p>	<p>Access (check all that apply) - Sidewalks leading to amenity</p>	<p>Comments: - Open-Ended Response</p>	<p>R9. Roller Skating Rink</p>	<p>Distance from town center</p>
				No	Town does not have this amenity

Condition	Access (check all that apply) - Clearly marked signs for amenity	Access (check all that apply) - Designated parking for amenity	Access (check all that apply) - Sidewalks leading to amenity	Comments: - Open-Ended Response	R10. Town Recreation al Center (e.g. YMICA or town recreational facility)
					No

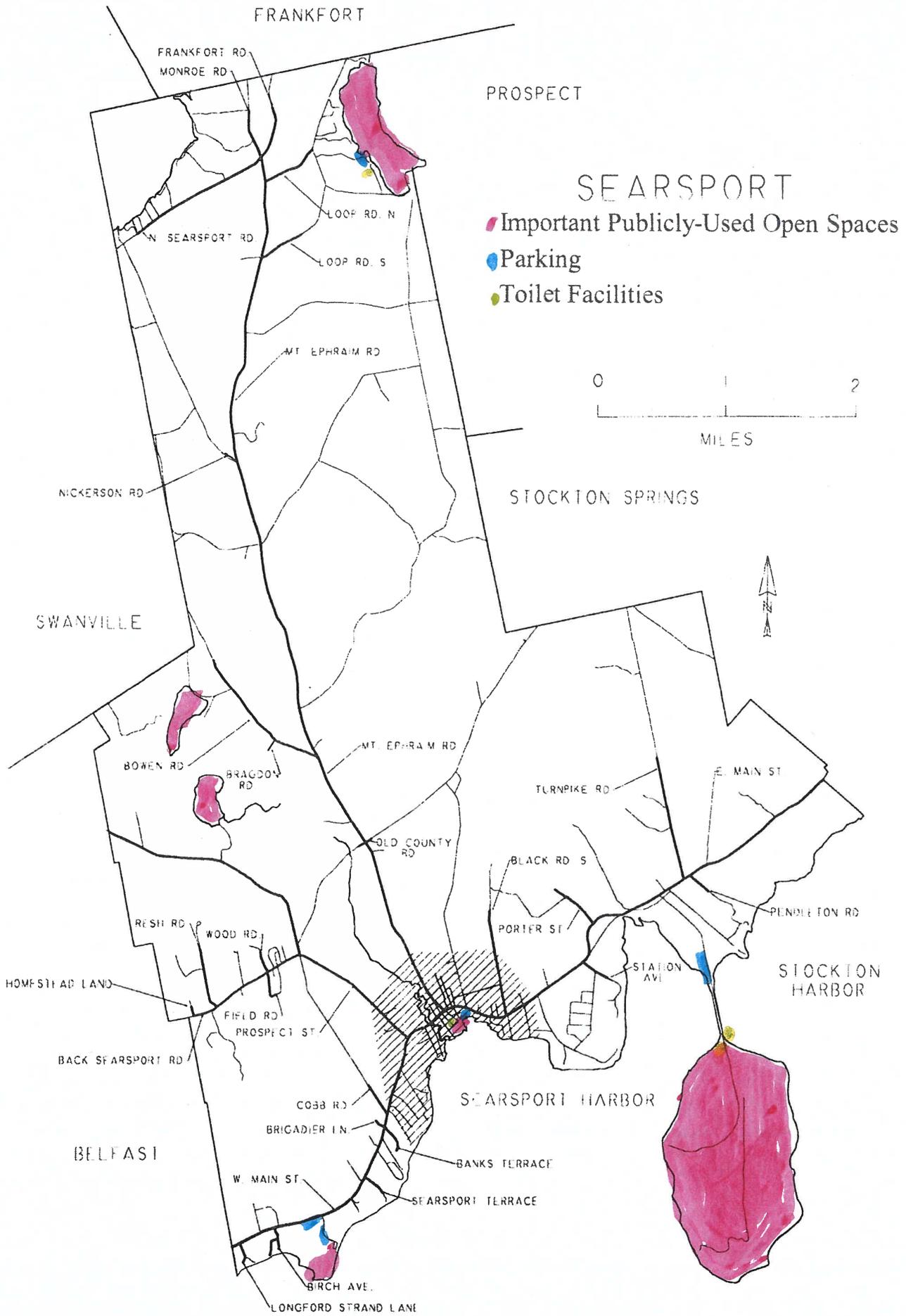
Distance from town center	Condition	Access (check all that apply) - Clearly marked signs for amenity	Access (check all that apply) - Designated parking for amenity	Access (check all that apply) - Sidewalks leading to amenity
Town does not have this amenity				

<p>Comments: - Open-Ended Response</p>	<p>R11. Private Fitness Facility (e.g. Curves, Gold's Gym, etc.)</p>	<p>Distance from town center</p>	<p>Condition</p>	<p>Access (check all that apply) - Clearly marked signs for amenity</p>	<p>Access (check all that apply) - Designated parking for amenity</p>
	<p>Yes</p>	<p>5-15 miles</p>	<p>Good/Excellent</p>	<p>Yes</p>	<p>Yes</p>

Access (check all that apply) - Sidewalks leading to amenity	Comments: - Open-Ended Response	R12. Playground(s)	Distance from town center	Condition	Access (check all that apply) - Clearly marked signs for amenity
No	In Naples/Bridgton	Yes	Within 1 mile	Good/Excellent	Yes

Access (check all that apply) - Designated parking for amenity	Access (check all that apply) - Sidewalks leading to amenity	Comments: - Open-Ended Response	R13. Playing Fields or Courts	Distance from town center	Condition
Yes	No		Yes	Within 1 mile	Good/Excellent

<p>Access (check all that apply) - Clearly marked signs for amenity</p>	<p>Access (check all that apply) - Designated parking for amenity</p>	<p>Access (check all that apply) - Sidewalks leading to amenity</p>	<p>Comments: - Open-Ended Response</p>
<p>Yes</p>	<p>Yes</p>	<p>No</p>	



Appendix 11 - Transportation

Comprehensive Planning Package Fall 2017

Town List:

Biddeford, Bremen, Clifton, Denmark, Eddington, Hollis, Knox, Lebanon, Monhegan Island Plt, Mount Vernon, New Gloucester, Nobleboro, Oakland, Penobscot, Rockport, Searsport, Sorrento, Waldoboro, Washburn, Washington, Westport Island, Wiscasset

What data is included, and where can I download it from?

The Fall 2017 Comprehensive Planning Package data can be downloaded by clicking on the following link:

[MaineDOT CompPlan Data \(Fall 2017\)](#)

The following datasets are included (clipped to the above listed town boundaries) as ESRI Shapefiles, and Google Earth KMZs. The Shapefiles each have an associated DBF file that can be viewed with Microsoft Access and Excel:

-  MEDOT_AIRPORTS
-  MEDOT_BRIDGE
-  MEDOT_CRASHES
-  MEDOT_CSL_CONDITION
-  MEDOT_CSL_SAFETY
-  MEDOT_CSL_SERVICE
-  MEDOT_E911
-  MEDOT_FREEWAYS_EXPRESSWAYS
-  MEDOT_HCL_LINKS
-  MEDOT_HCL_NODES
-  MEDOT_HCP
-  MEDOT_MEDOTPURBDS
-  MEDOT_MOBILITY_CORRIDORS
-  MEDOT_PARKNRIDE_LOTS
-  MEDOT_RAILROUTE_SEGMENTS
-  MEDOT_RESTAREAS
-  MEDOT_RETROGRADE_ARTERIALS
-  MEDOT_SCENIC_BYWAYS
-  MEDOT_TRAFFIC_VOLUME_COUNTS
-  MEDOT_VEHICLE_CLASS_COUNTS
-  MEDOT_WATERFRONT_ACCESS
-  MEDOT_WORKPLAN_LINES
-  MEDOT_WORKPLAN_POINTS
-  TOWNS

Comprehensive Planning Package Fall 2017

In addition to these datasets, please look to the following **MaineDOT Internet Resources**:

Highway Corridor Priorities and Customer Service Levels:

<http://www.maine.gov/mdot/about/assets/hwy/>

Traffic Volume Counts and Vehicle Class:

<http://www.maine.gov/mdot/traffic/ytcl/>

MaineDOT Work plan 2017 - 2019:

<http://www.maine.gov/mdot/projects/workplan/>

MaineDOT Map Viewer:

<http://www.maine.gov/mdot/mapviewer/>

Maine Public Crash Query Tool:

<https://mdotapps.maine.gov/MaineCrashPublic/>

For statewide datasets that may also be helpful in comprehensive planning, please look to the **Maine Office of GIS (MEGIS) data catalog**:

<http://www.maine.gov/megis/catalog/>

Additional Considerations:

In the past, ArcExplorer instructions were distributed along with associated data files. In this round of data distribution, we are moving away from directing users to ArcGIS Explorer. It takes many hours to configure the data to work with ArcExplorer, with varied and often confusing results to the users. Instead, for those who do not have access to ESRI GIS applications, we encourage the installation and use of free Open Source GIS applications, such as [QGIS](#). (QGIS has a "Getting Started" tutorial to assist new users with their GIS adventures).

For further assistance, please contact the **MaineDOT GIS Hotline at (207) 624 - 3329**.

Maine Revised Statutes

Title 23: TRANSPORTATION

Part 1: STATE HIGHWAY LAW

Chapter 13: CONSTRUCTION, MAINTENANCE AND REPAIRS

Subchapter 1: GENERAL PROVISIONS

§704-A. Traffic movement permit

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Department" means the Department of Transportation. [1999, c. 468, §2 (NEW).]

A-1. "High-speed rural arterial highway" means an arterial highway as defined in section 704 that is not located in the urban compact area of an urban compact municipality as described in section 754 and where the posted speed limit at the time of the application for a traffic movement permit is 40 miles per hour or greater. [2003, c. 363, §1 (NEW).]

B. "Passenger car equivalents at peak hour" means the number of passenger cars or, in the case of nonpassenger vehicles, the number of passenger cars that would be displaced by nonpassenger vehicles at that hour of the day during which the traffic volume generated by the development is higher than the volume during any other hour of the day. For purposes of this paragraph, one tractor-trailer combination is the equivalent of 2 passenger cars. [1999, c. 468, §2 (NEW).]

C. "Project" includes any construction, alteration or conversion of a building, or any development of state or regional significance that may substantially affect the environment as defined in Title 38, section 482, subsection 2. [1999, c. 468, §2 (NEW).]

D. "Traffic demand management techniques" means measures taken to reduce or spread peak hour traffic over a longer period of time. Such measures include, but are not limited to, on-site facilities or on-site design considerations to support local, regional or state bicycle, pedestrian, passenger rail, transit and ride-sharing efforts or plans. The department may not require operational support of passenger transportation systems or require parking management strategies of the permit applicant. [2003, c. 363, §2 (NEW).]

[2003, c. 363, §§1, 2 (AMD) .]

2. Permit. A traffic movement permit must be obtained from the department for any project that generates 100 or more passenger car equivalents at peak hour. A person receiving a permit under this section is not required to obtain a permit pursuant to section 704.

A. For any project that generates 100 or more passenger car equivalents at peak hour, the person responsible for the project is required to make adequate provision for traffic movement of all types into and out of the project area. Before issuing a permit, the department shall determine that any

traffic increase attributable to the proposed project will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed project. [1999, c. 468, §2 (NEW).]

B. The department, together with the appropriate representative of the municipality or municipalities where the project is located, shall discuss with the applicant at a meeting, referred to in this paragraph as a "scoping meeting," the scope of impact evaluation required for the proposed project and the type of proceedings warranted. The applicant shall provide notice to abutting municipalities. If the department determines as a result of these communications that the applicant has demonstrated that the proposed project satisfies standards adopted for projects that generate 100 to 200 passenger car equivalents at peak hour and the department determines that there are no other significant traffic-related issues presented, the department may issue a permit to the applicant without further proceedings. The department shall adopt rules establishing the submission requirement for a scoping meeting. Those rules must, at a minimum, establish 2 submission standards: one for an expedited review without further proceedings and one for a preliminary review with further proceedings anticipated. The rules must also establish the level of professional certification required by any submission and may not impose undue professional liability on the applicant. [1999, c. 468, §2 (NEW).]

C. [2003, c. 363, §3 (RP).]

D. If a project is located in an area designated as a growth area in a local growth management plan that has been found by the State to be consistent with the growth management program in Title 30-A, chapter 187 and the project does not have an entrance or exit located on a high-speed rural arterial highway and the applicant for a traffic movement permit implements traffic demand management techniques recommended by the department, then the required improvements are limited:

- (1) To those necessary to mitigate the impact of the project provided all safety standards are met, even if part or all of the traffic impact occurs outside the boundaries of the growth area; and
- (2) To the entrances and exits of the project, if the project reuses previously developed land area and buildings with no more than a 10% increase in building footprint regardless of the extent of vertical development. [2003, c. 363, §4 (RPR).]

E. Adequate provision for traffic movement may be provided through payment of funds pursuant to section 57-A. [1999, c. 468, §2 (NEW).]

F. Prior to issuing a traffic movement permit, the department must find that the applicant has right, title or interest to the property necessary to execute the traffic-related conditions of the permit, and that no inconsistent control of access provision exists with respect to access to the property. The department shall also advise the applicant that following issuance of the permit yet prior to construction of any improvements affecting the right-of-way of the department, the applicant must demonstrate through a developer agreement the financial, legal and technical ability to develop such improvements. [1999, c. 468, §2 (NEW).]

[2003, c. 363, §§3, 4 (AMD) .]

3. Exemptions. A permit is not required for any project reviewed under Title 38, section 1310-N, 1319-R or 1319-X. A permit is not required for any project exempt from review under Title 38, chapter 3, subchapter I, article 6 pursuant to Title 38, section 488, subsection 7 or subsection 18.

[1999, c. 468, §2 (NEW) .]

4. Registered municipalities. The department may register municipalities for issuing traffic movement permits under this section for projects generating 100 or 200 passenger car equivalents at peak hours upon finding that:

A. The municipality has in effect an ordinance or regulation for reviewing traffic movement permits that is consistent with the policy and purpose of this section; and [1999, c. 468, §2 (NEW).]

B. The ordinance or regulation is administrable and enforceable and will be properly administered and enforced. [1999, c. 468, §2 (NEW).]

Whenever any of the conditions set forth in this subsection are no longer being met, the department shall resume promptly the administration of reviewing traffic movement permits upon written notice to the municipality.

Upon a determination by the department that there will be no adverse traffic impact in a municipality other than the municipality in which the project is located, the department may register any municipality for issuing traffic movement permits under this section for any project generating more than 200 passenger car equivalents at peak hour.

The department may provide technical assistance to municipalities upon request for projects reviewed under this section.

The department may review projects for registered municipalities if the local reviewing authority for the municipality in which the project is located petitions the department in writing. Any neighboring municipality affected by the project may petition the department in writing to review the project no later than 30 days after it has been approved by the local reviewing authority.

[1999, c. 468, §2 (NEW) .]

5. Reconsideration. Requests for reconsideration by the commissioner under this subsection must be made in accordance with this subsection. Nothing in this subsection may be construed to limit a person's lawful right to appeal a final agency action.

If the department issues an order without a hearing, a person may request reconsideration by the department within 30 days after notice of the department's decision. This request must set forth, in detail, the findings and conclusions of the department to which that person objects, the basis of the objections and the nature of the relief requested. Upon receipt of the request, the department may schedule and hold a hearing limited to the matters set forth in the request.

[1999, c. 468, §2 (NEW) .]

6. Fees. The department shall assess fees for the issuance and processing of a permit under this section. Fees may not exceed \$500 for issuance of a permit following a scoping meeting as described in section 704-A, subsection 2, paragraph B, with no further review. Fees may not exceed \$2,000 for issuance of a permit requiring review beyond a scoping meeting.

[1999, c. 468, §2 (NEW) .]

7. Consolidation. If an applicant is required to obtain both a permit from the department pursuant to this section and a permit under the site location of development laws from the Department of Environmental Protection pursuant to Title 38, chapter 3, subchapter I, article 6, the applicant may either apply individually to each agency for the appropriate permit or request that the department and the Department of Environmental Protection provide a consolidated application process.

A. On the request of an applicant prior to the submission of applications for permits pursuant to this section and Title 38, chapter 3, subchapter I, article 6, the department and the Department of Environmental Protection shall provide a consolidated application process. As long as an application is not withdrawn, the process must result in a consolidated order issued by both the department and the Department of Environmental Protection, either approving or denying the applicable permits. Any necessary findings or conditions relevant to the individual permits must be separately identified in the order. All applicable fees and the longer of the applicable processing times apply. The processing period may be extended pursuant to Title 38, section 344-B, subsection 3 or if a hearing is required pursuant to subsection 5. [1999, c. 468, §2 (NEW) .]

B. If an aggrieved party seeks an administrative appeal of a consolidated order, and there are issues relevant to both permits, the department and the Department of Environmental Protection shall provide a consolidated administrative appeal process. If there are issues relevant to only one permit, the relevant portion of the order may be appealed to the appropriate agency. [1999, c. 468, §2 (NEW) .]

C. The department and the Department of Environmental Protection shall enter into a memorandum of agreement establishing procedures for coordination of the consolidated application process and the consolidated administrative appeal process by June 30, 1999. [1999, c. 468, §2 (NEW) .]

This subsection does not apply to a project reviewed by a municipality under subsection 4 or Title 38, section 489-A.

[1999, c. 468, §2 (NEW) .]

8. Modification of existing permits. A permit issued under Title 38, chapter 3, subchapter I, article 6 prior to the effective date of this section may be modified by the department to address issues relating to traffic movement and adequate provision of roads. At the department's request, a person holding such a permit shall send a copy of the permit application to the department and to the Department of Environmental Protection. The department shall notify the Department of Environmental Protection of any substantive changes in the permit and shall provide that department with a copy of the final revised permit.

[1999, c. 468, §2 (NEW) .]

9. Rules. Rules adopted under this section are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.

[1999, c. 468, §2 (NEW) .]

10. Violation. A violation of this section or the rules adopted pursuant to this section is punishable by a fine of not more than \$100 per day per violation. The fine begins to accrue 30 days after the Department of Transportation sends notice of the violation to the landowner. The department shall establish procedures for administrative enforcement of this section, establishing fines and reconsideration and appeals of enforcement actions.

[2003, c. 363, §5 (NEW) .]

SECTION HISTORY

1999, c. 468, §2 (NEW) . 2003, c. 363, §§1-5 (AMD) .

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If you need legal advice, please consult a qualified attorney.

Maine Revised Statutes

Title 23: TRANSPORTATION

Part 1: STATE HIGHWAY LAW

Chapter 13: CONSTRUCTION, MAINTENANCE AND REPAIRS

Subchapter 1: GENERAL PROVISIONS

§704. Entrances to highways regulated

It is unlawful to construct or maintain any driveway, entrance or approach within the right-of-way of any state highway or state aid highway, as defined in section 53, that lies outside the compact area of an urban compact municipality, as defined in section 754, without a written permit from the Department of Transportation or, if within the compact area, without a written permit from the proper municipal officials. The right-of-way is considered the full width of the right-of-way as laid out by the State, the county or the municipality. [1999, c. 676, §1 (RPR).]

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Arterial highway" means a highway providing long-distance connections as approved by the Federal Highway Administration pursuant to 23 Code of Federal Regulations, Section 470.105(b)(1999).

[1999, c. 676, §1 (NEW).]

B. "Forest management activities" includes timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands and other similar or associated activities.

[1999, c. 676, §1 (NEW).]

C. "Forest management roads" includes a route or track consisting of a bed of exposed mineral soil, gravel or other surfacing material constructed for or created by the repeated passage of motorized vehicles and used primarily for forest management activities, including associated log yard and winter haul roads. [1999, c. 676, §1 (NEW).]

[1999, c. 676, §1 (NEW) .]

2. State highways and state aid highways. The Department of Transportation is directed and municipalities are authorized to adopt rules and regulations for the design, location and construction of driveways, entrances and approaches on state highways and state aid highways to adequately protect and promote the safety of the traveling public and maintain highway right-of-way drainage.

[1999, c. 676, §1 (NEW) .]

3. Arterial highways. For arterial highways that lie outside the compact area of an urban compact municipality, the Department of Transportation shall limit the number, spacing, design, location and

construction of driveways, entrances or approaches to promote the maintenance of existing posted speeds and ensure safe travel.

[2003, c. 571, §1 (AMD) .]

4. Unsafe arterial highways. For those arterial highway corridors with driveway-related crash-per-mile rates that exceed the 1999 statewide average for arterial highways of the same posted speed limit, the permit applicant must avoid, minimize or mitigate any deterioration of safety or reduction of the posted speed limit.

[1999, c. 676, §1 (NEW); 1999, c. 676, §2 (AFF) .]

5. Exemptions. A permit is not required for the following:

A. Any existing driveway, entrance or approach unless its grade, location or use is changed; or [1999, c. 676, §1 (NEW) .]

B. A driveway, entrance or approach used solely for forest management purposes provided that construction and maintenance follows departmental permit by rule requirements. A written permit is required if the use of that driveway, entrance or approach is changed. [1999, c. 676, §1 (NEW); 1999, c. 676, §2 (AFF) .]

[1999, c. 676, §1 (NEW); 1999, c. 676, §2 (AFF) .]

6. Access denied. Notwithstanding any other provision of this Title, the Department of Transportation and the municipalities shall deny ingress to and egress from property abutting a controlled access highway established by the department pursuant to chapter 7, except that the Commissioner of Transportation may allow access for the development of state and state aid highways and may allow access upon a determination by the commissioner that such access will not adversely affect public safety and will not have a significant negative impact on the mobility of through-travelers. The commissioner may approve or deny a relocation of an existing break in a control of access consistent with the rules adopted pursuant to subsection 2.

[2013, c. 220, §1 (AMD) .]

7. Reconsideration. In writing, the Commissioner of Transportation shall either approve an application under this section setting forth any conditions or terms required for approval or disapprove the application setting forth the reasons for disapproval. An applicant has 30 days from the receipt of this decision to request reconsideration. This request must outline the findings and conclusions of the commissioner to which that person objects, the basis of the objections and the nature of the relief requested. Nothing in this section may be construed to limit a person's lawful right to appeal a final agency action.

[1999, c. 676, §1 (NEW) .]

8. Violation. A violation of this section or the rules adopted pursuant to this section is punishable by a fine of not more than \$100 per day per violation. The fine begins to accrue 30 days after the Department of Transportation sends notice of the violation to the landowner. The department shall establish procedures for administrative enforcement of this section, establishing fines and reconsideration and appeals of enforcement actions.

[1999, c. 676, §1 (NEW); 1999, c. 676, §2 (AFF) .]

9. Rules. Rules adopted by the Department of Transportation pursuant to subsection 2 are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. Rules adopted pursuant to subsections 3 and 4, subsection 5, paragraph B and subsection 8 are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

[1999, c. 676, §1 (NEW) .]

10. Requirements waived. The department may waive the requirements of rules adopted pursuant to this section and may issue a permit for a driveway when the property abuts no other road affording vehicular access to a person's property and the property is outside the compact area of an urban compact municipality. The department may not deny a person the right to build on or to have vehicular access to property owned by that person unless the access is determined inconsistent with access management safety standards.

[2005, c. 188, §1 (NEW) .]

SECTION HISTORY

1971, c. 593, §22 (AMD). 1999, c. 473, §C1 (AMD). 1999, c. 676, §2 (AFF). 1999, c. 676, §1 (RPR). 2001, c. 301, §1 (AMD). 2003, c. 571, §§1,2 (AMD). 2005, c. 188, §1 (AMD). 2013, c. 220, §1 (AMD).

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Page composed on 11/03/2017 01:32:36.

Maine Revised Statutes

Title 23: TRANSPORTATION

Part 1: STATE HIGHWAY LAW

Chapter 3: OFFICIALS AND THEIR DUTIES

Subchapter 1: DEPARTMENT OF TRANSPORTATION

§73. Transportation policy

1. Short title. This section may be known and cited as the "Sensible Transportation Policy Act."

[IB 1991, c. 1, §1 (NEW) .]

2. Purposes and findings. The people of the State find that decisions regarding the State's transportation network are vital to the well-being of Maine citizens, to the economic health of the State and to the quality of life that the citizens treasure and seek to protect.

The people also find that these decisions have profound, long-lasting and sometimes detrimental impacts on the natural resources of the State, including its air quality, land and water.

The people further find that substantial portions of the state highway system are in disrepair and improvements to the State's roads and bridges are necessary to provide a safe, efficient, and adequate transportation network throughout the State.

The people further find that the State's transportation network is heavily dependent on foreign oil, that such reliance is detrimental to the health of the State's economy and that the health and long-term stability of the State's economy require increased reliance on more efficient forms of transportation.

The people further find that improvements to the transportation network are necessary to meet the diverse transportation needs of the people of the State including rural and urban populations and the unique mobility requirements of the elderly and disabled.

The people further find that the decisions of state agencies regarding transportation needs and facilities are often made in isolation, without sufficient comprehensive planning and opportunity for meaningful public input and guidance.

[IB 1991, c. 1, §1 (NEW) .]

3. Transportation policy. It is the policy of the State that transportation planning decisions, capital investment decisions and project decisions must:

A. Minimize the harmful effects of transportation on public health and on air and water quality, land use and other natural resources; [RR 1991, c. 2, §88 (COR).]

B. Require that the full range of reasonable transportation alternatives be evaluated for all significant highway construction or reconstruction projects and give preference to transportation system management options, demand management strategies, improvements to the existing system, and other transportation modes before increasing highway capacity through road building activities; [RR 1991, c. 2, §88 (COR).]

C. Ensure the repair and necessary improvement of roads and bridges throughout the State to provide a safe, efficient and adequate transportation network; [RR 1991, c. 2, §88 (COR).]

D. Reduce the State's reliance on foreign oil and promote reliance on energy-efficient forms of transportation; [RR 1991, c. 2, §88 (COR).]

E. Meet the diverse transportation needs of the people of the State, including rural and urban populations and the unique mobility needs of the elderly and disabled; [RR 1991, c. 2, §88 (COR).]

F. Be consistent with the purposes, goals and policies of the Comprehensive Planning and Land Use Regulation Act; and [RR 1991, c. 2, §88 (COR).]

G. Incorporate a public participation process in which local governmental bodies and the public have timely notice and opportunity to identify and comment on concerns related to transportation planning decisions, capital investment decisions and project decisions. The department and the Maine Turnpike Authority shall take the comments and concerns of local citizens into account and must be responsive to them. [RR 1991, c. 2, §88 (COR).]

[RR 1991, c. 2, §88 (COR) .]

4. Rulemaking. The Department of Transportation shall adopt a rule within one year of the effective date of this Act, in coordination with the Maine Turnpike Authority and state agencies including the Department of Economic and Community Development, the Department of Agriculture, Conservation and Forestry and the Department of Environmental Protection, to implement the statewide comprehensive transportation policy. The rule must incorporate a public participation process that provides municipalities and other political subdivisions of the State and members of the public notice and opportunity to comment on transportation planning decisions, capital investment decisions, project decisions and compliance with the statewide transportation policy.

The Department of Transportation shall adopt a rule, in coordination with the Department of Agriculture, Conservation and Forestry, that establishes linkage between the planning processes outlined in this section and those promoted by Title 30-A, chapter 187, subchapter 2 and that promotes investment incentives for communities that adopt and implement land use plans that minimize over-reliance on the state highway network. This rule is a major substantive rule as defined in Title 5, chapter 375, subchapter 2-A.

[2011, c. 655, Pt. JJ, §9 (AMD); 2011, c. 655, Pt. JJ, §41 (AFF); 2011, c. 657, Pt. W, §5 (REV) .]

5. Applicability to Department of Transportation. Transportation planning decisions, capital investment decisions and project decisions of the Department of Transportation are governed by and must comply with the transportation policy set forth in this section and rules implementing that policy.

[IB 1991, c. 1, §1 (NEW) .]

6. Capital goals and reporting.

[2011, c. 610, Pt. B, §1 (RP) .]

7. Priorities, service levels, capital goals and reporting. The Department of Transportation shall classify the State's public highways as Priority 1 to Priority 6 corridors using factors such as the federal functional classification system, regional economic significance, heavy haul truck use and relative regional traffic volumes. The department shall also establish customer service levels related to safety, condition and

serviceability appropriate to the priority of the highway, resulting in a system that grades each highway as Excellent, Good, Fair, Poor or Unacceptable.

To provide a capital transportation program that is geographically balanced and that addresses urban and rural needs, the department shall include the following goals as part of its capital improvement plans and program delivery. The goals are to:

- A. By 2022, improve all Priority 1 and Priority 2 corridors so that their safety, condition and serviceability customer service level equals Fair or better; [2011, c. 610, Pt. B, §2 (NEW).]
- B. By 2027, improve all Priority 3 corridors so that their safety, condition and serviceability customer service level equals Fair or better; [2011, c. 610, Pt. B, §2 (NEW).]
- C. By 2017, implement a pavement program for all Priority 4 corridors that maintains their ride quality customer service level at Fair or better; [2011, c. 610, Pt. B, §2 (NEW).]
- D. Continue the light capital paving program on a 7-year cycle for Priority 5 corridors outside compact areas as defined in section 754; and [2011, c. 610, Pt. B, §2 (NEW).]
- E. By 2015, develop and implement a similar asset priority and customer service level system of measurement for all major freight and passenger transportation assets owned or supported by the department, including capital goals. [2011, c. 610, Pt. B, §2 (NEW).]

The department shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters by March 1st of each odd-numbered year quantifying progress realized and time that has elapsed since the goals were established. The department shall recommend any remedial actions, including additional funding or revisions to the goals, that the department determines to be necessary or appropriate.

[2011, c. 610, Pt. B, §2 (NEW) .]

SECTION HISTORY

IB 1991, c. 1, §1 (NEW). RR 1991, c. 2, §88 (COR). 2003, c. 22, §1 (AMD). 2007, c. 470, Pt. B, §1 (AMD). 2011, c. 610, Pt. B, §§1, 2 (AMD). 2011, c. 655, Pt. JJ, §9 (AMD). 2011, c. 655, Pt. JJ, §41 (AFF). 2011, c. 657, Pt. W, §5 (REV).

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Appendix 12 - Public Facilities and Services



ConnectME Authority Broadband Resources

- ConnectME - [Maine Infrastructure Grants](#) - Expanding affordable broadband through creative solutions for affordable broadband service to the unserved areas of Maine and promote the policies of the State related to broadband service.
- ConnectME – [Maine Community Broadband Planning Grants](#) - Awarded to communities to produce plans that define local broadband needs, goals and encourages adoption of identified best practices by participating municipalities and organizations.
- ConnectME – [Speed test](#) – Tool to test the speed of your broadband connection and resource requirements.
- [FirstNetME](#) – FirstNet responder broadband network in Maine - FirstNetME is a statewide program to prepare Maine for the design, deployment and operation of the Nationwide Public Safety Broadband Network (NPSBN), the nation’s first dedicated high-speed wireless broadband network for public safety.
- [Maine Broadband Coalition – Community Broadband Guide](#) - Basic understanding of Broadband and how it can be leveraged to meet economic and social goals, tools necessary to successfully plan the pursuit of broadband improvements, and the resources to explore options for funding broadband improvements.
- [Ratewatcher Telecom Guide](#) - Maine Public Advocate Broadband Issue publication. Comprehensive source of broadband education, providers, Wi-Fi, and VOIP.
- [Broadband USA](#) – Provide assistance to communities that want to expand their broadband capacity and promote adoption.
- USDA - [Community Connect Grants](#) - This program helps fund broadband deployment into rural communities where it is not yet economically viable for private sector providers to deliver service.
- Smart Rural Community is an initiative of NTCA–The Rural Broadband Association. [Smart Rural Community](#) comprises programming relating to and promoting rural broadband networks and their broadband-enabled applications that communities can leverage to foster innovative economic development, commerce, education, health care, government services, public safety and security and more efficient energy distribution and use.
- [Maine Model Cable TV Franchise Agreement](#)

Contact: [Lisa Leahy](#)

Associate Executive Director

[ConnectME Authority](#)

Document electronically available at: <http://www.maine.gov/connectme/>

DATA LINKS

Please follow the links listed below, for comprehensive planning resources relating to the following topics:

- **CLIMATE CHANGE**

- 1) [*Climate Change/Adaptation/Resiliency*](#)
- 2) [*Adaptation Toolkit*](#)

For more information, or to discuss possible issues/opportunities related to your municipality's comprehensive plan on climate change and resilience efforts, please contact:

Nathan P. Robbins, Climate Change Specialist
Sustainability Division
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
207-592-6590 (phone)
nathan.p.robbs@maine.gov

- **SUSTAINABILITY**

For more information, or to discuss possible issues/opportunities related to your municipality's comprehensive plan on sustainability efforts, please contact:

George M. MacDonald, Director
Sustainability Division
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
(207) 287-2870 (desk)
george.macdonald@maine.gov



Comprehensive Planning Package - Spring 2016

Maine Department of Environmental Protection

<http://www.maine.gov/dep>

Listing of resources to assist municipalities in planning for/implementation of solid waste programs and practices

What are the responsibilities of municipal government in providing solid waste management services to their residents and commercial businesses?

What is the State's policy in planning for an integrated solid waste management system?

What is in our municipal solid waste stream? 2011 waste characterization study

Maine has seven product stewardship programs, each focused on recovering/recycling various items and products, reducing the amount of materials requiring disposal.

Map of drop-off sites for electronic wastes, mercury added products, and fluorescent bulbs

Information and resources on recycling in Maine

Information and resources on composting and organics management in Maine

Maine Department of Environmental Protection – Solid Waste Program Rules, Facilities, & more

Latest annual report on Waste Generation and Disposal Capacity in Maine

(Provides a snapshot of current solid waste management programs and options, as well as information on recycling and disposal facilities.)

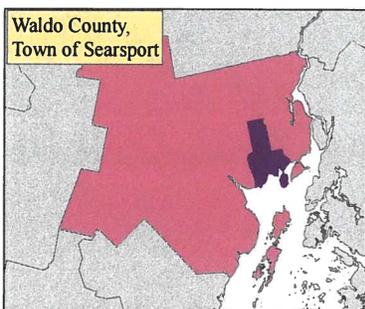
Maine's latest Five Year Plan for Materials Management/solid waste management

(Provides a policy perspective of current solid waste management programs and options, and identifies areas and opportunities for future programs and practices.)

For more information, or to discuss possible issues/opportunities related to your municipality's comprehensive plan, please contact:

George M. MacDonald, Director
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Searsport Infrastructure

Source Data: USDA, MEGIS, Maine DACF
 Projection: UTM, NAD83, Zone 19, Meters
 Produced by: Municipal Planning
 Assistance Program, DACF
 October 2017



Legend			
	Hospital		Municipal border
	Fire Station		U.S. Routes
	School		State Routes
	Police Station		Railroad
	Library		Waterbody
	Cemetery		Rivers/Streams
	Boat Launches		Wetlands

Town of Searsport

2015 Wastewater Ordinance Update

Findings Report from
Woodard & Curran Engineers

MEMORANDUM



TO: James Gilway, Town Manager
Town of Searsport

FROM: Brent Bridges, PE

DATE: March 13, 2015

RE: Sewer Use Ordinance Update

We appreciate the opportunity to continue our work with the Town of Searsport. We have reviewed the Town of Searsport Sewer User Ordinance (Ordinance), including the user rate schedule and schedule of equivalent users. In addition, we have reviewed the wastewater budget information from the 2012, 2013 and 2014 Annual Reports and billing information for the past year. Using this information, we have compiled a summary of our findings and recommendations. These are outlined below.

SUMMARY OF FINDINGS

Data review indicated that the wastewater department is typically operating under a deficit with expenses exceeding revenues. Additionally, annual revenues vary significantly while expenses remained relatively flat. Discussions with the Town indicated that the discrepancies in annual revenues were due to reconciliation of accounts with past due balance coupled with other accounts becoming past due. Currently, the Town does not actively collect on the past due balances.

The Town indicated they are interested in increasing their authority to require payment on past due accounts. Review of Maine Revised Statutes indicated that the disconnection of water for non-payment of sewer bills was only applicable to combined water and sewer utilities, and therefore is not applicable to the Town of Searsport. However, the Ordinance language currently allows the Town to place a lien on properties with past due bills.

In addition, the Town currently does not assess a fee for a reserve account, but does charge fees for debt service, operations and maintenance and readiness to serve. Adjusting these fees will allow the Town to increase revenue to meet and/or exceed expenses as allowed by the Ordinance.

WASTEWATER DEPARTMENT FINANCIAL REVIEW

The Town provided the following documents for review:

- Annual Reports (2012, 2013 & 2014);
- One quarter of billing information, including quarterly consumption and total quarterly bill by account; and,
- One year summation of total consumption and total bill.

The following tables summarize the information provided by the Town. The summaries are based on the following assumptions:

- Debt Service Fees include Payment on Bonds as listed in annual reports; Exhibit H Statement of Cash Flows; and Interest Expense as listed in annual reports, Exhibit G Statement of Revenues, Expenditures, and Changes in Net Position Wastewater Department – Enterprise.



- O&M expenses as listed in annual reports, Exhibit H Statement of Cash Flows Wastewater Department – Enterprise including Payment to Employees; Payment to Vendors and Payment on Bonds;

Table 1 summarizes user account information and average revenue and expenses totals.

Table 1: Wastewater Department Data Analysis Summary

Item	Value
Sewer Accounts	496
Equivalent Users	723.6
Readiness to Service Accounts	49
Annual User Revenue	\$241,137
Average ¹ Expenses	\$292,000
Average Annual Budget Deficit	\$50,863

¹ Average of 2012, 2013 and 2014.

As shown in Table 1, the Wastewater Department has an average annual deficit of approximately \$50,863. To determine the source of the deficit, revenues and expenses are broken down into the Debt Service and O&M components in Table 2.

Table 2: Data Analysis by Fee

	Debt Service	O&M
Revenue	\$51,177	\$189,960
Expense	\$66,312	\$225,688
Net	-\$15,135	-\$35,728

Table 2 indicates the source of the deficit is expenses exceeding revenues for both Debt Service and O&M components. Adjusting the revenues to create a net zero balance will allow the expenses to be fully covered by the revenues.

CURRENT SEWER USER RATES

The current user rate schedule has not been adjusted since it was established in 2005. The Article XI of the Ordinance gives the Selectmen the authority to determine the sewer service charge rates on a yearly basis. We recommend the Town review and update the sewer rates annually at a minimum to allow rates to be adjusted incrementally over time.

The Ordinance states that the sewer service charge will consist of three components: Debt Service Fee; Reserve Account; and Operations and Maintenance Fee.

The Debt Service Fee provides the source of revenue for debt retirement costs of the wastewater collection, conveyance and treatment facilities.

The Operation and Maintenance Fee includes two components, the water usage charge and the fixed fee based on assigned equivalent user basis. This fee is intended to recover the costs of operating and maintaining the wastewater collection and treatment system.

The Reserve Account is a source of revenue as determined by the Selectmen. This account can be used to offset the costs of future system improvements.



The current user rate schedule is as follows:

- Debt Service: \$16.56 per equivalent user per quarter
- Operation and Maintenance:
 - Water Usage Charge: \$2.25 per 100 cubic feet
 - Fixed Fee: \$40.87 per equivalent user per quarter
- Reserve Account: none
- The Readiness to Serve Fee is currently \$37.00 per quarter, which is equivalent to the debt service fee and half of the O&M fixed fee.

The current Schedule of Equivalent Users is included as Attachment A. This schedule appears sufficient for current Town users. Each new user should be assigned an equivalent user value based on this schedule. If a user substantially changes their sewer use, their Equivalent User assignment should be adjusted.

PROPOSED RATES

The following section details the proposed adjustment to the sewer user rate structure.

Debt Service Fee

The Debt Service expenses exceed revenues by approximately \$15,135. To fully fund the Debt Service expenses, the Debt Service Fee should be increased from \$16.56 to \$21.50 per equivalent user per quarter. This represents a 30% increase to the Debt Service Fee.

Operation & Maintenance Fee

The Operation and Maintenance Charge includes two components, the water usage charge and the fixed fee based on assigned equivalent user basis. The O&M expenses exceed the revenues by approximately \$35,728.

We recommend increasing the fixed fee portion as opposed to the water usage fee to cover expenses. This will shift more of the burden onto accounts with higher equivalent user numbers as well as onto seasonal type users to allow for a more predictable cash flow. Additionally, fixed fee expenses account for significantly more of the budget than do the variable fees, which are based on consumption. To fully fund the O&M expenses, the O&M fixed fee should be increased from \$40.87 to \$52.80 per equivalent user per quarter. This represents a 29% increase to the O&M Fixed Fee.

While the increase to the O&M fixed fee will fully cover average O&M expenses, we recommend a small increase in the water usage fee to provide additional revenue to cover the fluctuation in operating expenses. We recommend increasing the water use fee from \$2.25 to \$2.50 per 100 cubic feet per quarter. This represents an 11% increase in the water use fee.

Table 3 summarizes the proposed quarterly fee adjustments.



Table 3: Proposed Quarterly Adjusted Fees

	Revenue	Rate per Quarter	Change per Quarter	Unit	Quantity	Total Annual Revenue
Debt Service	Current	\$16.56	\$4.94	Per EU	772.6 EUs ¹	\$51,177
	Adjusted	\$21.50				\$66,443
Water Use	Current	\$2.25	\$0.25	Per 100 CF	30,071 ² 100 CF	\$67,660
	Adjusted	\$2.50				75,177
Fixed Fee	Current	\$40.87	\$11.93	Per EU	748.1 EUs ³	\$122,300
	Adjusted	\$52.80				\$158,000
Total Increase Per EU per Quarter			\$17.12			
Total Adjusted Revenue						\$299,620
Total Expense						\$292,000

¹ Includes 49 EUs for Readiness to Serve Fees

² 2014 Consumption

³ Includes 24.5 EUs for Readiness to Serve Fees

Reserve Account

The current user rate schedule does not charge a fee for a reserve account. Revenue from these fees are intended to be placed in the Wastewater Enterprise fund to help pay for future capital improvements. Once the rate increases to fully fund the Debt Service and O&M expenses have been implemented, we recommend the Town consider implementing a Reserve Account Fee. The amount of the Reserve Account Fee could be based on a percent of depreciation (current 2014 depreciated listed as \$197,375) or a set value determined by the Town (e.g. \$10,000 per year). A fee of \$3.50 per equivalent user per quarter would provide approximately \$10,000 annually to the reserve fund.

Readiness to Serve Fee

The Readiness to Serve fee based on the adjusted rates is \$47.90 per quarter.

IMPLEMENTATION

The increase cost to the typical user with an equivalent user value of one if the Town implements all of the recommendations, including Reserve account fee, will be \$20.62 per quarter or \$82.48 per year. This is an average increase of approximately 27%.

If the Town chooses to add the Reserve Account fee, this fee should be phased into the user rate fee subsequent to the initial rate increase to lessen the initial impact to users.

We recommend a phased approach to implementing the rate increases as shown in Table 4.



Table 4: Fee Adjustment Phasing

Year	Fee	Increase per Quarter	Fee per Quarter	Total Annual Revenue	Balance
Current	Debt Service	-	\$16.56	\$241,136	(\$50,864)
	O&M Fixed	-	\$40.87		
	Water Use	-	\$2.25		
YR 1	Debt Service	\$2.47	\$19.03	\$274,152	(\$17,848)
	O&M Fixed	\$5.97	\$46.84		
	Water Use	\$0.25	\$2.50		
YR 2	Debt Service	\$2.47	\$21.50	\$299,620	\$7,620
	O&M Fixed	\$5.96	\$52.80		
	Water Use	-	\$2.50		
YR 3	Debt Service	-	\$21.50	\$309,750	\$17,750
	O&M Fixed	-	\$52.80		
	Water Use	-	\$2.50		
	Reserve Account	\$3.50	\$3.50		

Billing Discrepancies

During review of billing data, it appeared some accounts were not billed under the standard rate structure. The accounts in question are included as Attachment B for review by the Town.

Additionally, Attachment C lists accounts with an equivalent user greater than one. The Town should review these accounts to ensure the current equivalent user assignment is adequate and to identify if other accounts within the Town should have their equivalent user assignments increased.

SUMMARY OF RECOMMENDATIONS

- Update sewer user rates annually
- Adjust Rates
 - Debt Service: \$21.50 per EU per quarter
 - O&M Fixed Fee: \$52.80 per EU per quarter
 - O&M Consumption Fee: \$2.50 per 100 CF
- Phase in Reserve Account Fee: \$3.50 per EU per quarter

Thank you for the opportunity to assist the Town in review of the Sewer Ordinance and user rate schedule.



Enclosures

Attachment A – Schedule of Equivalent Users

Attachment B – Billing Discrepancies

Attachment C – Equivalent Users for Review

**TOWN OF SEARSPORT
SEWER USE CHARGE ORDINANCE**

SCHEDULE OF EQUIVALENT USERS

TYPE OF ESTABLISHMENT	UNIT MEASUREMENT	EQUIVALENT USERS
Single Family Dwelling	each	1
Additional Dwelling Unit	each	1
High School	15 students	1
Jr. High School	20 students	1
Elementary School	24 students	1
Motel, Hotel, B & B	2 rooms	1
- Conventional Restaurant – 3 meals/day	6 seats	1
-2 meals/day	10 seats	1
Disposable Utensil Restaurant	12 seats	1
Church dining seats	30 seats	1
assembly seats	50 seats	1
Club	40 members	1
Day care w/ meals	9 children	1
Public Meeting/ Assembly Hall w/o food service	50 seats	1
w/ food service	30 seats	
Commercial/Industrial facility	5 employees	1
Government facility	5 employees	1
Ferry terminal	60 passengers	1
Gas Station	1 pump island	2
Theatre or Playhouse	40 seats	1
Laundromat	1 machine	2
Cocktail Lounge	10 seats	1
Beauty/Barber Shop	2 sinks	1
Car Wash (w/ recycle)	1 bay	1
Hospital or Nursing/Boarding Home	2 bed	1
Store with Public Restroom	Each	2
Store w/o Public Restroom	each	1
Store w/ food service	each	2
additional for seating	12 seats	1

Equivalent User numbers for types of establishments not listed shall be based on establishments with similar functions and/or estimated wastewater production. Estimated wastewater design flows are listed in the State of Maine Subsurface Wastewater Disposal Rules, 144A CMR 241.

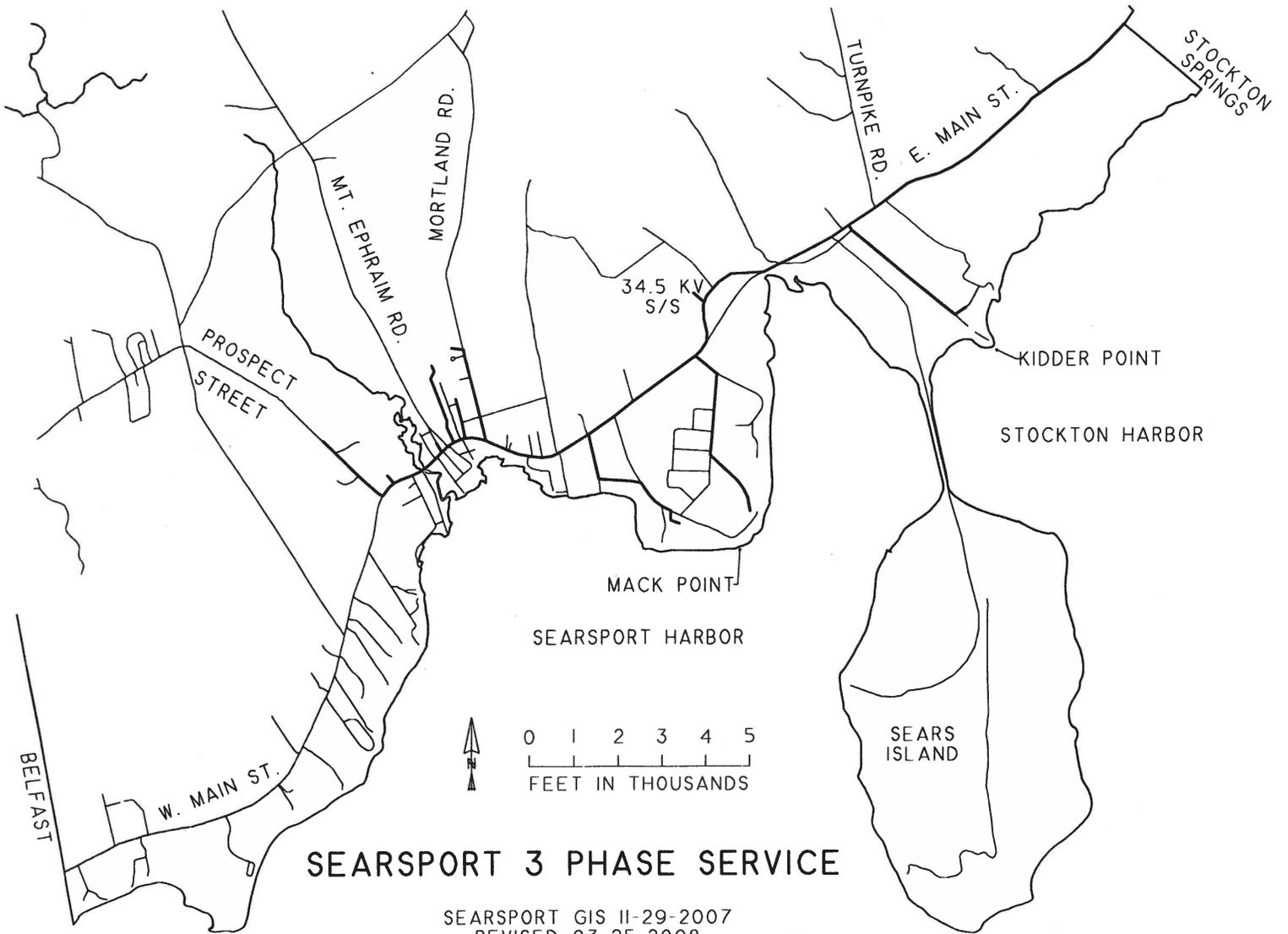
Attachment B - Billing Discrepancies

\$2.25 per 100 cf
 \$16.56 each
 \$40.87 per EU

100 CF	CALC	CALC	BILLING	CALC				Account	Name	NOTES
Consump	Water Use	Fixed Fee (EU)	Total Bill	TOTAL	difference	EU				
7	\$15.75	-\$16.56	15.75	73.18	-57.43	1.0	79	CROSS, JOSHUA J.		Only being charged for Water use, not being charged for Debt or O&M fixed
		\$0.00		57.43	-40.87					No O&M Fixed Fee
11	\$24.75	\$57.43	98.74	82.18	16.56	1.0	158	UNITED METHODIST		Confirm if 1' EU
		\$0.00		57.43	-40.87					No O&M Fixed Fee
		\$0.00		57.43	-40.87					No O&M Fixed Fee
0	\$0.00	\$43.12	59.68	57.43	2.25	1.0	497	JUDSON COLBY		Minor discrepancy
		-\$50.31		91.18	-91.18					Zero Charge
1	\$2.25	\$98.30	117.11	59.68	57.43	1.0	569	Egnor, Dianne		Paying more than calculated
0	\$0.00	\$43.12	59.68	57.43	2.25	1.0	754	Wilder, Cheryl		Minor discrepancy
		\$0.00		57.43	-40.87					No O&M Fixed Fee
		\$0.00		57.43	-40.87					No O&M Fixed Fee
		-\$41.31		82.18	-82.18					Zero charge
0	\$0.00	\$57.44	74.00	114.86	-40.86	2.0	975	SYLVESTER, PETER		Has an EU of 2, appears was only being charged for one O&M Fixed Fee

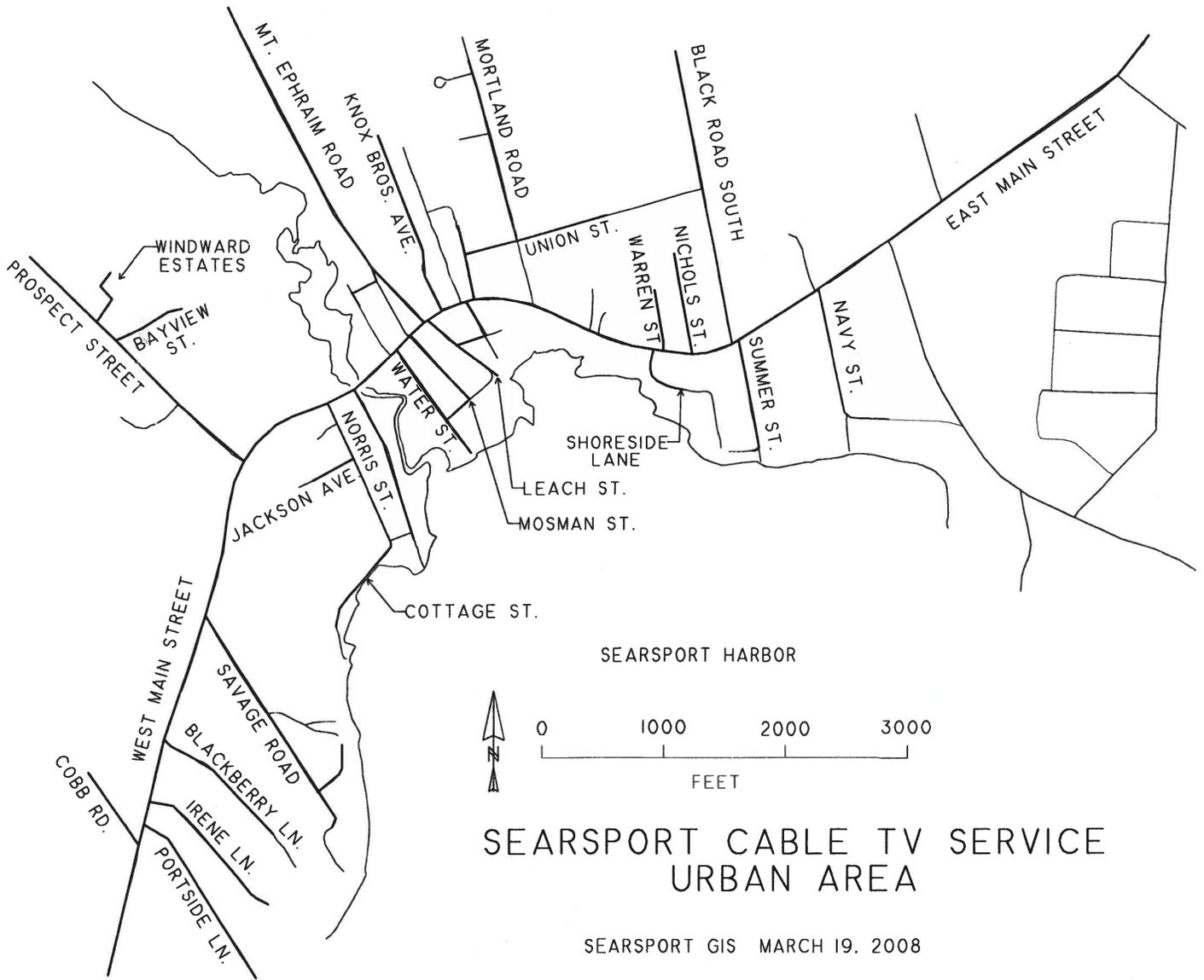
Equivalent Users Greater than One

Account #	Name	EUs
17	WILCZAK, JOE & JUDY	2
30	NORMAN, DOUGLAS	2
32	SEEKINS, PRESTON L.	2
41	SEABREEZE ASSOCIATES,	18
50	HMC HOSPITALITY LLC	6
63	JOHNSON, F.	2
69	GILLIAN NEWELL	2
86	EVANS, CHARLES G. &	4
101	WINDWARD HOUSING	12
108	BAYVIEW MANOR	7
109	LISTON, MICHAEL R. &	6
110	OMNESS, CAROL SUE	2
115	MILIANO, ALFRED	3
138	CARKNER, SELMA	2
154	POPPE, WERNER	2
178	MASON, PETER & MARGO	2
192	MILIANO, MICHAEL E.	3
231	WILCZAK, JUDITH A.	2
274	BRACK, HAROLD	3
282	POLLARD, DAVID BAIN	3
298	JACKSON, LORRAINE	2
373	PERDRIZET, ROBERT	3
381	MELLITZ, EDWARD	3
396	Belfast Area Apartments	5
403	ECONOMY, JAMES R., LLC	3
431	The Brick House	2
458	TAYLOR, LES	6
485	HAMILTON MARINE STORE	13
613	IRVING OIL TERMINALS,	14
682	HARBORLIGHT SQUARE	25
765	MARINER WOODS	24
768	RSU #20	41
773	PINE GROVE APARTMENTS	48
782	UPHAM, EDWARD	2
802	KINNEY'S ESTATE	4
909	HALL, ALBERT, IV	9.6
914	Sprague Operating	12
925	MARITIME ENERGY	4
975	SYLVESTER, PETER	2



SEARSPORT 3 PHASE SERVICE

SEARSPORT GIS II-29-2007
REVISED 03-25-2008



SEARSPORT CABLE TV SERVICE
 URBAN AREA

SEARSPORT GIS MARCH 19, 2008

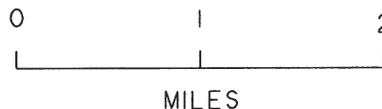
FRANKFORT

FRANKFORT RD.
MONROE RD.

PROSPECT

SEARSPORT CABLE TV SERVICE RURAL AREA

SEARSPORT GIS MARCH 19, 2008



NICKERSON RD.

STOCKTON SPRINGS

SWANVILLE



BOWEN RD.

BRAGDON RD.

MT. EPHRAIM RD.

TURNPIKE RD.

E. MAIN ST.

OLD COUNTY RD.

BLACK RD. S.

PENDLETON RD.

RESH RD.

WOOD RD.

PORTER ST.

STATION AVE.

STOCKTON HARBOR

HOMESTEAD LAND

FIELD RD.

PROSPECT ST.

BACK SEARSPORT RD.

SEARSPORT HARBOR

COBB RD.

BRIGADIER LN.

BANKS TERRACE

BELFAST

W. MAIN ST.

SEARSPORT TERRACE

BIRCH AVE.

LONGFORD STRAND LANE

Appendix 13 - Fiscal Capacity and Capital Investment



Smart Growth America
Making Neighborhoods Great Together

watermark

Sambuca

Building Better Budgets

A National Examination of the Fiscal Benefits of
Smart Growth Development

May 2013



Smart Growth America

Making Neighborhoods Great Together

Smart Growth America is the only national organization dedicated to researching, advocating for and leading coalitions to bring better development strategies to more communities nationwide. From providing more sidewalks to ensuring more homes are built near public transportation or that productive farms remain a part of our communities, smart growth helps make sure people across the nation can live in great neighborhoods. Learn more at <http://smartgrowthamerica.org/>.

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Acknowledgments

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Dena Belzer, Sarah Graham and Alison Nemirow / Strategic Economics

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Cover photo of The Gulch in Nashville, TN, courtesy of MarketStreet Enterprises.

Table of Contents

Executive Summary	ii
An opportunity for municipal leaders	iii
Introduction	1
Reducing costs and raising revenue through smarter growth	2
National findings	4
1. Smart growth development costs one-third less for upfront infrastructure.....	4
2. Smart growth development saves municipalities an average of 10 percent on ongoing delivery of services.	5
3. Smart growth development generates 10 times more tax revenue per acre than conventional suburban development.....	6
Turning deficits into surplus	8
Smart growth development in rural communities	9
Conclusion	11
Methodology	12
Directions for future research	12
Appendix A: Summarized Case Studies	14
City of Afton, MN.....	14
City of Champaign, IL.....	14
City of Charlotte, NC	15
City of Fresno, CA	16
Mount Pleasant, SC and Phoenix, AZ.....	16
Regional Infrastructure Scenarios	17
Sarasota County, FL.....	18
State of California	19
State of Maryland	20
State of Rhode Island	20
<i>Cost of Sprawl—2000</i>	21
Appendix B: Annual fiscal impacts of development scenarios	23
Appendix C: Original case study of Nashville-Davidson County, TN	25
Endnotes	46

Executive Summary

Local governments across the country have compared development strategies to understand their impact on municipal finances. These studies generally compare two or more different development scenarios, and help local leaders make informed decisions about new development based on the costs or revenues associated with them.

Many municipalities have found that a smart growth approach would improve their financial bottom line. Whether by saving money on upfront infrastructure; reducing the cost of ongoing services like fire, police and ambulance; or by generating greater tax revenues in years to come, community after community has found that smart growth development would benefit their overall financial health. Many of these findings have been made publicly available.

No national survey has examined these savings as a whole until now. This report is the first to aggregate those comparisons and determine a national average of how much other communities can expect to save by using smart growth strategies.

Building Better Budgets: A National Examination of the Fiscal Benefits of Smart Growth Development surveys 17 studies that compare different development scenarios, including a brand-new study of Nashville-Davidson County, TN, commissioned specifically for this report.

The development scenarios included in our analysis are separated into two categories: “Smart growth development” is characterized by more efficient use of land; a mixture of homes, businesses and services located closer together; and better connections between streets and neighborhoods. “Conventional suburban development” is characterized by less efficient use of land with homes, schools and businesses separated and areas designed primarily for driving. While not all studies use these terms, the scenarios in each category share many of these defining traits. A detailed discussion of individual studies is included in the appendices of this report.

The report looks at the costs associated with each development strategy as well as its revenue potential. When compared to one another, we find:

1. In general, smart growth development costs one-third less for upfront infrastructure.

Our survey concluded that smart growth development saves an average of 38 percent on upfront costs for new construction of roads, sewers, water lines and other infrastructure. Many studies have concluded that this number is as high as 50 percent.

Smart growth development patterns require less infrastructure, meaning upfront capital costs, long-term operations and maintenance costs, and, presumably, cost for eventual replacement are all lower. Smart growth development also often uses existing infrastructure, lowering upfront capital costs even more.

2. Smart growth development saves an average of 10 percent on ongoing delivery of services.

Our survey concluded that smart growth development saves municipalities an average of 10 percent on police, ambulance and fire service costs.

The geographical configuration of a community and the way streets are connected significantly affect public service delivery. Smart growth patterns can reduce costs simply by reducing the distances service vehicles must drive. In some cases, the actual number of vehicles and facilities can also be reduced along with the personnel required.

3. Smart growth development generates 10 times more tax revenue per acre than conventional suburban development.

Our survey concluded that, on an average per-acre basis, smart growth development produces 10 times more tax revenue than conventional suburban development.

An opportunity for municipal leaders

Local leaders everywhere can use this information to make better fiscal decisions about development in their region.

The evidence presented in this report suggests improved strategies for land use and development can help local governments maintain and improve their fiscal solvency. As this report shows, smart growth development can reduce costs and in many cases increase tax revenue. This combination means that in some cases smart growth development can generate more revenue than it costs to operate.

These findings are true for any rural, suburban or urban community, anywhere in the country. Local governments throughout the United States are already facing unprecedented challenges in providing high-quality infrastructure and adequate public services to their residents on a tight budget. Choosing financially responsible development patterns can help communities across the country protect their fiscal health for generations to come.

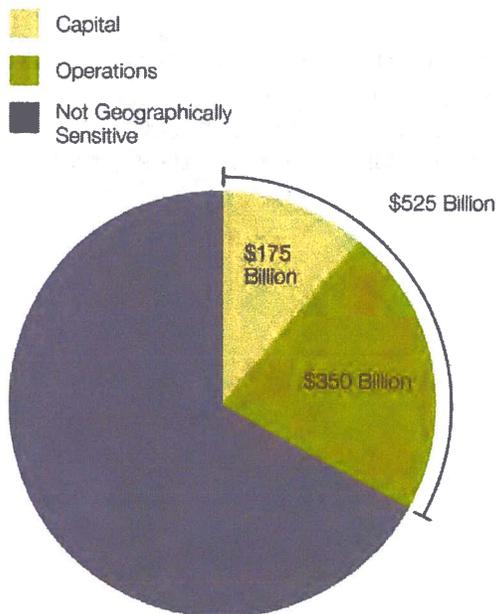
Introduction

Development patterns have a huge effect on the finances of a town or city. The cost of infrastructure like roads and sewers, as well as services like fire departments, ambulances and police are major budget items for any municipality, and decisions about development patterns can raise or lower the cost of these services. These choices have significant implications for public budgets in communities everywhere.

In 2010, local governments in the United States raised and spent \$1.6 trillion, representing more than 10 percent of the U.S. gross national product.^{1,2} Of that, approximately one-third—\$525 billion—was expended on projects and activities that are heavily affected by local development patterns (see Figure 1 below).³ That means future decisions about where to build will have implications for one-third of a typical municipality's budget.

Decisions about where to build will have implications for one-third of a typical municipality's budget.

FIGURE 1
Portion of local budgets influenced by land use choices, nationwide



Of the \$525 billion, \$175 billion was spent on capital projects such as school buildings, roads and highways, water and sewer facilities, libraries and utilities.⁴ The remainder—about \$350 billion—was spent on operations for the provision of public services such as police and fire service, utility service, highways and water and sewer service. These services are crucial parts of local governments' work.

Meanwhile, budgets are tight and expectations are high. In nearly every community across the United States, local governments are struggling to balance their budgets. The Great Recession had a devastating impact on municipal finances, and many localities are still recovering.

Yet Americans still have high expectations about the local infrastructure and public services they receive—and with good reason. In contrast to higher levels of government, the infrastructure and services local governments provide are the meat-and-potatoes of everyday life.

This means many municipalities are looking for ways to save money and boost revenue. Some have considered new development strategies as an opportunity to do both.

Reducing costs and raising revenue through smarter growth

Over the past 40 years, local governments, academic researchers and others around the country have studied how land use decisions will affect municipal finances. These studies generally compare different development scenarios, and help local leaders make informed decisions about new development based on the costs and benefits associated with each.

Smart Growth America collected 17 such studies from across the country. These studies represent every comparison at any scale that analyzes the fiscal realities of smart growth compared with conventional suburban development for local governments. See Appendix A for greater details of the included studies.

Most of the studies compare two development scenarios (see Figure 2 below). While the terminology for these scenarios varied over the studies we surveyed, they all follow two general themes: One scenario includes buildings located closer to each other; more walkable neighborhoods; streets with better connections among destinations; a greater mix of home types; and more transportation options. We call this scenario “smart growth development.” The other scenario often includes siting buildings farther away from each other; designing neighborhoods primarily for driving; creating a less-connected street system with longer distances between destinations; and providing fewer public transportation options. We call this scenario “conventional suburban development.”

FIGURE 2
“Smart growth development” vs. “conventional suburban development”



Smart growth development



Conventional suburban development

The studies we have relied on for this report do have limitations. They do not provide a comprehensive analysis of all possible development patterns in all possible situations. In some cases they do not investigate the cost of specific services in great detail. In addition, our analysis would be stronger if more data were available. However, only 13 municipalities—seven cities, two regions, one state and a national summary—were available at time of publication.

In case after case, localities determined that smart growth development would reduce costs. In some cases the savings were modest, in some the savings were significant. Some studies found that in addition to reducing costs, smart growth development could increase public revenue, providing a double benefit to the municipality's budget.

In case after case, localities determined that smart growth development would reduce costs.

There is nothing especially new about these findings. Researchers have been reaching the same conclusion ever since the first *Cost of Sprawl* report was published almost 40 years ago.⁵

But in the last 10 to 15 years, as interest in smart growth has grown, the body of research about these strategies has increased—especially the research comparing the revenue and costs from smart growth development patterns with the revenue and costs from conventional suburban development patterns.⁶ Throughout all of this research, the trend has held: Smart growth is a much better financial deal for local governments and taxpayers.

What has been lacking until now is a national average of what financial impact smart growth strategies can have on a municipality's bottom line. This report is intended to address that gap.

National findings

This report, prepared by Smart Growth America with the assistance of Strategic Economics, collected 17 case studies at varying levels of government that examine two development scenarios, which we refer to here as smart growth development and conventional suburban development.⁷

This report focuses on three financial aspects of those two strategies: the cost of upfront infrastructure, the cost of providing ongoing services, and the tax base created by additional development.

1. Smart growth development costs one-third less for upfront infrastructure.

Our survey concluded that smart growth development would cost an average of 38 percent less than conventional suburban development for upfront infrastructure. Some studies have concluded that this number is as high as 50 percent.

All development requires infrastructure to support and supply it. The studies included in this report primarily refer to roads, water lines and sewer lines, which account for most of the infrastructure cost associated with new development. Smart growth development patterns require less infrastructure, meaning upfront capital costs, operations, maintenance and, presumably, cost for eventual replacement are all lower. Smart growth development also often reuses existing infrastructure, lowering upfront capital costs even more.



- In Champaign, IL, a smart growth approach to future city development could cut the upfront cost of infrastructure from \$123 million to \$71 million—a savings of \$52 million, or 42 percent over 20 years.⁸
- In Mount Pleasant, SC, and Phoenix, AZ, a smart growth approach for specific development projects could save between 32 percent and 47 percent in upfront infrastructure costs.⁹
- The State of Maryland found that following a smart growth approach would save approximately \$1.5 billion per year statewide on new road construction through 2030—reducing overall costs by 28 percent and the costs to local governments by 60 percent.¹⁰
- In California, a smart growth approach could reduce infrastructure costs by \$32 billion, or 20 percent, statewide through 2050.¹¹ The same study conducted a more detailed analysis of small-lot single-family developments and found that locating such a development in a smart growth location would cut the cost of infrastructure in half.¹²

- In rural areas with 10- to 40-acre ranchettes, the infrastructure savings associated with smart growth patterns are likely much higher, perhaps as much as 65–75 percent.^{13,14}

The survey determined one-third savings in upfront infrastructure costs by compiling the estimated savings from case studies considering infrastructure costs.¹⁵ The upfront savings figure is a conservative average reflective of available data on the matter. The case studies compared urban and suburban growth between a smart growth and a conventional suburban development. Case studies examining fiscal impacts of rural development scenarios were excluded because their geographic differences produced significantly higher savings, as noted in the final point above.

2. Smart growth development saves municipalities an average of 10 percent on ongoing delivery of services.

Our survey concluded that smart growth development saves municipalities an average of 10 percent on ongoing public services such as police, ambulance and fire service costs.

Many public services are sensitive to a community's pattern of development because the configuration of a community—and the way the community is connected geographically—profoundly affects service delivery. A smart growth pattern will, at the very least, save operating costs simply because service vehicles drive fewer miles. In some cases, the actual number of vehicles and facilities can be decreased, along with the personnel required to provide those services.



- Charlotte, NC, concluded that the cost of serving a smart growth neighborhood is approximately one quarter of the cost per capita of serving a conventional suburban neighborhood.¹⁶ Based on Smart Growth America's estimates, a smart growth approach could eliminate the need for two future fire stations in Charlotte, saving the city \$13 million in capital costs and more than \$8 million per year in operating costs.¹⁷
- In Champaign, IL, a smart growth development scenario for the city's future growth would cut service costs by 23 percent, or \$19 million, over 20 years.¹⁸
- Fresno, CA, found that a smart growth approach would reduce service costs by nine percent.¹⁹
- A study of Nashville-Davidson County, TN, found a 13 percent decrease in service costs in a smart growth scenario.²⁰
- The savings on services in rural areas are much higher, perhaps as much as 75 to 80 percent.^{21,22}

The survey determined an average of 10 percent savings in service delivery costs by compiling the estimated savings from case studies considering service costs.²³ Service considered across

studies were not consistent, and levels of service and economic conditions vary. However, all case studies consistently demonstrated a cost reduction in delivery of services examined when pursuing smart growth development. The overall savings figure is a conservative, rough average of savings reflective of available data.

3. Smart growth development generates 10 times more tax revenue per acre than conventional suburban development.

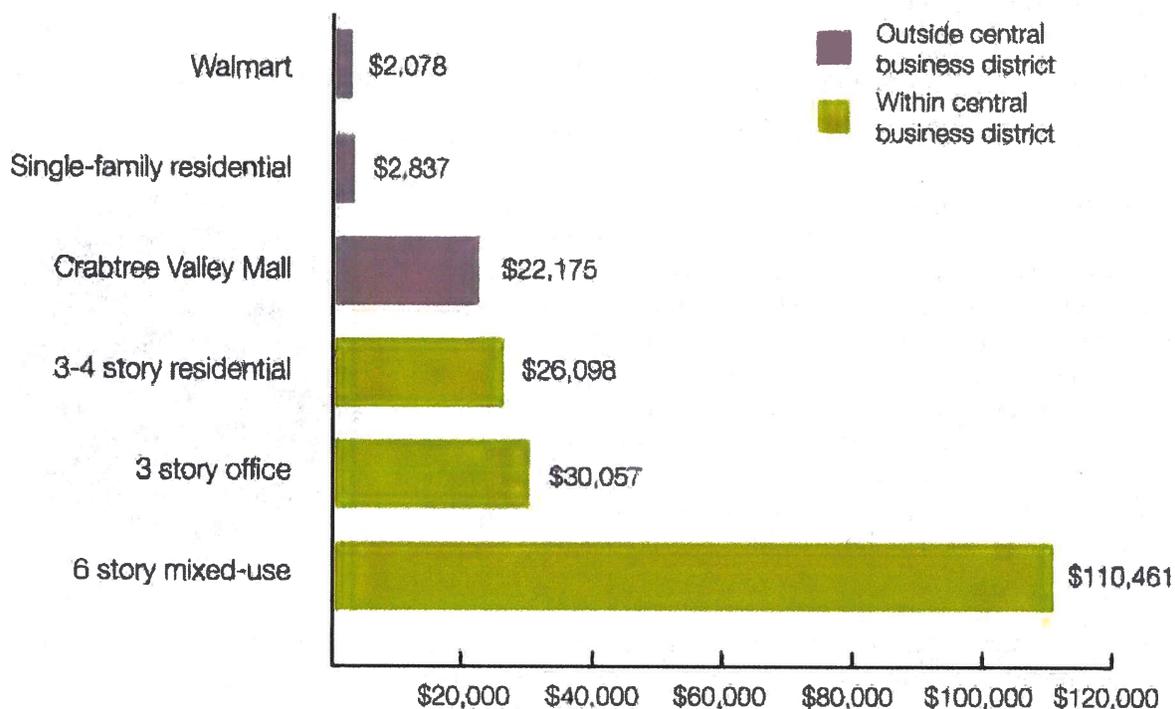
Our survey concluded that on a per-acre basis, smart growth development patterns produce far more tax revenue than conventional suburban development. When we refer to tax revenue, we are typically referring to property taxes and sales taxes, and in some instances licensing fees and other small sources of revenue. Property tax in particular is an extremely important source of revenue for most communities. In a 2010 U.S. Census survey of local government budgets nationwide, 48 percent of revenue from municipalities' own sources came from property taxes, and 10 percent came from sales taxes, though the relative importance of these taxes varies across the country.²⁴



- In Nashville-Davidson County, TN, a smart growth project in a brownfield location would generate twice as much revenue per unit—and 42 times as much revenue per acre—as a conventional suburban development in a greenfield location.²⁵ This study examined property tax from the project, sales tax likely to be generated by its residents, and other miscellaneous taxes generated by residents and businesses.
- Fresno, CA, concluded that a smart growth development strategy would generate almost one and a half times as much revenue per acre as a conventional suburban development scenario in greenfield locations. This conclusion holds despite the fact that the market for downtown development in Fresno is relatively weak.²⁶ This study examined property tax from the project and sales tax likely to be generated by its residents.
- Analysis by the statewide planning effort Vision California found that on a per-acre basis, smart growth development could produce three and a half times as much tax revenue as conventional suburban development.²⁷ This study examined property taxes from the new development, sales taxes likely to be generated by new residents, and miscellaneous taxes such as vehicle license fees from new residents.
- A study for Raleigh, NC, concluded that a six-story building downtown produces 50 times as much property tax revenue per acre as an average Walmart store (see Figure 3 on page 7). Even a three-story residential building produces more property tax revenue per-acre than a major shopping mall.²⁸

FIGURE 3

Municipal property tax yield (per acre) in Raleigh, NC, 2011²⁹



The studies typically included both residential and commercial development, though in some cases it was only one or the other. The per-acre measurement of tax revenue is extremely important because land is a precious commodity for every jurisdiction. It is true that in some cases the total dollar amount of tax revenue in conventional suburban settings can be very large, but those conventional suburban developments consume large amounts of land. Many cities in the United States have a constrained land supply and must husband their land resources carefully in order to protect their solvency. Increasingly, counties—especially counties in or near metropolitan areas—are also land-constrained. In addition, increasing the per-acre tax yield from property that is developed will reduce the pressure to either increase taxes or allow additional development on land that is currently used for low-density housing, agriculture or other activities important to a community.

The survey compiled the savings from case studies considering revenue and generated an average. Only the case studies that examined both property tax and sales tax were included.³⁰ While some case studies included fees and other small sources of revenue, these have only a minor impact on overall revenue. As mentioned previously, the majority of revenue for a municipality is generated through sales and property taxes. Case studies yielding extreme tax revenue differences between development scenarios were considered outliers, and therefore were not factored into the average.

Turning deficits into surplus

Smart growth development's potential for lower costs and higher revenue means this strategy can sometimes become a steady source of surplus for a municipality. These communities know firsthand:

- In Sarasota, FL, a smart growth residential project required \$5.7 million in infrastructure while generating \$1.98 million in property tax revenue per year, meaning it would take three years for the project to pay back its infrastructure cost. By contrast, a comparable conventional suburban residential project required \$10 million in infrastructure while generating \$239,000 in tax revenue per year, meaning it would take 42 years to pay back the conventional suburban infrastructure cost.³¹
- An analysis of Champaign, IL, found that a smart growth scenario generated a \$33 million surplus to the city, while a conventional suburban scenario generated a \$19 million deficit. This was true even though the conventional suburban scenario generated \$19 million more in aggregate revenue over 20 years, yet its costs are so much greater as to negate any surplus. As with other studies, on a per-acre basis the smart growth scenario generated twice as much revenue than the conventional suburban scenario—about \$48,000 per acre over 20 years compared with \$23,000.³² Revenues in this analysis included primarily property tax funds but also motor vehicle taxes, sales taxes, and other sources of tax revenue.
- A study of Nashville-Davidson County, TN, found that a smart growth development project downtown produced a net surplus of \$1,930 per unit, or 48 times the surplus produced by conventional suburban development of \$40 per unit. On a per-acre basis, the smart growth project produced a net surplus of \$115,720 per year, or 1,150 times the surplus produced by the conventional suburban development (\$100 per acre).³³ The tax revenue analyzed was mostly property tax, but also sales tax likely to be generated by the project's residents and other miscellaneous taxes.

The research does suggest that conventional suburban development can in some cases create a small operating surplus for local governments providing services. These operating surpluses are highly dependent on home prices, tax rates, impact fees, assessment districts and other factors that can vary greatly. As the Champaign example suggests, in many cases the only way that a jurisdiction can make up the cost of conventional suburban development is to target high tax producers, such as expensive homes.

Overall this analysis would be stronger if more data were available. Smart Growth America found only four municipalities that have studied the ability of different development patterns to generate a surplus. The fact that so few surveys are available clearly shows that more towns, cities, counties and states could benefit from taking a hard look at their development strategies.

Smart growth development in rural communities

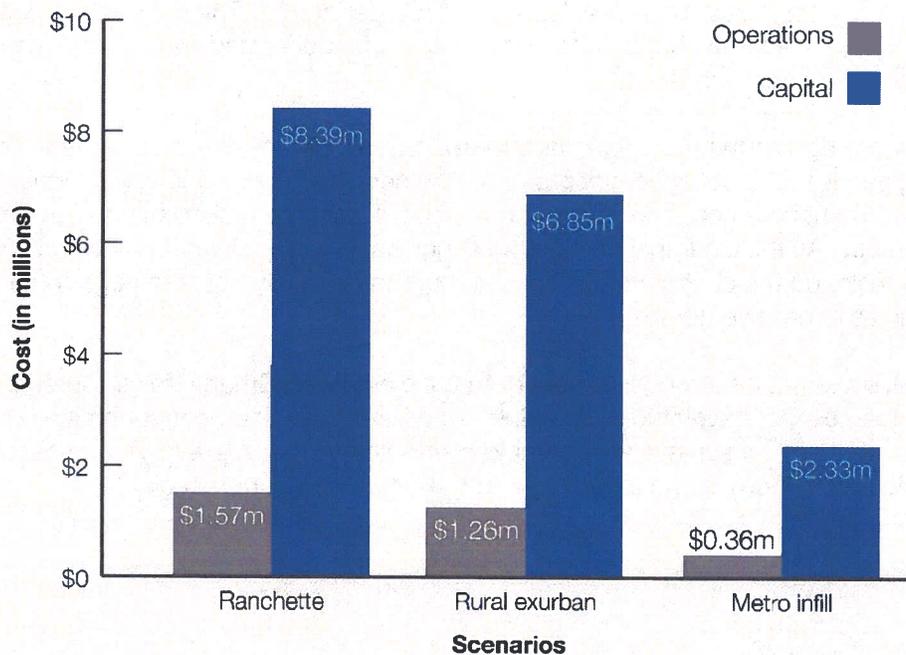
Most research comparing smart growth and conventional suburban development is based on the metropolitan context—comparing a suburb to a city neighborhood, for example, or different development scenarios within a suburb. But recent research suggests that the fiscal impact of smart growth is even more beneficial for rural areas.

RPI Consulting conducted three fiscal impact analyses for rural areas in the Intermountain West: Beaverhead County, MT; Gallatin County, MT; and Natrona County, WY. All three of these analyses yielded the same result: A smart growth approach would dramatically lower the cost of infrastructure and result in much higher revenues that cover more of the cost of both infrastructure and operating expenses.^{34,35}

For example, Natrona is a county of 5,300 square miles with 75,000 residents, where Casper is the county seat.³⁶ RPI examined three different development scenarios, each of which would theoretically build 500 new homes in the community: A “ranchette” scenario in which the homes are built on 35-acre lots; a “rural exurban” scenario in which the homes are built on 6- to 10-acre lots; and a “metro infill” scenario in which the homes are built on one-acre lots located within or adjacent to existing cities such as Casper.

FIGURE 4

Capital infrastructure and annual operating costs for three development scenarios in Natrona County, WY³⁷

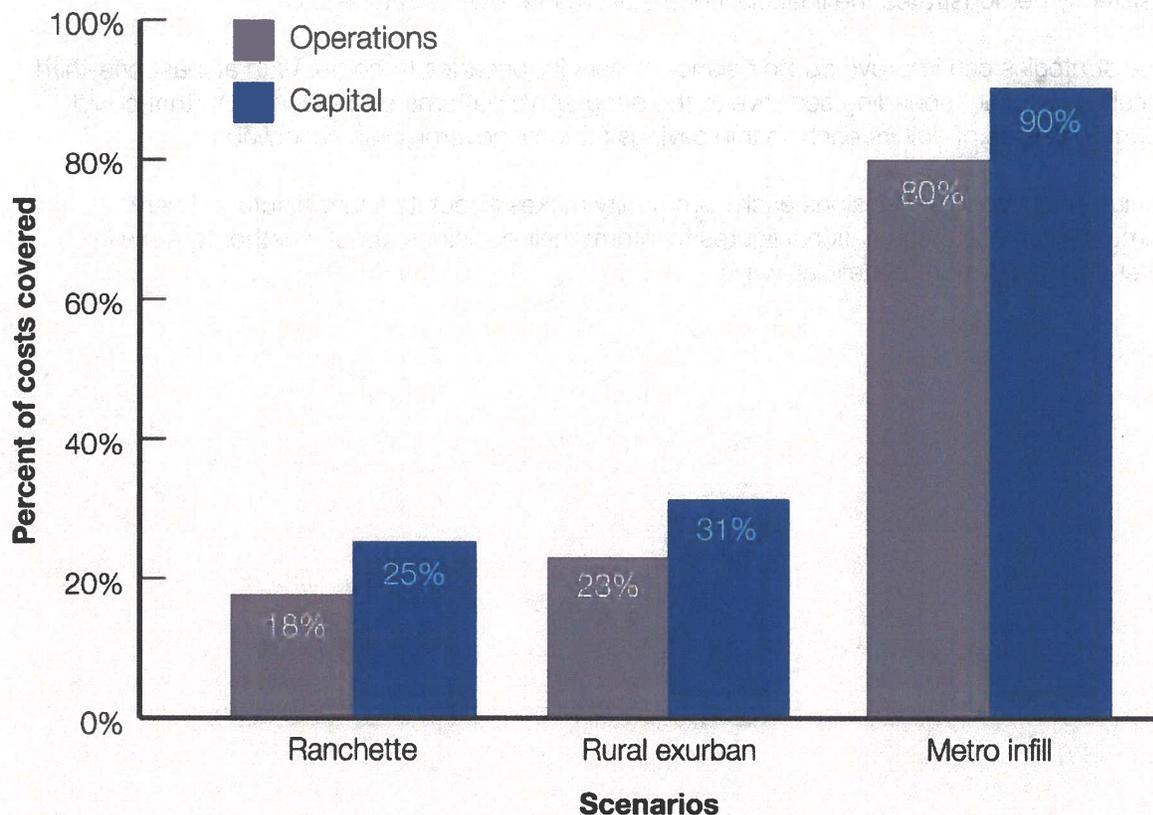


The results of the analysis were dramatic. On infrastructure, the metro infill scenario cost approximately one-quarter the cost of the ranchette scenario and one-third the cost of the rural exurban scenario (see Figure 4 on page 9).

On operating costs, the metro infill scenario would cost 23 percent of the cost of the ranchette scenario and 28 percent the cost of the rural exurban scenario.

In addition, projected tax revenue was significantly higher for the metro infill development scenario, which would cover 90 percent of the required capital cost compared with only 25–31 percent for the other two scenarios (see Figure 5 below). On the operating side, the metro infill scenario would cover 80 percent of operating costs compared with only 18-23 percent for the other two scenarios.

FIGURE 5
Percent of operations and capital costs covered by housing unit revenue contributions³⁸



In other contexts a subdivision of one-acre lots might not be considered “smart growth.” But when compared to the rural sprawl scenarios that are characteristic of the Intermountain West, the financial advantages of even one-acre lots is enormous.

Conclusion

Smart growth strategies can help any town or city improve its finances. The studies included in this analysis constitute more than a series of one-time successes. Other communities can use these strategies to achieve similar results.

Smart growth development costs an average of 38 percent less than conventional suburban development for upfront infrastructure. This figure is conservative, and many communities could save even more.

Smart growth development saves municipalities an average of 10 percent on ongoing delivery of services as compared to conventional suburban development. The case studies included in our analysis consistently demonstrated this reduction in costs.

And smart growth development generates 10 times more tax revenue per acre than conventional suburban development. Smart growth development's potential for lower costs and higher revenues means that many municipalities can operate smart growth development at a surplus rather than a deficit. Every community is different and not all outcomes will be the same. However our research consistently demonstrates the financial benefit of smart growth strategies.

These strategies can improve public balance sheets for decades to come. With at least one-third of local government spending sensitive to the geographic patterns of development, that could amount to billions of dollars each year in savings for local governments nationwide.

Most important are the decisions each community makes about its financial future. Every community can use these national figures to inform their decisions about whether to grow in different, perhaps more beneficial, ways.

Methodology

The conclusions in this report are based on Smart Growth America's review and analysis of 17 different studies which compared smart growth development to conventional suburban development. The studies cover different geographical areas and scales (local, regional, state, national). Three studies (Mount Pleasant, SC and Phoenix, AZ; Regional infrastructure scenarios from *The Best Stimulus for the Money*; and *Cost of Sprawl—2000*) include more than one study area.

Appendix A provides selected summaries from these 17 studies. Appendix B provides detailed financial information across the studies. And Appendix C includes original research conducted by Strategic Economics for Smart Growth America on development scenarios in Nashville-Davidson County, TN.

Not all studies included research applicable to each conclusion. The conclusion that smart growth development costs one-third less for upfront infrastructure is based on the average savings of the studies from Champaign, IL; Mount Pleasant, SC; Phoenix, AZ; Sarasota County, FL, and the states of California and Rhode Island.

The conclusion that smart growth development saves taxpayers an average of 10 percent for ongoing delivery of services is based on the average savings of studies from Nashville-Davidson County, TN; Fresno, CA; Champaign, IL; and the national *Cost of Sprawl—2000* study.

The conclusion that smart growth development generates 10 times more tax revenue per acre is based on the average of studies from Nashville, TN; Fresno, CA; Asheville, NC; Champaign, IL; and the State of California.³⁹

Directions for future research

This report and the underlying studies represent the best research available on the question of the fiscal impact of different development patterns. Because the research overwhelmingly points toward the same conclusions, we are confident that smart growth development is a better fiscal deal for local governments than conventional suburban development. However, the discussion about the fiscal impact of different development patterns would be strengthened by a future research focus on three items:

1. Cost of repair and replacement of infrastructure

If smart growth development requires less upfront infrastructure, then it is reasonable to assume that smart growth development requires less costly repair and replacement of that infrastructure. However, we could find no research addressing this question. While it is reasonable to assume a lower repair and replacement cost overall, the extent of the savings could depend on a wide variety of factors, including materials used, age of the infrastructure, the extent of use in different situations, and so forth. We would encourage research on this topic.

2. Cost of ongoing services

Our review of the literature and our new study of Nashville-Davidson County, TN, strongly support the idea that the cost of ongoing services associated with smart growth development is lower than

the comparable cost associated with conventional suburban development. However, we would note that most of the research has been focused on infrastructure, not services. We would encourage additional studies like the Nashville-Davidson County example to determine the comparative cost of delivering ongoing services under different development scenarios.

3. Cost of individual services

Although the overall cost of ongoing services is clearly lower, the existing research does not always unbundle these costs in a way that will help local governments identify how to maximize their savings. For example, as the Charlotte, NC, study shows, the savings associated with fire service are clear and easy to quantify. Savings for other public services are not always so clear. All other things being equal, the cost of policing, ambulance service, school transportation, snowplowing and any other public service provided via the use of vehicles will be lower if those vehicles travel fewer miles. But how can those savings be maximized? At what point can costs be saved not only by driving fewer miles, but by actually reducing the number of vehicles and drivers, which would presumably lead to much greater savings? We would encourage more specific research on these topics.

Appendix A: Summarized Case Studies

Following are selected summaries of the case studies highlighted in this report. The case studies in this report represent every study at any scale that analyzes the fiscal realities of smart growth compared with conventional suburban development for local governments available for public use.

These studies include a variety of development types, scales and methodologies. However, all have one thing in common: They compare a smart growth-type development pattern to a conventional suburban-type development pattern. All come to the same conclusion: The smart growth scenario cost less overall and generated more revenue per acre than the conventional suburban scenario.

CITY SPECIFIC

City of Afton, MN

Strong Towns, a not-for-profit organization, conducted an analysis of a road project undertaken to serve a 40-unit conventional suburban development in Afton, MN, in 2009. Strong Towns examined the necessary initial capital improvement for the project weighed against the development's property tax revenues. For the purposes of the study, costs borne by developers were not considered. The City of Afton did not allocate funding toward capital improvements for the 40-property Afton Hills project; therefore, no portion of the development's tax revenues (\$44,000 per year) funded the \$354,000 cost of servicing infrastructure. Instead, the infrastructure is paid for entirely out of general tax revenues.

If 10 percent of the property tax revenues were allocated to infrastructure within the project—a typical figure nationwide—the payback period would be 79 years. Furthermore, local services would have to be decreased by an equivalent amount to free up the funds.

Taking a different approach to the same scenario, Strong Towns considered the project costs bonded over a 25-year period at an interest rate of 3 percent. In order to balance the budget in this scenario, an annual payment of \$20,320 from the development would be necessary. This would consume 46 percent of the tax revenue generated by the project, which of course would have to be reallocated from the provision of services. The Strong Towns analysis provides a good example of the difficult choice local governments often face in deciding whether to use tax revenue to pay for ongoing services or infrastructure.

City of Champaign, IL

The consulting firm TischlerBise was retained by the City of Champaign, IL, to examine the fiscal costs and benefits of increasing the city's population by about 25 percent, from 75,000 people to about 94,000 people. TischlerBise examined two scenarios: one in which all growth would occur inside the city's current service area, and a second in which a considerable portion of the growth would occur outside the service area.

Each scenario assumed the construction of the same number of residential units, though the mix of housing types was different. The smart growth scenario assumed that 58 percent of the new

housing units would be either townhomes or multifamily units, while the conventional suburban scenario assumed a 50-50 split. The conventional suburban scenario could consume more than twice as much greenfield as the smart growth scenario—8,900 acres (or about 14 square miles) as opposed to about 3,900 acres (6 square miles).⁴⁰

Over a 20-year period, the combined cost of operations and infrastructure for the smart growth scenario provided the city's taxpayers with a \$33 million surplus. Over the same period, operations and infrastructure for the conventional suburban scenario left the city with a \$19 million deficit.⁴¹

Each scenario provided the city with approximately the same amount of net revenue in operating costs for services—\$83 million or so over 20 years. It should be noted, however, that the cost of those services is 23 percent or \$19 million less in the smart growth scenario. The conventional suburban development generates the same amount of additional revenue, but this was only possible by providing larger suburban homes and attracting more affluent residents who would pay higher property taxes. In other words, Champaign would have to attract many more affluent residents in order to make up for the increased cost of providing services to sprawling neighborhoods.

The infrastructure costs for each scenario are where the big differences lie. Each scenario produced approximately the same amount of revenue from various capital funding sources—\$21 million for the smart growth scenario over 20 years and \$22 million for the conventional suburban scenario. But the infrastructure for the smart growth scenario costs only half as much to build—\$71 million as opposed to \$123 million. In other words, the additional cost of building the infrastructure to the same number of houses—but sprawled across six square miles of additional territory—is over \$50 million.

City of Charlotte, NC

The City of Charlotte, NC, did a rigorous study to determine whether different street connectivity standards—and, by extension, a smart growth approach to development—could lower the cost of fire service. In 2008, fire service cost Charlotte taxpayers close to \$90 million per year. Charlotte examined the cost of service per household in several existing neighborhoods and concluded: "By making the road network within a fire station's service area more connected...it is possible to slow the rate of growth of a fire department's annual cost and effect on a city budget without negatively affecting service capability."⁴² The neighborhoods with greater street connectivity were also characterized by a more traditional and walkable development pattern including smaller housing lots in many cases.

Fire departments measure their success based on response time—how quickly firefighters arrive at the scene of a fire or a medical emergency. In general, fire departments seek to arrive at the scene within five minutes after receiving an emergency call. This standard requires each fire station to serve a relatively small geographical area. However, a fire station's cost—construction cost of the station, purchase and maintenance of equipment and personnel—is fixed. In Charlotte, the average annual cost of a fire station—over a lifespan of 25 years—is about \$4.2 million, including \$2.4 million for salaries, while the initial construction cost of a fire station is about \$6.5 million. Thus, if a fire station's service area has more households and activity centers—and they are linked by a well-connected street network—each fire station can serve more residents and the cost of fire service per household will be much lower.

Charlotte found that the number of households served by each fire station ranged from 6,000 to 27,000. Not surprisingly, the annual cost per household of fire service ranged from \$740 (for a conventional suburban neighborhood) to \$159 (for a smart growth neighborhood).⁴³

In the study, Charlotte noted that in the early 2000s, after the city changed its subdivision regulations to require better street connectivity, response times were quicker for the first time since the 1970s. A rough calculation by Smart Growth America suggests that following a smart growth approach in building out Charlotte would eliminate the need for two future fire stations, meaning a savings of \$13 million in upfront capital expenses and \$8.4 million a year in operating expenses.

City of Fresno, CA

In preparing a new General Plan, the City of Fresno, CA, compared four different future development scenarios—one heavily weighted toward smart growth development, two weighted toward conventional suburban development and one “hybrid” approach.

The smart growth alternative called for 43 percent of new residential development and 71 percent of non-residential development in smart growth locations. This alternative increased the geographical size of the city by 27 percent.

The most conventional suburban alternative called for 25 percent of all new residential development and between 42 percent of non-residential development in smart growth locations. This alternative increased the geographical size of the city by 36 percent.

The conclusions included the following:

- The revenue per acre for the smart growth scenario is 45 percent higher than the revenue per acre for the most conventional suburban scenario—\$2,300 versus \$1,600 per acre.
- The cost of providing services in the smart growth alternative was about 9 percent less on a per-capita basis than the cost of providing services in the conventional suburban alternative.
- The smart growth scenario produced a bigger surplus for the city’s general fund—\$24 million per year using current levels of service. The smart growth scenario also performed better than the conventional suburban scenario using a higher, preferred level of service called for in the city’s new General Plan.

Mount Pleasant, SC and Phoenix, AZ

Under a contract from the U.S. Environmental Protection Agency Office of Sustainable Communities, the civil engineering firm of Morris Beacon Design compared smart growth development patterns to conventional suburban development patterns on two different greenfield sites in two different parts of the country. Their conclusion was that a smart growth development pattern reduces infrastructure cost by between 32 percent and 47 percent.⁴⁴ This particular study

assumed that the developer, not taxpayers, would bear the cost of this infrastructure, but the overall point is clear: smart growth development does not require nearly as much infrastructure, no matter who pays for it.

The first example compared different development patterns for the 750-acre “Belle Hall” site in Mount Pleasant, SC, a close-in suburb of Charleston. The analysis compared two smart growth scenarios with two conventional suburban scenarios. Each pair compared identical amounts of development—800 units of residential and 700,000 square feet of non-residential in Belle Hall #1, and 1,410 units of residential and 700,000 square feet of non-residential in Belle Hall #2. The main difference in each case was density, though the smart growth scenarios also included other “smart growth features” such as better road connectivity. In Pair #1, the smart growth scenario was built to a residential density of 4.6 units per acre compared to 2.1 units per acre for the conventional suburban scenario.

In the Belle Hall #1 comparison—the case study of 800 residential units—the infrastructure cost for the smart growth scenario was approximately \$33,000 per unit, compared with more than \$51,000 per unit for the conventional suburban scenario.⁴⁵

In the Belle Hall #2 comparison—the case study of 1,410 residential units—the infrastructure cost was about \$19,000 for the smart growth scenario, compared with approximately \$28,000 for the conventional suburban scenario.

The second case study involved a comparison between two development scenarios on the 575-acre Dove Valley Ranch property just north of Phoenix, AZ. The conventional suburban scenario consisted of the single-family neighborhood that was actually built. The smart growth scenario was a hypothetical alternative that included twice as many residential units, a wider variety of housing products, and several mixed-use town centers.

In the Dove Valley Ranch comparison, the smart growth scenario resulted in an infrastructure cost of about \$25,000 per residential unit compared to about \$47,000 per unit for the conventional suburban development that was actually built.⁴⁶

COUNTY AND REGIONAL

Regional Infrastructure Scenarios

Over the past 25 years, more than 50 metropolitan regions in the United States have engaged in regional “scenario planning” processes that articulate and then compare different growth scenarios. In 2009, Smart Growth America issued *The Best Stimulus for the Money*, a paper produced by the Metropolitan Research Center at the University of Utah that analyzed regional infrastructure cost estimates of smart growth versus conventional suburban development scenarios in 14 different metropolitan areas between 1989 and 2003.

The report concluded that in every single case the smart growth regional scenario resulted in enormous savings in the cost of infrastructure required to serve new development in the region. The smallest cost savings was 15 percent. The largest savings was more than 100 percent—the smart growth scenario actually turned the overall cost into a regional surplus, because the need for infrastructure declined. On average, the infrastructure cost associated with the smart growth

regional scenario was approximately 60 percent less than the infrastructure cost associated with the conventional suburban regional scenario.

In most cases, the regional scenario actually compared three or four regional growth scenarios, rather than just two. In each metropolitan area, the scenarios compared the same increment of predicted growth, usually within a 20-year time horizon, but with different development patterns. In all cases, the different scenarios were created using different assumptions about the density of housing development, street connectivity, a mixture of land uses and other characteristics. That this report used to differentiate between smart growth development and conventional suburban development. The scenario we have referred to as the “conventional suburban regional scenario” is, in most cases, simply a continuation of existing or recent development patterns in the region.

The 60 percent figure is derived from comparing, in each case, the regional scenario with the most smart growth characteristics with the conventional suburban scenario that continues current trends. In metropolitan regions, hybrid scenarios containing some smart growth characteristics showed some infrastructure savings. Therefore, the savings trend was clear across the board.

- In metropolitan Denver, CO, a smart growth scenario of 4,100 persons per square mile reduced infrastructure costs by 80 percent over a 25-year projection. The conventional scenario of 2,000 persons per square mile required an estimated \$5.4 billion investment in local infrastructure, while the smart growth scenario cost \$1.1 billion.
- In metropolitan Gainesville, FL, the region could save \$100 million over a 20-year period pursuing smart growth development as opposed to conventional suburban development. The conventional suburban regional scenario was projected to consume an additional 19.5 square miles, while the smart growth scenario consumed only 2.5 square miles over the same time period.
- Two scenarios analyzing growth within the state of New Jersey, one in 1992 and the other 2000, found smart growth could reduce infrastructure costs by at least \$1.5 billion over 20 years. The savings were attributed to a 34 percent to 60 percent decrease in land consumption.

Sarasota County, FL

Urban3 in Asheville, NC, has done analyses in many cities around the nation comparing the per-acre tax yield of different types of development projects. This analysis has consistently found that smart growth development projects yield far more revenue per acre than conventional suburban development projects.

In the case of Sarasota County, FL, Urban3 also examined infrastructure costs and the payback period for that infrastructure. He found that a downtown smart growth development generates enough tax revenue to pay off infrastructure costs in three years, compared with 42 years for a somewhat similar suburban development.

To conduct this analysis, Urban3 compared a set of residential developments in downtown Sarasota built at 100 units per acre (357 units on 3.4 acres) compared with a complex of two- and three-story garden apartments built in the suburbs at about 11 units per acre (357 units on 30.6 acres). The downtown project generates \$1.98 million in property tax revenue per year (almost

\$600,000 per acre) as opposed to \$239,000 for the suburban project (approximately \$7,800 per acre).

When compared with the cost of infrastructure for each project, the financial bottom line moves strongly in the favor of the smart growth project. Using estimates generated by consultant James Nicholas in 1989, Urban3 estimated the infrastructure cost at about \$16,000 per unit for the downtown project and \$28,000 per unit for the suburban project—meaning the infrastructure cost for the entire project is \$5.7 million per year for the downtown project and \$10 million.

STATEWIDE

State of California

The State of California retained Calthorpe Associates and Strategic Economics to devise and analyze several growth scenarios out to 2050. The “Vision California” analysis concluded, in general, that a smart growth scenario reduced the cost to local governments of both infrastructure and ongoing operating expenses by 17 percent to 20 percent.⁴⁷

Vision California analyzed four different statewide growth scenarios, ranging from a “business as usual” scenario, which included a significant amount of conventional suburban development, to a smart growth scenario that focused on walkable, mixed-use and higher-density neighborhoods.

These scenarios were built in two ways. First, three different “place types” characteristic of California were identified: fringe development, characterized by conventional suburban low densities and segregation of uses; suburban infill development, characterized by higher densities and some mixture of uses, often in the setting of an older community; and urban infill development, characterized by higher densities and a greater mix of uses.

For example, in the conventional suburban scenario, Vision California assumed approximately 70 percent of new construction would be single-family, while the smart growth scenario assumed that 63 percent of new construction would be multifamily.

This approach yielded two sets of results on fiscal impact, one at the place type level and the other at the statewide level.

“Place Type” Results

The Vision California analysis compared both revenues and cost from different place types on a per-acre basis and reached dramatic conclusions.

A comparison of infrastructure costs in the three place types also showed dramatic results. Vision California compared the cost of providing infrastructure to a “small lot single family” development—1,700-square-foot single-family home on a 5,000-square-foot lot. The analysis found that, on average, the urban infill place type could provide this infrastructure for half the price on a per-acre basis (\$90,000 compared to \$180,000). Even the suburban infill place type (\$154,000) saves 15 percent on a per-acre basis.⁴⁸

Statewide Results

The statewide scenarios assumed the creation of 8 million new households in California by 2050. Vision California did an analysis of four scenarios, including one smart growth scenario, one conventional suburban scenario (“business as usual”), and two in between. Compared with the conventional suburban scenario, the smart growth scenario provided significant savings on both infrastructure and annual operating expenditures.

On the cost of infrastructure, Vision California found that the smart growth scenario saved almost 20 percent—approximately \$16,000 per residential unit as compared with \$20,000 for the conventional suburban scenario.⁴⁹ This savings of \$4,000 per household represents a savings of \$32 billion for California over the 40 years between 2010 and 2050, assuming 2010 population growth projections hold.

The smart growth scenario also generated three and a half times as much revenue on a per-acre basis as the conventional suburban scenario—approximately \$730,000 per acre over 40 years compared with only \$207,000 per acre.

State of Maryland

As part of the overall “Plan Maryland,” effort, the State of Maryland conducted an analysis to determine the impact of a smart growth approach on the statewide road construction costs over the next 20 years. The State Department of Planning compared two scenarios—a conventional suburban scenario that assumed a continuation of current trends and a smart growth scenario that assumed a maximum density of 3.5 units per acre in designated growth areas and a minimum density of 1 unit per 20 acres outside those growth areas.

The state determined that the smart growth scenario reduced the cost of constructing and maintaining local roads by 60 percent and state highways by 20 percent. The overall cost of building and maintaining roads and highways was reduced by more than \$1.5 billion per year for 20 years.⁵⁰

The smart growth scenario reduced the need for new local streets and roads from about 4,800 miles to about 1,800 miles. The construction cost was reduced from \$20 billion to \$8 billion—a savings of \$12 billion, or \$600 million per year—and the maintenance cost was reduced from \$400 million to \$160 million—a savings of \$240 million, or \$12 million a year.

The smart growth scenario reduced the need for state highways from 7,500 miles to 6,000 miles. The construction cost was reduced from \$83 billion to \$66 billion—a savings of \$17 billion, or \$850 million per year. Maintenance cost was reduced from \$650 million to \$520 million—a savings of \$130 million, or \$6.5 million per year.⁵¹

State of Rhode Island

In 1999, a consulting team retained by Grow Smart Rhode Island examined the state’s then-sprawling development patterns and estimated the cost of continued conventional suburban development in comparison with a smart growth alternative. The conventional suburban development was simply an extension of the suburban development patterns that had characterized the state for the previous 50 years, while the smart growth alternative assumed that much of the state’s future population growth would be located in existing cities that had been losing population in recent decades.

This analysis found that the need for infrastructure would be greatly reduced if the state adopted the smart growth model. Among other things, the consultants found that Rhode Island's rural towns, on average, required almost three times as much road length as the cities in order to accommodate the same population—16.5 miles per 1,000 housing units for the rural areas, compared with only 6.1 miles per 1,000 housing units in the cities.⁵²

Using those statistics as a benchmark, the Rhode Island study found that following the conventional suburban growth model the state would require 228 additional miles of road, at a cost of \$182 million, over a 20-year period. By contrast, using a smart growth model, the state would require only 130 additional miles of road, at a cost of \$104 million. Adopting a smart growth approach would eliminate the need to construct 98 miles of road, saving \$78 million—43 percent—in the process.

Overall the study found that smart growth development would result in savings of \$242 million, or about 40 percent, for all types of infrastructure in the State of Rhode Island over 20 years.⁵³

NATIONAL

Cost of Sprawl—2000

The most comprehensive national estimate regarding the cost of smart growth development compared to conventional suburban development is *The Cost of Sprawl—2000*, a 2002 update of the original 1974 study.⁵⁴ *The Cost of Sprawl—2000* is now 13 years old and the results were modeled on a national basis, meaning the estimates are general in nature.

The Cost of Sprawl—2000 compared two national growth scenarios between 2000 and 2025. The primary difference between the two scenarios was that, in the smart growth scenario, significant amounts of growth were allocated to core and inner counties in each region, rather than outer counties. Though this is a very coarse measurement of smart growth and sprawl, it is a good proxy because inner counties nationwide tend to feature more smart growth development while outer counties tend to feature more sprawling development.

The smart growth scenario does include a considerable amount of greenfield development—but much less than the conventional suburban scenario. For this reason, the authors of the report acknowledged that they may have underestimated the savings resulting from smart growth.

The study's conclusions included the following:⁵⁵

- Compared with a nationwide conventional suburban development scenario, a nationwide smart growth scenario would reduce the volume of roads needed by 9 percent—from about 2 million lane-miles added to about 1.8 million lane-miles added. That would mean building approximately 8,000 fewer lane-miles per year for 25 years. Costs would be reduced from \$928 billion to \$818 billion, a savings of \$110 billion, or about 10 percent, over 25 years.
- Compared with the conventional suburban development scenario, the smart growth scenario would reduce the cost of constructing water and sewer infrastructure by \$12.6 billion, or about 6 percent of \$190 billion total. Among other things, a smart growth

scenario would eliminate the need to construct 4.6 million sewer laterals in the United States over a 25-year period, or almost 200,000 sewer laterals per years. The total savings for roads and sewers combined would be approximately \$122 billion over 25 years.

- Compared with the conventional suburban development scenario, the smart growth scenario would reduce the cost of providing local public services from \$143 billion to \$139 billion—a savings of \$4 billion, or 3 percent. This is the net amount after taking into account revenues directly attributable to those services. These savings are much larger in the Northeast, Midwest and South, where low-density suburban development is more common, and less so in the West, where suburban development tends to be higher-density even when it consists of single-family homes.

Appendix B: Annual fiscal impacts of development scenarios

This report is based primarily on existing studies, as well as a new case study for Nashville-Davidson County, TN, commissioned by Smart Growth America. These studies are neither comprehensive nor exhaustive. They do not represent every single jurisdiction or region in the nation, nor even every situation that a jurisdiction or region might find itself. The methodology differed from project to project, as did the exact nature of the development projects or projected growth prototypes in question. Different studies examined different types of infrastructure and different types of ongoing services provided by the local government.

The following table summarizes all of the case studies featured in this report.

	No. of years	Cost of upfront infrastructure		Cost of services		Tax revenue		Notes
		Smart growth	Conventional	Smart growth	Conventional	Smart growth	Conventional	
Afton, MN	1	n/a	\$354,000	n/a	n/a	n/a	\$44,000	Payback period of 79 years for road project
Asheville, NC ³	1	n/a	n/a	n/a	n/a	\$717,000/acre	\$54,000/acre	
Beaverhead County, MT	20	\$640,600	\$888,500	\$40,900	\$56,700	n/a	n/a	Road infrastructure, police service
Champaign, IL ^{1,2,3}	20	\$71,000,000	\$123,000,000	\$82,647,000	\$102,040,000	\$48,400/acre	\$23,200/acre	
Charlotte, NC	1	n/a	n/a	\$159/capita	\$740/capita	n/a	n/a	Fire service only
<i>Cost of Sprawl—2000</i> ²	25	\$994.5B	\$1,116.8B	\$139B	\$143B	n/a	n/a	
Fresno, CA ^{2,3}	1	n/a	n/a	\$1,371/unit	\$1,566/unit	\$2,300/acre	\$1,600/acre	
Gallatin County, MT	15	\$49,452,000	\$14,181,000	\$11,974,300	\$14,265,600	n/a	n/a	Road and sheriff
Mount Pleasant, SC ¹	n/a	\$33,000/unit and \$19,000/unit	\$51,000/unit and \$28,000/unit	n/a	n/a	n/a	n/a	

	No. of years	Cost of upfront infrastructure		Cost of services		Tax revenue		Notes
		Smart growth	Conventional	Smart growth	Conventional	Smart growth	Conventional	
Nashville-Davidson County, TN ^{2,3}	1	n/a	n/a	\$1,440/unit	\$1,590/unit	\$202,050/acre	\$4,720/acre	
Natrona County, WY	1	\$2,330,000	\$8,390,000	\$355,000	\$1,565,000	n/a	n/a	
Phoenix, AZ ¹	n/a	\$25,000/unit	\$47,000/unit	n/a	n/a	n/a	n/a	
Raleigh, NC	1	n/a	n/a	n/a	n/a	\$110,461/acre	\$2,078/acre	Property tax only
Regional Infrastructure Scenarios-Denver, CO	25	\$44,000,000	\$216,000,000	n/a	n/a	n/a	n/a	
Regional Infrastructure Scenarios-Gainesville, FL	20	\$4,400,000	\$9,200,000	n/a	n/a	n/a	n/a	
Regional Infrastructure Scenarios- New Jersey	20	\$75,000,000 less than conventional	n/a	n/a	n/a	n/a	n/a	
Sarasota County, FL ¹	1	\$16,000/unit	\$28,000/unit	n/a	n/a	\$582,618/acre	\$7,795/acre	
State of California ^{1,3}	40	\$16,000/unit	\$20,000/unit	n/a	n/a	\$730,000/acre	\$207,000/acre	
State of Maryland	20	\$400,000,000	\$1B	n/a	n/a	n/a	n/a	Local roads only
State of Rhode Island ¹	20	\$369,000,000	\$611,000,000	n/a	\$181,000,000 more than smart growth	n/a	n/a	

- 1 – included in infrastructure savings figure
- 2 – included in service savings figure
- 3 – included in tax revenue figure

Appendix C: Original case study

Fiscal impact analysis of three development scenarios in Nashville-Davidson County, TN

SUMMARY BY SMART GROWTH AMERICA

Summary

This study examines the relative fiscal costs and benefits of three development scenarios in Nashville-Davidson County, TN: an infill development project, a New Urbanist-style development project in a suburban location and a conventional suburban development in a suburban location.

The first scenario is **The Gulch**, a 76-acre infill project on a brownfield location including 4,500 housing units and 6 million square feet of retail and office space. The second scenario is **Lenox Village**, a 185-acre New Urbanist-style development in a greenfield location with 1,700 residential unit and 67,000 square feet of retail and office space. And the third scenario is **Bradford Hills**, a 185-acre conventional suburban development with 538 housing units and 39,000 square feet of retail and office space. Nashville-Davidson County is a combined city-county government and therefore has jurisdiction over both the most urban parts of Nashville and the most rural parts of Davidson County.

Smart Growth America hired Strategic Economics to calculate the net general fund impact of providing services on the residential component of each project. (Upfront infrastructure cost was not included in the analysis.) Conclusions included the following:

- **Infill development had lower service costs.** On a per-unit basis, Lenox Village had the lowest cost to provide services: \$1,300 per unit per year. The Gulch cost \$1,400 per unit per year. Bradford Hills had the highest cost of \$1,600 per unit per year. Lenox Village and The Gulch cost 19 percent less and 13 percent less, respectively.
- **Infill development generated the most revenue per unit.** All three scenarios generated a revenue to the general fund, on a per-unit basis. The Gulch had by far the largest revenue, generating \$3,370 per unit. That rate is more than twice as high as the Bradford Hills scenario, which generated \$1,620 in revenue per unit. Lenox Village generated \$1,340 in revenue per unit. (Revenue included property tax but also the sales tax likely to be generated by the project's residents as well as other miscellaneous taxes.)
- **Infill development generated the largest surplus.** On a per-acre basis, The Gulch generated \$115,720 in net revenue - almost 1,150 times the net revenue generated by Bradford Hills (\$100) and 148 times the net revenue of Lenox Village (\$780). The Lenox Village project generated a surplus 7.8 times higher than that of Bradford Hills on a per-acre basis. These trends are similar on a per-unit basis as well.

Fiscal impact analysis

Strategic Economics was hired by Smart Growth America to prepare a fiscal impact analysis considering key operation and maintenance (general fund) categories for Nashville-Davidson County, Tennessee. The fiscal impact analysis compares revenues and costs between two “smart growth” developments with an equivalent “sprawl” development. This memorandum presents the findings from the fiscal impact analysis. The following section provides background information on fiscal impact analysis. The subsequent sections describe the development scenarios and results for the Nashville analysis.

Background

Typically, the purpose of a fiscal impact analysis is to help a city make decisions about specific development proposals or plans. The analysis presented in this memorandum is intended to provide more general information about the potential for different development patterns to impact a city’s fiscal outlook. In order to ground the results in reality the analysis presented here is based on existing and proposed developments and on the fiscal factors of Nashville-Davidson County, Tennessee.

For all scenarios included in the analysis, Strategic Economics estimated the annual General Fund operations and maintenance (O&M) costs and primary sources of local revenues (property taxes, sales taxes, and other recurring revenues) that could be generated by the existing/completed communities or a build-out scenario of planned communities. It is important to note that the analysis focuses on impacts to the Nashville-Davidson Metropolitan Government’s General Fund and not on other programs and services that are funded independently of the General Fund. Therefore, the analysis does not consider impacts to the provision of services provided outside of the General Fund or by other service providers, such as schools and utilities.

As with all fiscal impact analyses, the assumptions drive the results. Strategic Economics created its assumptions based upon all available data, input from city staff, review of market data, and appropriate standards.

Nashville-Davidson fiscal impact analysis

This section presents the development scenarios and results of the fiscal impact analysis for Nashville-Davidson County, Tennessee. The methodology and assumptions for the Nashville-Davidson analysis are included in an appendix to this memorandum.

The Nashville-Davidson fiscal impact analysis case study considered three development scenarios, as described in the following sections.

1. Bradford Hills

Bradford Hills is a primarily residential neighborhood located in southern Nashville-Davidson County, Tennessee. It is just west of Lenox Village, which is another development scenario used in the analysis and described in the following section. Bradford Hills was built out in the early 1990s and includes a total of 538 single-family detached homes and 39,000 square feet of nonresidential space on 185 acres.

Figure 1 shows the existing number of residential units and commercial square feet for Bradford Hills, and Figure 2 provides an aerial photograph of the neighborhood.

FIGURE 1

Land Uses, Bradford Hills

Land Use Type	Units / Square Feet
Residential	
Single Family Detached	538
Total Residential Units	538
Nonresidential	
Retail	17,835
Office	21,280
Total Nonresidential Square Feet	39,115

Source: Metropolitan Nashville Planning Department, 2012

FIGURE 2
Aerial photograph, Bradford Hills



Source: Metropolitan Nashville Planning Department, 2012.

2. Lenox Village

Lenox Village is a greenfield traditional neighborhood development (TND) located in southern Nashville-Davidson County, Tennessee, east of Bradford Hills, which is described above. Lenox Village is partially built out at this time. The master plan for Lenox Village includes 572 single-family detached units, 245 single-family attached units, and 898 multi-family units, as well as 67,000 square feet of nonresidential uses.

Figure 3 shows the total number of residential units and commercial square feet planned for Lenox Village, and Figure 4 provides an aerial photograph of the TND.

FIGURE 3

Land Uses, Lenox Village

Land Use Type	Units / Square Feet
Residential	
Single Family Detached	572
Single Family Attached	245
Multi-family	898
Total Residential Units	1,715
Nonresidential	
Retail	27,409
Office	4,000
Mixed Use	35,742
Total Nonresidential Square Feet	67,151

Source: Metropolitan Nashville Planning Department, 2012; Regent Homes, 2012.

FIGURE 4
Aerial photograph, Lenox Village



Source: Metropolitan Nashville Planning Department, 2012.

3. The Gulch

The Gulch is an infill mixed use neighborhood located on a former industrial site in downtown Nashville. The Gulch is the first neighborhood in the southern United States to be LEED Certified for Neighborhood Development.^{*} The master plan for the area is composed of adaptive re-use projects and new construction, including high density residential buildings, office uses, and retail uses. The plan for the Gulch includes 4,552 multi-family units and over 6 million square feet of nonresidential uses. The Gulch is only partially built out at this time, with a total of 879 residential units already built.[†]

Figure 5 shows the total number of residential units and commercial square feet planned for Lenox Village, and Figure 6 provides a conceptual map of the project from the master plan.

FIGURE 5
Land uses, The Gulch

Land Use Type	Units / Square Feet
Residential	
Multi-family	4,552
Total Residential Units	4,552
Nonresidential	
General Commercial	110,530
Mixed Use (retail and office)	6,010,492
Total Nonresidential Square Feet	6,121,022

Source: Metropolitan Nashville Planning Department, 2012.

* The Gulch official website. Available at <http://www.nashvillegulch.com>.

† Nashville Downtown Partnership. (2012). "Residential Report: July 2012, Downtown Nashville." Available at <http://www.nashvilledowntown.com/files/docs/residential-report-2012.pdf>.

Results

Figure 7 shows the estimated net General Fund impact of the three development scenarios. In considering the results of the analysis it should be noted that Nashville-Davidson County has a tiered property tax rate and tiered service level depending on location. The General Services District (GSD) encompasses the entire County and pays a base tax rate. The Urban Services District (USD) was originally bound by the Nashville city limits when the Metropolitan Government was established, but has since been expanded by annexation. The USD has an additional tax rate and an “enhanced” level of service for some services. The Gulch development is the only one of the three scenarios that falls within the USD and therefore pays the higher property tax rate and receives additional services.

In addition to the higher USD property tax rate, The Gulch has established the Gulch Central Business Improvement District (GCBID), with a special assessment of \$0.20 per \$100 in assessed value to provide a further enhanced level of services to “help make the Gulch a clean, safe and vibrant urban neighborhood in which to work, live, shop and be entertained.”[‡] The costs for services and revenues associated with the GCBID special assessment are not included in this analysis because they are not included in the General Fund.

- Both Lenox Village and The Gulch are expected to have a positive net impact on the Nashville-Davidson Metropolitan General Fund. The fiscal impact analysis indicates that at full buildout, The Gulch development could have a significantly positive impact and potentially generate \$8.8 million a year more in General Fund revenues than in expenditures. At full buildout, Lenox Village is projected to have a slightly positive net impact (6 percent) on the General Fund. Bradford Hills is estimated to have a neutral impact (2 percent) on the General Fund.[§]
- On a per acre basis, The Gulch and Lenox Village developments are both estimated to have a significantly larger positive impact on the General Fund than Bradford Hills. On average, The Gulch development is expected to have a net positive impact of \$116,000 per acre and Lenox Village is expected to have a net positive impact of \$780 per acre, compared to \$100 per acre for Bradford Hills. The Gulch’s greater positive impact reflects the fact that while new development in the downtown is more expensive to serve on a per-acre basis than Bradford Hills or even Lenox Village, these expenditures are outweighed by the higher per-acre revenues associated with the much higher density development.

‡ The Metropolitan Government of Nashville and Davidson County. (2012, August). “Metropolitan Nashville/Davidson County FY 2013 Operating Budget. p. J – 96. Available at http://www.nashville.gov/Portals/0/SiteContent/Finance/docs/OMB/citizens_budget/budgetbook/fy13/fy13_final_budget.pdf.

§ Net revenue between +5 and -5% of total revenue is considered a neutral fiscal impact.

FIGURE 7

Net general fund impact of development scenarios

	Bradford Hills	Lenox Village	The Gulch
Housing Units	538	1,715	4,552
Acreage	185	185	76

Revenue			
Property Tax-GSD	\$555,000	\$1,473,000	\$10,432,000
Property Tax-USD	\$0	\$0	\$2,714,000
Sales Tax	\$33,000	\$106,000	\$281,000
Other Recurring Revenues-GSD	\$286,000	\$723,000	\$1,778,000
Other Recurring Revenues-USD	\$0	\$0	\$151,000
Subtotal	\$874,000	\$2,302,000	\$15,356,000
Per Housing Unit	\$1,620	\$1,340	\$3,370
Per Acre	\$4,720	\$12,440	\$202,050

Costs			
Per Capita Expenditures-GSD	\$855,000	\$2,158,000	\$5,394,000
Per Capita Expenditures-USD	\$0	\$0	\$1,167,000
Subtotal	\$855,000	\$2,158,000	\$6,561,000
Per Housing Unit	\$1,590	\$1,260	\$1,440
Per Acre	\$4,620	\$11,660	\$86,330

Net Revenue	\$19,000	\$144,000	\$8,795,000
Per Housing Unit	\$30	\$80	\$1,930
Per Acre	\$100	\$780	\$115,720

Net Revenue as percent of total Revenue	2 percent	6 percent	57 percent
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Notes: Net revenue between +5 and -5 percent of total revenue is considered a neutral fiscal impact. Columns may not add due to rounding. Source: Strategic Economics, 2012.

Assumptions and methodology

General assumptions

Ongoing operations, maintenance, and service costs: The analysis evaluates the costs associated with providing ongoing city services such as police, fire, and operations and maintenance of infrastructure under the three development scenarios. The analysis does not assess the costs of capital improvements (i.e., new infrastructure and facilities) required to support development.

Static analysis of full development build-out: The analysis is “static,” as opposed to “dynamic.” It analyzes the annual fiscal impacts upon completion of development, rather than providing year-by-year estimates during construction.

General Fund impact: This analysis estimates potential impacts to the city’s General Fund. The Nashville-Davidson Metropolitan Government pays for many of its departmental activities through fees for service or other sources that do not go through the General Fund. For example, school services are included in the Metropolitan Government’s budget, but the expenditures are not paid for from the General Fund. Therefore the costs for providing school services and that portion of property tax revenues that are used to fund the services are not included in this analysis.

2012 dollars: The analysis is derived from the adopted budget for fiscal year (FY) 2012/13, and all outputs are reported in 2012 dollars.

General Services District (GSD) and Urban Services District (USD): The Nashville-Davidson Metropolitan Government has a tiered property tax rate and tiered service level depending on location. The General Services District (GSD) encompasses the entire County and pays a base tax rate. The Urban Services District (USD) was originally bound by the Nashville city limits at the time of establishment of the USD, but has since been expanded by annexation. The USD has an additional tax rate and an “enhanced” level of service for some services. The Gulch development is the only one of the three scenarios that falls within the USD and therefore pays the higher property tax rate and receives additional services.

Existing service population: To calculate certain costs and revenues on a per capita basis, an existing service population – or “daytime population” of residents and workers – must be established. For the purposes of this analysis, the residential population of the USD is included as 427,138, and the residential population of the GSD is included as a total of 626,681 (including the 427,138 in the USD), based on United States Census data provided by the Nashville Area Metropolitan Planning Organization. Employment within the USD is included as 456,810, and the total employment within the GSD is included as 631,938 (including the employment within the USD), again based on United States Census data provided by the Nashville Area Metropolitan Planning Organization.

Employee factor: Each worker is counted as producing 0.50 of the impacts of a resident for analytical purposes, since workers spend no more than half the time of a resident in the city, and are assumed to require fewer services in general (library, parks, etc.). This falls within industry-standard practices of counting employees as 0.25 to 0.5 of a resident for service needs.

Figure A1 shows the existing service population for the GSD and the USD.

FIGURE A1
Current Nashville-Davidson service population

Current Service Population	
Residents - GSD	626,681
Residents - USD	427,138
Employees - GSD	631,938
Employees - USD	456,810
Employee Factor	0.50
Total Service Population - GSD	942,650
Total Service Population - USD	655,543

Source: Census 2010 SF1 data for Blocks as modified by the Nashville Area MPO; InfoUSA (2012) as modified by the Nashville Area MPO; data provided by Nashville MPO.

Key land use assumptions

Figure A2, below, shows the key land use assumptions used to create the model. These land use assumptions were derived as follows:

Number of residential units and commercial square feet: These are drawn from the three development scenarios, as shown in the report's Figures 1, 3 and 5.

FIGURE A2
Key land use assumptions

Land Use	Units/Sq.Ft.			Value (per Unit / per sq. ft.)		
	Bradford Hills	The Gulch	Lenox Village	Bradford Hills	The Gulch	Lenox Village
Nonresidential (Square Feet)						
Commercial	39,120	2,110,530	67,150	\$165	\$253	\$198
Residential (Units)						
Single-Family Detached	538	0	572	\$191,350	N/A	\$222,600
Single-Family Attached	0	0	245	N/A	N/A	\$180,800
Multi-Family	0	4,552	898	N/A	\$280,000	\$119,900
Total	538	4,552	1,715			

Source: Colliers, 2012; Cassidy Turley, 2012; Nashville Downtown Partnership, 2012; Trulia, 2012; Strategic Economics, 2012.

Value per unit/per square foot:

- Commercial development: The value of commercial space (\$253/square foot in The Gulch, \$198/square foot in Lenox Village, and \$165/square foot Bradford Hills) was estimated

using the income capitalization approach. In this approach to property valuation, a building's anticipated operating expenses are removed from anticipated operating revenues to derive net operating income; this net operating income is then divided by a "capitalization rate," which is the ratio of net operating income to the property sale value expected in the general real estate market. This calculation is shown in Figure A3. Strategic Economics estimated average commercial rental rates at about \$1.92 per square foot for The Gulch, \$1.50 per square foot for Lenox Village, and \$1.25 per square foot for Bradford Hills, triple net**, based on local market reports for the Nashville area.

- **Residential units:** Estimated market values for residential units were based on recent sales in Bradford Hills, Lenox Village, and The Gulch. The pricing assumptions derived from the data are shown in Figure A4.

FIGURE A3
Pricing assumptions for commercial space

Assumptions		Bradford Hills	The Gulch	Lenox Village
Monthly Rent (NNN)	Per SF	\$1.25	\$1.92	\$1.50
Vacancy	Percent	9.0%	9.0%	9.0%
Non-Reimbursable Expenses	Percent	3.0%	3.0%	3.0%
Capitalization Rate	Percent	8.0%	8.0%	8.0%
Estimated Value				
Gross Annual Office Income	Per SF	\$15.00	\$23.00	\$18.00
Less Office Vacancy	Per SF	-\$1.35	-\$2.07	-\$1.62
Less Non-Reimbursable Exp	Per SF	-\$0.45	-\$0.69	-\$0.54
Net Operating Income	Per SF	\$13.20	\$20.24	\$15.84
Capitalized Value	Per SF	\$165.00	\$253.00	\$198.00

Source: Colliers, 2012; Cassidy Turley, 2012; Strategic Economics, 2012.

FIGURE A4
Pricing assumptions for residential units

Unit Type	Avg. Price/Sq. Ft.	Avg. Unit Size	Avg Price/Unit
Multi-family, The Gulch	\$350	800	\$280,000
Single-family detached, Bradford Hills	\$89	2,150	\$191,350
Multi-family, Lenox Village	\$109	1,100	\$119,900
Single-family attached, Lenox Village	\$113	1,600	\$180,800
Single-family detached, Lenox Village	\$106	2,100	\$222,600

Source: Nashville Downtown Partnership, 2012; Trulia, 2012; Strategic Economics, 2012.

** In a triple net lease, the tenant is responsible for a proportionate share of a building's property taxes, property insurance, and common area operating and utility expenses in addition to insurance, utility, cleaning and other costs associated with their own tenancy.

Jobs and population estimates

Many of the costs and revenues in the fiscal analysis were calculated based on the net increase in population and jobs resulting from build-out of the three development scenarios. In order to derive population and job estimates from the housing unit and square footage estimates of the potential development scenarios, Strategic Economics applied the following assumptions (summarized in Figure A5):

Single-family attached or detached household size: 2.52 persons per household, the current average household size for owner-occupied, detached or attached single-family units in Nashville, as reported by the 2011 American Community Survey.^{††}

Multi-family: 1.55 persons per household, the current average household size for owner-occupied units in buildings with 5 or more units in the Nashville, as reported by the 2011 American Community Survey.

Jobs per square foot: 500 square feet per employee.

The total assumed resident and employee population for each development scenario, based on the residential household sizes and employment densities described above, are shown in Figure A6.

FIGURE A5

Service population assumptions

Average Persons per Household	
Single-Family Attached or Detached	2.52
Multi-Family	1.55
Square Feet per Employee	
Commercial	500

Source: U.S. Census Bureau, 2011 American Community Survey; Strategic Economics, 2012.

^{††} U.S. Census Bureau. (2011). American Community Survey 1-Year Estimates.

FIGURE A6

Estimated new service population associated with development scenarios

Land Use	Bradford Hills	The Gulch	Lenox Village
Commercial			
Employees	78	4,221	134
Employee Factor	0.50	0.50	0.50
Service Population	39	2,111	67
Residents			
Single-Family Attached	0	0	618
Single-Family Detached	1,358	0	1,444
Multi-Family	0	7,052	1,391
Subtotal	1,358	7,052	3,454
Total Service Population	1,397	9,163	3,521

Source: Strategic Economics, 2012.

Estimating revenues

This section summarizes assumptions for property tax, sales tax, and other recurring General Fund revenues.

Property tax

Assessed value: According to the Davidson County Assessor of Property, property taxes in Tennessee are calculated using an assessment ratio applied to the appraised, or market value for properties.^{‡‡} To calculate assessed values, Strategic Economics used the market values shown in Figures A3 and A4 as the appraised values and then applied the appropriate assessment ratio. Figure A7 shows the total estimated appraised value for each land use alternative, by land use type. These values were based on units and square feet included in the development scenarios, multiplied by the per-square-foot and per-unit assumptions shown above in Figures A3 and A4. Figure A8 shows the total estimated assessed value for each land use alternative, by land use type. These values were based on the appraised values included in Figure A7, multiplied by the appropriate assessment ratio.

‡‡ Davidson County Assessor of Property. Available at http://www.padctn.com/estimatetaxes.htm#Tax_Calculator_Tool.

FIGURE A7

Appraised (market) property values of development scenarios, 2012 dollars

Land Use	Appraised Values		
	Bradford Hills	The Gulch	Lenox Village
Nonresidential			
Commercial	\$6,453,975	\$533,964,090	\$13,295,898
Residential			
Single-Family Detached	\$102,946,300	\$0	\$127,327,200
Single-Family Attached	\$0	\$0	\$44,296,000
Multi-Family	\$0	\$1,274,560,000	\$107,670,200

Sources: Strategic Economics, 2012.

FIGURE A8

Assessed property values of development scenarios, 2012 dollars

Land Use	Assessment Ratio	Assessed Values		
		Bradford Hills	The Gulch	Lenox Village
Nonresidential				
Commercial	40%	\$2,581,600	\$213,585,600	\$5,318,400
Residential				
Single-Family Detached	25%	\$25,736,600	\$0	\$31,831,800
Single-Family Attached	25%	\$0	\$0	\$11,074,000
Multi-Family	25%	\$0	\$318,640,000	\$26,917,600

Sources: Davidson County Assessor of Property, 2012; Strategic Economics, 2012.

Property tax rate: The Nashville-Davidson Metropolitan Government (Metro) has a tiered property tax rate and tiered service level depending on location. The GSD encompasses the entire Metro area and pays a base tax rate. As shown in Figure A9 the total property tax rate in the GSD is \$4.04, which includes a portion for school operation and debt service. The portion of the GSD tax rate dedicated to general purposes is \$1.96. The additional tax rate for the USD totals \$0.62, for a total combined tax rate within the USD of \$4.66. The portion of the USD tax rate dedicated to general purposes is \$0.51.

FIGURE A9

Property tax rates (per \$100 in assessed value), fiscal year 2012-2013

	Tax Rate
<u>General Services District (GSD)</u>	
General	\$1.96
Schools General Purpose	1.40
General Debt Service	0.43
Schools Debt Service	0.25
Subtotal - GSD	<u>\$4.04</u>
<u>Urban Services District (USD)</u>	
General	\$0.51
General Debt Service	0.11
Subtotal - USD	<u>\$0.62</u>
Combined USD/GSD rate	\$4.66

Source: Nashville-Davidson FY 2012-13 Budget; Strategic Economics, 2012.

Annual property tax revenue: Annual property tax revenues are shown below in Figure A10. These values were derived by multiplying assessed values shown in Figure A8 by the property tax rates for general purposes shown in Figure A9. Because the other portions of property tax revenues are used for debt service and school services, Strategic Economics excluded those revenues in order to include only revenues dedicated to the General Fund municipal services.

FIGURE A10

Annual property tax revenues, 2012 dollars

Land Use	Bradford Hills	Lenox Village	The Gulch
Nonresidential			
Commercial - GSD	\$50,600	\$104,200	\$4,186,300
Commercial - USD	0	0	1,089,300
Subtotal - Commercial	\$50,600	\$104,200	\$5,275,600
Residential			
Single-Family Detached - GSD	\$504,400	\$623,900	\$0
Single-Family Detached - USD	0	0	0
Single-Family Attached - GSD	0	217,100	0
Single-Family Attached - USD	0	0	0
Multi-Family - GSD	0	527,600	6,245,300
Multi-Family - USD	0	0	1,625,100
Subtotal	\$504,400	\$1,368,500	\$7,870,400
General Fund Property Tax Revenue - GSD	\$555,000	\$1,472,700	\$10,431,600
General Fund Property Tax Revenue - USD	0	0	2,714,400
Total General Fund Property Tax Revenue	\$555,000	\$1,472,800	\$13,146,000

Sources: Nashville-Davidson FY 2012-13 Budget; Strategic Economics, 2012.

Sales Tax

Taxable sales assumptions: Figure A11 shows the taxable sales assumptions used to estimate sales tax revenues for the development scenarios. Strategic Economics calculated taxable retail demand based on the projected number of households, rather than the amount of new retail provided in each scenario, because new supply (i.e., new retail square footage) does not necessarily create new demand. To estimate taxable sales, Strategic Economics used assumptions for the percent of income spent on retail and the percent of retail expenditures that are both taxable and captured within Nashville-Davidson (Figure A11). The estimate for the percent of income spent on retail (30 percent) is a rule of thumb assumption for how much of a household's income is used for retail expenditures. The estimate for the percentage of retail expenditures captured and taxable in Nashville-Davidson is a fairly conservative assumption that 60 percent of those retail expenditures are taxable and take place within the jurisdictional boundaries of Nashville-Davidson. The estimate assumes that the retail expenditures making up the other 40 percent are either untaxable and/or take place outside Nashville (e.g. retail sales that take place across jurisdictional boundaries or on websites). The analysis assumed that new employees associated with the commercial development in each scenario would not contribute significantly to taxable sales, to avoid double-counting workers who also live within the metro area.

Sales tax rate: The Nashville-Davidson Metropolitan Government receives 2.25 percent of taxable sales made within the Nashville-Davidson boundaries.

FIGURE A11

Taxable sales assumptions

Average Annual Median Household Income, Nashville-Davidson	\$46,141
Percent of Income Spent on Retail	30%
Average per Household Annual Retail Expenditure	\$13,842
Percent of Retail Expenditures Captured and Taxable in Nashville-Davidson	60%
Average per Household Taxable Expenditures Captured in Nashville-Davidson	\$8,305
Sales Tax Rate (Percent of Taxable Sales)	2.25%

Sources: U.S Census, 2011; Tennessee Department of Revenue, 2012; Strategic Economics, 2012.

Sales tax revenues: Sales tax revenues generated by residents were calculated by multiplying the number of households associated with each development scenario by the average per-household taxable sales captured in Nashville-Davidson (\$8,305 per household), and then by the applicable tax rate. Tennessee state law requires that at least half of the local sales tax be allocated to schools. Metro allocates two-thirds of local sales tax revenues to schools (including schools debt service) and one-third to the General Fund.^{§§} Therefore Strategic Economics estimated that one-third of the total local sales tax revenue estimated in the analysis would be allocated to the General Fund. The results are shown in Figure A12, below.

FIGURE A12

Annual sales tax revenue, 2012 dollars

	Bradford Hills	Lenox Village	The Gulch
Households	538	1,715	4,552
Estimated Taxable Retail Sales per Household	\$8,305	\$8,305	\$8,305
Sales Tax Rate	2.25%	2.25%	2.25%
Total Local Sales Tax Revenues	\$100,500	\$320,500	\$850,600
General fund portion of local sales tax	33%	33%	33%
General Fund Local Sales Tax Revenue	\$33,200	\$105,800	\$280,700

Sources: Nashville-Davidson FY 2012-13 Budget; Strategic Economics, 2012.

Other Recurring Revenues

Calculating recurring revenue per capita: In addition to the revenues discussed above, Metro's General Fund receives smaller amounts of revenue from sources such as Charges for Current Services and intergovernmental transfers. Strategic Economics applied a service population factor

§§ The Metropolitan Government of Nashville and Davidson County. (2012, August). "Metropolitan Nashville/Davidson County FY 2013 Operating Budget. p. A – 28. Available at http://www.nashville.gov/Portals/0/SiteContent/Finance/docs/OMB/citizens_budget/budgetbook/fy13/fy13_final_budget.pdf.

to each revenue category, representing the relative proportion of revenues attributable to new residents (1.0) and employees (0.50). Figure A13 shows the per capita revenue generated per resident and per employee by source for the GSD. Figure A14 shows the results for the GSD, based on multiplying the per capita resident and employee revenues by the number of residents and employees associated with each development scenario. Figure A15 shows the per capita revenue generated per resident and per employee by source for the USD. Figure A16 shows the results for the USD, based on multiplying the per capita resident and employee revenues by the number of residents and employees associated with each development scenario.

FIGURE A13

Other recurring revenues assumptions – GSD

	FY 2012-13	Service Pop. Factors		Revenue Per Capita	
		Resident	Employee	Resident	Employee
Other Taxes, Licenses, and Permits	\$96,672,400	1.00	1.00	\$76.81	\$76.81
Fines, Forfeits, and Penalties	\$11,514,300	1.00	0.50	\$12.21	\$6.11
Commissions and Fees	14,049,500	1.00	0.50	\$14.90	\$7.45
Charges for Current Services	28,490,000	1.00	1.00	\$22.64	\$22.64
Intergovernmental	\$75,154,100	1.00	0.50	\$79.73	\$39.86
Total Per Capita Revenues				\$206.29	\$152.87

Sources: Nashville-Davidson FY 2012-13 Budget; Strategic Economics, 2012.

FIGURE A14

Other annually recurring revenue, 2012 dollars – GSD

	Bradford Hills	The Gulch	Lenox Village
Residents	1,358	7,052	3,454
Employees	39	2,111	67
General Fund Revenue	\$286,100	\$1,777,500	\$722,700

Sources: Nashville-Davidson FY 2012-13 Budget; Strategic Economics, 2012.

FIGURE A15

Other recurring revenues assumptions – USD

	FY 2012-13	Service Pop. Factors		Revenue Per Capita	
		Resident	Employee	Resident	Employee
Other Taxes, Licenses, and Permits	\$8,305,500	1.00	1.00	\$9.40	\$9.40
Intergovernmental	\$4,182,900	1.00	0.50	\$6.38	\$3.19
Charges for Current Services	1,062,100	1.00	0.50	\$1.62	\$0.81
Total Per Capita Revenues				\$17.40	\$13.40

Sources: Nashville-Davidson FY 2012-13 Budget; Strategic Economics, 2012.

FIGURE A16

Other annually recurring revenue, 2012 dollars – USD

	Bradford Hills	The Gulch	Lenox Village
New Residents	1,358	7,052	3,454
New Employees	39	2,111	67
General Fund Revenue	\$0	\$151,000	\$0

Sources: Nashville-Davidson FY 2012-13 Budget; Strategic Economics, 2012.

Estimating expenditures

This section summarizes the methodology used to estimate major General Fund costs for both the GSD and USD.

Per Capita Expenditures

Strategic Economics applied a per capita model to estimate General Fund costs. In the model, certain General Fund costs are assumed to increase on a per capita basis as residents and employees are added in the development scenarios. Strategic Economics assumed that some costs are fixed and independent of population growth, but that some portion of each cost category is “variable”, or dependent on the size of the service population. For example, fixed costs are those that do not vary with growth, such as administrative costs, and variable costs are those that do vary with growth such as the costs associated with the number of police officers or firefighters. For the purposes of this analysis, Strategic Economics assumed that 50 percent of General Government costs are independent of the size of the service population (Figure A17). This assumption is based on the premise that half of general administrative costs will not increase with new population. Other cost categories, such as public safety, are more closely tied to changes in population and therefore are assumed to have a higher level of variable costs (90 percent). The assumptions for fixed and variable costs are based on previous experience with fiscal impact analysis and industry standards.

As with the revenues calculated on a similar basis, Strategic Economics applied a service population factor to each expense category, representing the relative proportion of expenses attributable to new residents (1.0) and employees (0.50). Figure A17 shows the per capita expenses generated by residents and employees within the GSD. Figure A18 summarizes the costs associated with each development scenario for the GSD. Figure A19 shows the per capita expenses generated by residents and employees within the USD. Figure A20 summarizes the costs associated with each development scenario for the USD.

FIGURE A17
 General fund expenditure assumptions – GSD

	FY 2012-13	% Variable	Variable Cost	Service Pop. Factors		Expenditures Per Capita	
				Resident	Employee	Resident	Employee
General Services District Expenditures							
General Government & Fiscal Administration	\$ 303,643,400	50%	\$151,821,700	1.00	0.50	\$161.06	\$80.53
Justice Administration & Law Enforcement	\$ 267,370,900	90%	\$240,633,810	1.00	0.50	\$255.27	\$127.64
Fire Department & EMS Services	\$ 47,562,300	90%	\$42,806,070	1.00	0.50	\$45.41	\$22.71
Public Works	\$ 30,932,600	90%	\$27,839,340	1.00	0.50	\$29.53	\$14.77
Regulation, Inspection, & Conservation	\$ 9,238,300	90%	\$8,314,470	1.00	0.50	\$8.82	\$4.41
Social & Health Services	\$ 26,481,500	90%	\$23,833,350	1.00	-	\$38.03	\$0.00
Libraries, Recreation, & Cultural	\$ 53,675,000	90%	\$48,307,500	1.00	-	\$77.08	\$0.00
Subtotal	\$ 738,904,000		\$543,556,240			\$615.21	\$250.05
Total Per Capita Expenditures						\$615.21	\$250.05

Sources: Nashville-Davidson FY 2012-13 Budget; Strategic Economics, 2012.

FIGURE A18
 Calculation of annual general fund costs - GSD, 2012 dollars

	Bradford Hills	The Gulch	Lenox Village
Residents	1,358	7,052	3,454
Employees	78	4,221	134
Increase in Net General Fund Expenditures	\$855,000	\$5,394,000	\$2,158,200

Sources: Nashville-Davidson FY 2012-13 Budget; Strategic Economics, 2012.

FIGURE A19
 General fund expenditure assumptions – USD

	FY 2012-13	% Variable	Variable Cost	Service Pop. Factors		Expenditures Per Capita	
				Resident	Employee	Resident	Employee
Urban Services District Expenditures							
General Government & Fiscal Administration	\$ 29,464,100	50%	\$14,732,050	1.00	0.50	\$22.47	\$11.24
Fire Department & EMS Services	\$ 60,919,100	90%	\$54,827,190	1.00	0.50	\$83.64	\$41.82
Public Works	\$ 15,512,200	90%	\$13,960,980	1.00	0.50	\$21.30	\$10.65
Subtotal	\$ 105,895,400		\$83,520,220			\$127.41	\$63.70
Total Per Capita Expenditures						\$127.41	\$63.70

Sources: Nashville-Davidson FY 2012-13 Budget; Strategic Economics, 2012.

FIGURE A20
 Calculation of annual general fund costs - USD, 2012 dollars

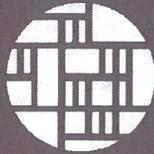
	Bradford Hills	The Gulch	Lenox Village
Residents	1,358	7,052	3,454
Employees	78	4,221	134
Increase in Net General Fund Expenditures	\$0	\$1,167,400	\$0

Sources: Nashville-Davidson FY 2012-13 Budget; Strategic Economics, 2012.

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Smart Growth America

Making Neighborhoods Great Together

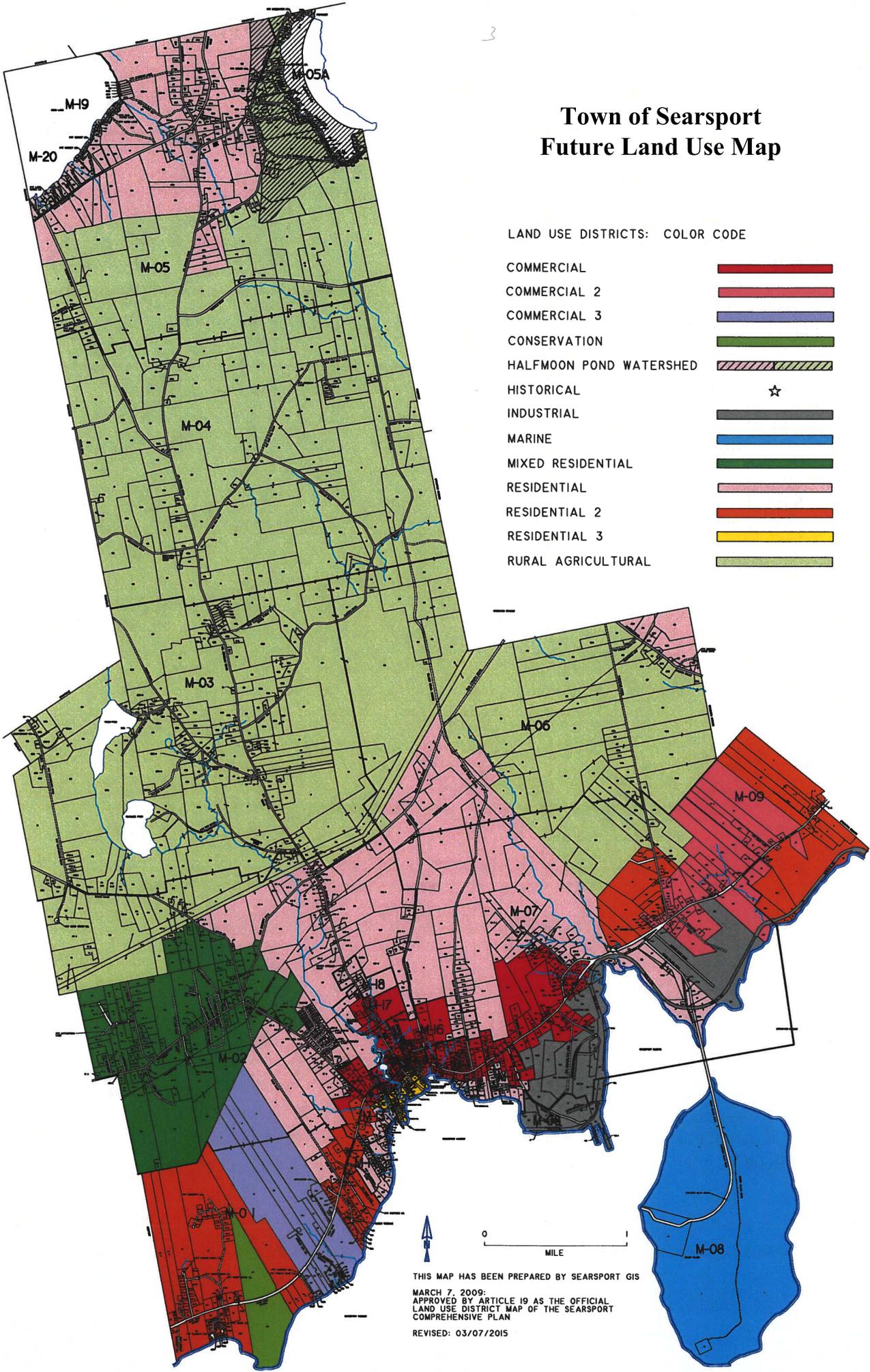
Smart Growth America advocates for people who want to live and work in great neighborhoods. We believe smart growth solutions support thriving businesses and jobs, provide more options for how people get around and make it more affordable to live near work and the grocery store. Our coalition works with communities to fight sprawl and save money. We are making America's neighborhoods great together.

Smart Growth America is the only national organization dedicated to researching, advocating for and leading coalitions to bring smart growth practices to more communities nationwide. Visit us online at www.smartgrowthamerica.org.

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Appendix 14 - Existing Land Use

Town of Searsport Future Land Use Map



THIS MAP HAS BEEN PREPARED BY SEARSPORT GIS
 MARCH 7, 2009;
 APPROVED BY ARTICLE 19 AS THE OFFICIAL
 LAND USE DISTRICT MAP OF THE SEARSPORT
 COMPREHENSIVE PLAN
 REVISED: 03/07/2015

TOWN OF SEARSPORT LAND USE ORDINANCE

Land Use Ordinance Table of Contents

SECTION I:	5
A. TITLE.....	5
B. AUTHORITY	5
C. PURPOSES	5
D. APPLICABILITY	6
E. CONFLICT WITH OTHER ORDINANCES	6
F. SEVERABILITY	6
G. AMENDMENTS	6
H. EFFECTIVE DATE.....	7
I. EFFECT OF THIS ORDINANCE.....	7
SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS.....	7
A. BURDEN OF PROOF	7
B. CONTINUANCE	8
C. NON-CONFORMING LOTS OF RECORD.....	9
D. TRANSFER OF OWNERSHIP	9
SECTION III: ESTABLISHMENT OF DISTRICTS	9
A. DISTRICTS ESTABLISHED	9
B. DISTRICTS SUBJECT TO THIS ORDINANCE.....	10
C. DISTRICTS NOT DESCRIBED IN SECTION IV.....	10
1. CONSERVATION DISTRICT (CD).....	10
2. HALFMOON POND WATERSHED OVERLAY DISTRICT (HPOD).....	10
3. HISTORIC OVERLAY DISTRICT (H)	11
D. OFFICIAL DISTRICT BOUNDARY MAP	16
E. INTERPRETATION OF DISTRICT BOUNDARIES	17
F. AMENDMENTS TO DISTRICT BOUNDARIES	17

SECTION IV - DISTRICT ATTRIBUTES	18
A. ACTIVITIES DESCRIBED	18
C. USES SUBSTANTIALLY SIMILAR TO PERMITTED USES SHALL BE PERMITTED	18
COMMERCIAL DISTRICT (C):	19
COMMERCIAL 2 DISTRICT (C2):	21
COMMERCIAL 3 DISTRICT (C3):	23
INDUSTRIAL DISTRICT (I):	25
MARINE DISTRICT (M):	27
MIXED RESIDENTIAL DISTRICT (MR):	28
RESIDENTIAL DISTRICT (R):	30
RESIDENTIAL 1 DISTRICT (R1):	31
RESIDENTIAL 2 DISTRICT (R2):	32
RESIDENTIAL 3 DISTRICT (R3):	33
RURAL AGRICULTURAL RESIDENTIAL DISTRICT (RAR):	34
SECTION V: LAND USE STANDARDS	36
A. GENERAL PERFORMANCE STANDARDS	36
B. SPECIFIC PERFORMANCE STANDARDS	37
SECTION VI: ADMINISTRATION OF THIS ORDINANCE	39
A. CREATION OF ADMINISTERING BODIES AND AGENTS	39
B. APPROVAL REQUIRED	40
C. APPLICATION REQUIRED	40
D. CODE ENFORCEMENT OFFICER PERMIT	40
E. APPLICATION AND REVIEW PROCEDURES	41
F. OTHER PERMITS REQUIRED BEFORE APPROVAL	42
G. POSITIVE FINDINGS REQUIRED	42
H. CERTIFICATE OF OCCUPANCY REQUIRED	43

I. VIOLATIONS AND ENFORCEMENT	43
J. APPEALS	44
K. FEE SCHEDULE.....	44
SECTION VII: DEMOLITION	45
SECTION VIII: DEFINITIONS	47
A. CONSTRUCTION OF LANGUAGE.....	47
B. DEFINITIONS	47

TOWN OF SEARSPORT LAND USE ORDINANCE

SECTION I:

A. TITLE

This Ordinance shall be known as and may be cited as the "Land Use Ordinance of the Town of Searsport, Maine", and will be referred to herein as the "Ordinance".

B. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the Maine Constitution and Title 30-A, Section 4352 and Section 3001 of the Maine Revised Statutes Annotated.

C. PURPOSES

The purposes of the Ordinance are as follows:

1. **COMPREHENSIVE PLAN IMPLEMENTATION:** To implement the policies and recommendations of the Searsport Comprehensive Plan;
2. **PROTECTION OF THE GENERAL WELFARE:** To assure the comfort, convenience, safety, health and welfare of the present and future inhabitants of the Town of Searsport;
3. **PRESERVATION OF THE TOWN CHARACTER:** To preserve and protect the character of Searsport by dividing the Town into districts according to the use of land and buildings and the intensity of such uses;
4. **PROTECTION OF THE ENVIRONMENT:** To protect and enhance the natural, cultural, and historic resources of the Town from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment;
5. **PROMOTION OF COMMUNITY DEVELOPMENT:** To promote the development of an economically sound and stable community;
6. **REDUCTION OF TRAFFIC CONGESTION:** To lessen the danger and congestion of traffic on roads and highways, limit excessive numbers of intersections, driveways, and other friction points, minimize hazards, and ensure the continued usefulness of all elements of the existing transportation systems for their planned function;

7. **BALANCING OF PROPERTY RIGHTS:** To protect property rights and values by balancing the rights of landowners to use their land with the corresponding rights of abutting and neighboring landowners to enjoy their property without undue disturbance from abutting or neighboring uses;

8. **REDUCTION OF FISCAL IMPACT:** To provide a means of evaluating development proposals to determine their fiscal impacts on the municipality's ability to provide and improve necessary public facilities and services; and

9. **ESTABLISHMENT OF PROCEDURES/STANDARDS:** To establish procedures whereby the Town Officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; to provide a public hearing process through which interested persons may raise questions and receive answers regarding how such developments may affect them; and to provide procedures whereby aggrieved parties may appeal decisions made under this Ordinance.

D. APPLICABILITY

This Ordinance shall apply to all land areas within the Town of Searsport except for those areas to which the Searsport Shoreland Zoning Ordinance applies. All buildings or structures hereinafter constructed, reconstructed, altered, enlarged, or moved, and the uses of buildings and land, including the division of land, shall be in conformity with the provisions of this Ordinance. Existing or future buildings, structures, or land areas can be used for any purpose or in any manner as provided for in this Ordinance. A non-conforming use, lot of record or structure as of the effective date of this Ordinance may continue.

E. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, or ordinance, the provision that imposes the most restrictive or higher standards shall govern.

F. SEVERABILITY

In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

G. AMENDMENTS

1. INITIATION

An amendment to this Ordinance may be initiated by one of the following:

- a. The Planning Board, provided a majority of the board has so voted.
- b. Request of Board of Selectpersons to the Planning Board.

c. Written petition of 10% of the number of registered voters who voted in the most recent gubernatorial election, in accordance with 30-A M.R.S.A. § 2522 or 2528.

d. An individual may initiate an amendment through any of the above methods.

2. HEARINGS

All proposed amendments shall be referred to the Planning Board for their recommendation. The Planning Board shall hold a public hearing at least 30 days before the town meeting vote on any proposed amendment, and shall make a written recommendation to the Board of Selectmen within 30 days from the public hearing.

3. MAJORITY VOTE

After receiving the recommendation of the Planning Board, the amendment may be adopted or rejected by majority vote of the voters at an Annual Town Meeting.

H. EFFECTIVE DATE

This Ordinance, when adopted, and any amendments thereto, shall be effective immediately following its/their adoption or approval at an Annual Town Meeting. A copy of this Ordinance, certified by the Town Clerk shall be filed with the Town Clerk and the Waldo County Registry of Deeds.

I. EFFECT OF THIS ORDINANCE

This Ordinance is a substantial revision of the Land Use Ordinance dated March 10, 2012. It is the intention and direction of this Section that if any revision set forth in this Ordinance is held to be invalid or void in its entirety, then the previously enacted provision shall be automatically revived.

SECTION II: NON-CONFORMING STRUCTURES, USES AND LOTS

The intent of this Ordinance is to allow continued use of property and not to cause harm or undue hardship to property owners.

A. BURDEN OF PROOF

When an owner of any non-conforming structure, use or lot seeks to establish that such structure, use or lot is a lawfully existing non-conforming structure, use or lot as defined in this Ordinance, the burden of proof shall be upon said owner.

B. CONTINUANCE

Any building, structure, or parcel of land, which is made non-conforming by reason of the enactment of this Ordinance, or which shall be made non-conforming by reason of a subsequent amendment, may be continued, subject to the following provisions:

1. EXISTING NON-CONFORMING STRUCTURES

Continuance of non-conforming structures shall be subject to the following provisions:

- a. No non-conforming structure shall be enlarged or altered in any way that increases its non-conformity except as noted in Paragraph 2 below;
- b. Should any non-conforming structure be destroyed or damaged by any means, exclusive of an intentional demolition, said structure may be rebuilt on the existing footprint to the dimensions of the structure which was destroyed provided rebuilding is begun within eighteen months; and
- c. A non-conforming structure may be moved within a lot in a manner that would decrease its non-conformity in terms of setback requirements, provided that the Planning Board finds that the change in location is appropriate in regards to:
 - i. Location and character;
 - ii. Fencing and screening;
 - iii. Landscaping, topography, and natural features;
 - iv. Traffic and access;
 - v. Signs and lighting; and
 - vi. Potential nuisance.

2. EXISTING NON-CONFORMING USE OF STRUCTURES AND/OR LAND

Continuance of non-conforming use of structures and/or land shall be subject to the following provisions:

- a. No structure devoted to a non-conforming use shall be enlarged or extended by more than a total of 50% of the existing square footage as of March 10, 2007 or the date the structure was built, if after March 10, 2007.
- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of the adoption or amendment of this Ordinance, but no such uses shall be extended to occupy any land outside such building other than in conformance with (a) above.
- c. Any non-conforming use of a structure or premises may be changed to another nonconforming use provided that the Planning Board shall find that the proposed use is at least as consistent with the District's purpose as the existing non-conforming use. At no time shall a use be permitted which is less conforming than the previous non-conforming use;
- d. If a non-conforming use of a structure or premises is superseded by a permitted use, the non-conforming use shall not thereafter be resumed;

e Should any use, subject to the provisions of this Ordinance, be discontinued for two continuous years, such same use may not commence again without an approval of the Code Enforcement Officer.

f. A non-conforming use of land or a structure housing an existing non-conforming use may be moved to a different location within the same lot, provided that the Planning Board finds that the change in location is appropriate in regards to:

- i. Location and character;
- ii. Fencing and screening;
- iii. Landscaping, topography, and natural features;
- iv. Traffic and access;
- v. Signs and lighting; and
- vi. Potential nuisances.

3. CONSTRUCTION BEGUN PRIOR TO ORDINANCE

This Ordinance shall not require any change in the plans, construction, size, or designated use for any building, structure, or part thereof for which a completed application for a local permit has been made, provided application has been subject to substantive review, or a permit has been issued and upon which construction has been lawfully commenced prior to the adoption or amendment of the Ordinance. In such instances construction must start within one year after the issuance of the permit.

C. NON-CONFORMING LOTS OF RECORD

A single parcel of land, the legal description of which or the dimensions of which are recorded on a document or map recorded in the Registry of Deeds, which at the effective date of adoption or subsequent amendment of this Ordinance does not meet the lot area or width requirements or both, of the district in which it is located, may be built upon as an existing non-conforming lot of record provided that all other provisions of this Ordinance are met.

D. TRANSFER OF OWNERSHIP

Ownership of lots, uses and structures that remain lawful but become non-conforming by the adoption or amendment of the Ordinance may be transferred and the new owner may continue to occupy or use the same subject to the provisions of this Ordinance.

SECTION III: ESTABLISHMENT OF DISTRICTS

A. DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the Town of Searsport is hereby divided into the following districts:

- Commercial District (C)
- Commercial 2 District (C2)
- Commercial 3 District (C3)
- Conservation District (CD)
- Halfmoon Pond Watershed Overlay District (HPOD)
- Historic Overlay District
- Industrial District (I)
- Marine District (M)

- Mixed Residential District (MR)
- Residential District (R)
- Residential District 1 (R1)
- Residential 2 District (R2)
- Residential 3 District (R3)
- Rural Agricultural Residential District (RAR)

B. DISTRICTS SUBJECT TO THIS ORDINANCE

Details of the following Districts are contained in Section IV

- Commercial District
- Commercial 2 District
- Commercial 3 District
- Industrial District
- Marine District
- Mixed Residential District
- Residential District
- Residential District 1
- Residential District 2
- Residential District 3
- Rural Agricultural District

C. DISTRICTS NOT DESCRIBED IN SECTION IV

1. CONSERVATION DISTRICT (CD)

a. PURPOSE

The purpose of the Conservation District is to encompass areas of the community that are currently owned by the State of Maine and are designated as a state park, and areas of . The Conservation District is not subject to regulation by the Town.

b. AREAS INCLUDED

The location of the Conservation District is illustrated on the Official District Boundary Map of the Town of Searsport.

2. HALFMOON POND WATERSHED OVERLAY DISTRICT (HPOD)

a. PURPOSE

The purpose of the Halfmoon Pond Watershed District is to prevent deterioration of the pond's water quality which has been experienced in the past.

b. AREAS INCLUDED

The location of the Halfmoon Pond Watershed Overlay District is illustrated on the Official District Boundary Map of the Town of Searsport.

c. PROHIBITED USES:

The following uses are prohibited:

Campgrounds

Commercial or retail uses

Mineral extraction industry

Furniture stripping and wood preserving

Golf courses

Industrial uses

Junkyards

Landfills

Manufacture, use, storage, or disposal of solid waste, hazardous materials

Commercial motor vehicle service, repair, storage, or salvage

Operation of gas or diesel equipment on Halfmoon Pond

Truck Terminals

Underground storage of petroleum or hazardous materials

Use of chemical pesticides or herbicides

Warehouses, storage units

Uses similar to prohibited uses

- d. In the Halfmoon Pond Watershed Overlay District, in order to minimize phosphorous runoff and other deleterious impact on water quality, the following additional resource protection measures will be required:**

Tilling is not permitted within 500 feet of the normal high water mark of Halfmoon Pond or within 250 feet of its tributaries.

Land application of sludge and other process wastes is prohibited in the Watershed Overlay District.

3. HISTORIC OVERLAY DISTRICT (H)

a. PURPOSE

The purpose of the Historic Overlay District is to acknowledge and ensure the long-term preservation of historical structures listed on the National Register of Historic Places and not to regulate land use. Please refer to the appropriate "overlay" district. This district applies only to properties listed on the National Register of Historic Places and designated on the Official District Boundary Map of the Town of Searsport.

b. The following described lands, buildings or structures or areas of the Town which are designated historic districts, historic sites or historic landmarks, as follows:

Historic Districts.

Penobscot Marine Museum Historic District

Congregational Church Vestry

Old Searsport Town Hall

Captain Merithew House

Nickel-Colcord, Duncan House

Fowler-True-Ross House

Searsport Downtown Historic District

Bank Building Map 12 Lot 36

Sargent Block Map 12 Lot 35

Nichols Block Map 12 Lot 34

Ice Cream Parlor Map 12 Lot 32

Richard Smart Building Map 12 Lot 31

Marrithew Block Map 12 Lots 27 & 26

Methodist Church Map 12 Lot 23

Smart Block Map 15 Lot 23

Leach Block Map 15 Lot 44

Pendelton Block Map 15 Lot 45 & 47

Whitcomb Block Map 15 Lot 47

East Main Street Historic District

Captain John Nichols House

Captain John McGilvery House

Captain William McGilvery House

Captain John P. Nichols

Captain A. V. Nichols

Historic Landmark- Reserved

Historic Site

Union Hall

Mortland Family Home

Union School, Mt. Ephraim Rd.

Carver Memorial Library

James G. Pendleton House, 81 West Main St.

College Club Inn, 190 West Main St.

c. CRITERIA FOR ESTABLISHMENT OF HISTORIC DISTRICTS, HISTORIC SITES, INDIVIDUAL HISTORIC PROPERTIES AND HISTORIC LANDMARKS

GENERAL

One (1) or more of the following characteristics, without limitation as to cultural or chronological period, shall serve to qualify an historic district, historic site, individual historic property, historic landmark or archaeological site, as defined in Section VIII of this Ordinance, to be established in accordance with this Ordinance:

Structures or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social or sociological history of Searsport and the nation, including sites and buildings at which the public may gain insight.

Structures or sites importantly associated with historic personages.

Structures or sites importantly associated with historic examples of a great idea or ideal. Structures or structural remains and sites embodying examples of architectural types of specimens valuable for study or representation of a period, style, or method of building construction, of community organization and living or of landscaping; or a single notable structure or a single site representing the work of a master builder, designer, architect or landscape architect.

Structures contributing to the visual continuity of an historic district.

Structures or sites listed on or eligible for listing on the National Register of Historic Places and structures or sites listed as or eligible for listing as a National Historic Landmark.

d. DISTRICT STANDARDS

Where any property included within the Historic Overlay District is the subject of a land use approval under this or any other Searsport ordinance, the application may be referred to the Historic Preservation Committee, which may make findings as to whether the following standards will be met by the development. On the recommendation of the Planning Board or the Code Enforcement Officer, the Board of Selectmen may appoint expert persons to serve in an advisory position or on a consultant basis to assist the Planning Board or Code Enforcement Officer in the performance of their functions. Such person or persons need not be residents of the Town and may, by authorized prearrangement with the Planning Board or Code Enforcement Officer and Selectmen, receive compensation. Such findings shall be advisory to the Code Enforcement Officer or Planning Board, which shall make final determinations and may place reasonable conditions related to these standards.

i. Every reasonable effort shall be made maintain the integrity of existing buildings, structures or grounds, giving due consideration to the economic feasibility of maintaining such buildings, structures or grounds.

ii. The distinguishing original qualities of character of a building, structure or site shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided when reasonably possible.

iii. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis should be avoided when reasonably possible.

iv. Distinctively stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be retained wherever feasible.

v. Deteriorated architectural features shall be repaired rather than replaced, wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture, color, and other visual qualities. Repair or replacement of missing

architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

vi. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall be avoided when possible.

e. PLANNING BOARD APPROVAL NEEDED

i. The following changes to buildings, structures and sites in the Historic Overlay District or listed on the National Register of Historic Places will require Planning Board approval.

ii. Any change in the exterior appearance of an historic landmark, an historic site or any building in an historic district if such change requires a building or sign permit from the Code Enforcement Officer.

iii. New construction of a principal or accessory building or structure visible from a public street where such building or structure will be located in an historic district.

iv. Moving of an historic landmark or any building in an historic district.

v. Any change, except minor repair, in siding materials, roofing materials, door and window sash and integral decorative elements, such as, but not limited to, cornices, brackets, window architraves, doorway pediments, railing, balusters, columns, cupolas and cresting and roof decorations.

vi. Other improvements or alterations to the site where a historic landmark, historic site or building in a historic district is located which require Planning Board approval.

f. STANDARDS OF EVALUATION

The standards and requirements contained in this section and the Secretary of the Interior's Standards for Rehabilitation (1990 Edition) and the Secretary of the Interior's Standards for the Treatment of Historic Properties (1995 Edition) shall be used in review of applications.

i. Construction of new buildings and structures in historic district. The construction of a new building or structure within an historic district shall be generally of such design, form, proportion, mass, configuration, building material, texture, color and location on a lot as will be compatible with other buildings in the historic district and with streets and open spaces to which it is visually related and in keeping with the area.

ii. Visual compatibility factors for new construction and additions. Within historic districts, historic sites or historic landmarks, all new construction and all new additions shall be visually related generally in terms of the following factors:

(1). Height. The height of proposed buildings shall be compatible with adjacent buildings.

- (2). Proportion of building's front facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings, structures and open spaces where it is visually related.
 - (3). Proportion of openings within the facade. The relationship of the width of the windows to the height of windows and doors in a building shall be visually compatible with that of windows and doors of buildings to which the building is visually related.
 - (4). Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with that of the buildings to which it is visually related.
 - (5). Rhythm of spacing of buildings on streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with that prevailing in the area to which it is visually related.
 - (6). Rhythm of entrance and/or porch projection. The relationship of entrances and porch projections to sidewalks of a building shall be visually compatible with that of buildings to which it is visually related.
 - (7). Relationship of materials and textures. The relationship of the materials and textures of the facade of a building shall be visually compatible with that of the predominant materials used in the buildings to which it is visually related.
 - (8). Roof shapes. The roof shape of a building shall be visually compatible with that of the buildings to which it is visually related.
 - (9). Scale of building. The size of the building, the building mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with those characteristics of buildings and spaces to which it is visually related.
 - (10). Directional expression of front elevation. A building shall be visually compatible with the building, squares and places to which it is visually related in its directional character, whether this shall be vertical character, horizontal character or nondirectional character.
- iii. Standards for renovations, alterations and repairs of existing buildings, structures and appurtenances thereof.

(1) Within historic districts, historic sites and historic landmarks, the Board shall use the standards listed below in the evaluation of an application for all renovations, alterations and repairs of existing buildings, structures and appurtenances thereof:

- (a) Every reasonable effort shall be made to provide a compatible use which will require minimum alteration to the structure and its environment.
- (b). Rehabilitation work shall not destroy the distinguishing qualities nor character of the structure and its environment. The removal or alteration of any historic material or architectural features should be held to a minimum.
- (c). Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on physical or pictorial evidence rather than on conjectural designs or the availability of different architectural features from other buildings.
- (d). Distinctive stylistic features or examples of skilled craftsmanship which characterize historic structures and often predate the mass production of building materials shall be treated with sensitivity.

(e). Changes which may have taken place in the course of time are evidence of the history and development of the structure and its environment, and these changes shall be recognized and respected.

(f). All structures shall be recognized as products of their own time. Alterations to create an earlier appearance shall be discouraged.

(g). Contemporary design for additions to existing structures shall be encouraged if such design is compatible with the size, scale, material and character of the neighborhood, structures or its environment.

(h). Wherever possible, new additions or alterations to structures shall be done in such a manner that if they were to be removed in the future the essential form and integrity of the original structure would be unimpaired.

(2). In determining compliance with these standards, the Board shall be guided, although not bound, by the Guidelines for Applying the Secretary of the Interior's Standards for Rehabilitation and the Secretary of the Interior's Standards for the Treatment of Historic Properties.

g. Exceptional circumstances.

The Board may approve an application where the standards otherwise set forth in this section are not met but where the Board determines that failure to approve the application would result in undue hardship to the owner of the property. Before the Board may issue a certificate under this subsection, the records must show the following:

The property cannot yield a reasonable economic return or the owner cannot make any reasonable use of the property. Reasonable economic return shall not be construed to mean a maximum return, and any reasonable use shall not be construed to mean the highest and best use.

h. Ordinary maintenance permitted; public safety.

Ordinary maintenance permitted. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior feature in an historic district or of any historic landmark which does not involve a change in the design, material or outer appearance thereof.

Safety. Nothing in this section shall prevent the construction, reconstruction, alteration, restoration or demolition of any feature which the Code Enforcement Officer shall certify is required by the public safety because of an unsafe or dangerous condition.

D. OFFICIAL DISTRICT BOUNDARY MAP

Districts established by this Ordinance are bounded and defined as shown on the official "District Boundary Map of Searsport, Maine". The following rules of interpretation shall apply:

The official copy of the map shall be that map which bears the certification that it is true and correct, signed by the Chairman of the Planning Board and attested by the Town Clerk and on file in the office of the Town Clerk. The official "District Boundary Map of Searsport, Maine" shall be given precedence over any District description in this Ordinance.

E. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to boundary lines of Districts as shown on the official "District Boundary Map of Searsport", the following rules of interpretation shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, public utilities or right of ways shall be construed as following such center lines
2. Boundaries indicated as being approximately following shorelines of any lake or pond shall be construed as following the normal high water mark;
3. Boundaries indicated as being the extension of centerlines of streets shall be construed to be the extension of such centerlines;
4. Boundaries indicated as approximately following the centerlines of streams, rivers or other continuous flowing watercourses shall be construed as following the channel center line of such watercourses;
5. Boundaries indicated as being parallel to or extension of features listed above shall be so construed. Distances not specifically indicated on the official map shall be determined by the scale of the map;
6. Where physical or cultural features existing on the ground are at variance with those shown on the official map, or in other circumstances where uncertainty exists with respect to the location of a boundary, the Planning Board shall interpret the district boundaries.

F. AMENDMENTS TO DISTRICT BOUNDARIES

The Board of Selectmen, of its own initiative, and the Planning Board or any property owner may petition for a change in the boundary of any District. No change in a District boundary shall be approved without a duly authorized majority vote at an Annual Town Meeting. A warrant article shall not be presented for consideration without written findings of fact from the Planning Board, upon substantial evidence, that:

1. The change would be consistent with: the standards of the District boundaries in effect at the time; the Comprehensive Plan; and the purpose, intent, and provisions of this Ordinance; and
2. The change in District boundaries will satisfy a demonstrated need in the community and will have no undue adverse impact on existing uses or resources; or that a new District designation is more appropriate for the protection and management of existing uses and resources within the affected area. The Planning Board will not act upon petition for a change in District boundaries unless notice is first given to all owners of land abutting or located within 1000 feet of the parcel for which a change in boundaries is sought. The Planning Board may require, as a part of any petition for a change in District boundaries, that the petitioner submit the names and addresses of all such surrounding landowners as well as notify all registered voters if the change is deemed to have a potential town-wide impact.

SECTION IV - DISTRICT ATTRIBUTES

This section contains District descriptions, permitted uses and dimensional requirements applicable to new construction or uses.

A. ACTIVITIES DESCRIBED

The various land uses contained herein are organized according to the following seven (7) activity classifications:

1. Resource Management Activities
2. Resource Extraction Activities
3. Residential Activities
4. Institutional Activities
5. Commercial Activities
6. Industrial Activities
7. Transportation Activities

B. CATEGORIES OF USES

1. Uses Allowed without a Permit
2. Use Requires Code Enforcement Review/Permit
3. Use Requires Planning Board Review/Permit

C. USES SUBSTANTIALLY SIMILAR TO PERMITTED USES SHALL BE PERMITTED

1. **USES ALLOWED WITHOUT A PERMIT:** Uses substantially similar to those allowed without a permit but are not listed herein shall be permitted upon a ruling by the Code Enforcement Officer that such use is substantially similar to uses listed.
2. **USES REQUIRING A CODE ENFORCEMENT OFFICER PERMIT:** Uses substantially similar to those requiring a Code Enforcement Officer permit but which are not listed herein shall be permitted by the Code Enforcement Officer.
3. **USES REQUIRING A PLANNING BOARD PERMIT:** Uses substantially similar to those requiring a Planning Board permit but which are not listed herein shall be permitted by the Planning Board.
4. In determining whether a use is substantially similar to a permitted use, the reviewing authority shall consider the nature of the use and its intensity, in terms of traffic, noise, odor, type of goods manufactured or sold or services offered (if applicable).

D. COMPLIANCE WITH PERFORMANCE STANDARDS REQUIRED

All uses permitted must occur and be maintained in compliance with the applicable requirements and performance standards contained in Section V.

COMMERCIAL DISTRICT (C): The Purpose of the Commercial District is to encourage development of commercial uses while planning carefully to avoid conflicts with residential and other uses, and to inhibit strip development and dense sprawl along Route One. The location of the Commercial District is illustrated on the Official District Boundary Map of the Town of Searsport.

<p>The following uses/activities are allowed in the Commercial District.</p> <p><u>RESOURCE MANAGEMENT</u></p> <p>Uses allowed without review/permit:</p> <ul style="list-style-type: none"> a) Forest and agricultural management activities b) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected c) Surveying and other resource analysis d) Wildlife/fishery management practices <p><u>RESOURCE EXTRACTION</u></p> <p>Uses allowed without review/permit:</p> <ul style="list-style-type: none"> a) Commercial timber harvesting <p>Code Enforcement Officer review/permit required:</p> <ul style="list-style-type: none"> a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells b) Production of commercial agricultural products. <p><u>RESIDENTIAL</u></p> <p>Uses allowed without review/permit:</p> <ul style="list-style-type: none"> a) In-Law apartment <p>Police Department review/permit:</p> <ul style="list-style-type: none"> a) Yard, porch, barn, garage sale <ul style="list-style-type: none"> (a) Each sale no more than 3 consecutive days (b) 1 sale per year to a residence b) On-Site auction sale <ul style="list-style-type: none"> (a) Each sale no more than 2 consecutive days (b) 1 sale per year to a residence <p>Code Enforcement Officer review/permit required</p> <ul style="list-style-type: none"> a) Dwelling – single-family detached b) Dwelling – multi-family: two unit or duplex. c) Home occupations <p>Planning Board review required</p> <ul style="list-style-type: none"> a) Boarding care 	<p><u>INSTITUTIONAL</u></p> <p>Planning Board review required</p> <ul style="list-style-type: none"> a) Churches b) Day care centers c) Fraternal Orders and Service Clubs d) Government Facilities and Services e) Medical Clinic f) Museum g) Nursing Homes h) Public and private schools, post-secondary education facilities <p><u>COMMERCIAL</u></p> <p>Police Department review/permit:</p> <ul style="list-style-type: none"> Outdoor Yard, porch, barn, garage sale <p>Planning Board review required</p> <ul style="list-style-type: none"> a) Apartment Complex 3+ units b) Auction hall, flea market c) Automobile body repair, service, sales and supplies d) Bait & tackle sales, sporting goods sales e) Banks/credit unions f) Bar/pub g) Beauty shops h) Bed & breakfast, motel/hotel/inns i) Boat storage facilities, yard j) Campground k) Commercial fishing operations l) Commercial & non-commercial vessel berthing m) Craft/gift, tradesman shop, art gallery, antique shop n) Fishing, diving, and sailing shop/instruction o) Florist shop, greenhouse p) Fuel sales – commercial & motor vehicle retail fuels q) Funeral home r) Grocery store, supermarket s) Marina, marine office, harbor supply & services, chandlery t) Marine vessel repair, service, sales & rental
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<p>b) Dwelling unit: in a commercial establishment c) Dwelling - multi-family; 3 or more families, including apartments</p>	<p>u) Professional offices, office complex v) Radio station (Continued – next page)</p>
<p><u>COMMERCIAL</u> (Continued) Planning Board review required w) Recreation facilities x) Recreation vehicles sales and service y) Redemption center z) Research & Development facilities aa) Restaurant bb) Retail establishments cc) Shipbuilding dd) Seafood distribution ee) Tugboat, fireboat, pilot boat & similar services ff) Veterinary clinic/hospital gg) Video rentals hh) Warehouse/storage facility</p> <p><u>INDUSTRIAL</u> Planning Board review required a) Light Manufacturing Assembly Plant up to 10,000 sq. ft. b) Wholesale business facility up to 10,000 sq. ft</p> <p><u>TRANSPORTATION AND UTILITIES</u> Code Enforcement Officer review/permit required: a) Land management roads and water crossings of standing waters and of minor and major flowing waters</p> <p>Planning Board review required a) Inter modal transportation facilities b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review</p> <p>Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.</p>	<p><u>DIMENSIONAL REQUIREMENTS</u></p> <p>Minimum Lot Size o 5,000 s.f. with public sewer/water o 20,000 s.f. without public sewer/water</p> <p>Minimum Lot Size per Principle Structure – o 5,000 s.f. with public sewer/water o 20,000 s.f. without public sewer/water</p> <p>Minimum Road Frontage o State maintained roads (including Route 1) subject to MDOT's Access Mgmt Standards o Lots not on state maintained roads – 25 ft.</p> <p>Setbacks from property line o Downtown* Front, Side and Rear – 0 ft. o Other locations Front, Side and Rear – 10 ft. Maximum building height at ridge line – 40'</p> <p>* For these purposes, the downtown area is defined as follows:</p> <p>On the south side of Route 1 from Elm Street to Mosman Street</p> <p>On the north side of Route 1 from Church Street to Goodell Street</p>

COMMERCIAL 2 DISTRICT (C2): The Purpose of the Commercial 2 District is to encourage development of low impact commercial uses that will prevent overdevelopment and sprawl. The location of the Commercial 2 District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Commercial 2 District.

RESOURCE MANAGEMENT

Uses allowed without review/permit:

- a) Forest and agricultural management activities
- b) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected
- c) Surveying and other resource analysis
- d) Wildlife/fishery management practices

RESOURCE EXTRACTION

Uses allowed without review/permit:

- a) Commercial timber harvesting.

Code Enforcement Officer review/permit required:

- a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells
- b) Production of commercial agricultural products.

RESIDENTIAL

Uses allowed without review/permit:

- a) In-Law apartment

Police Department review/permit:

- c) Yard, porch, barn, garage sale
 - (a) Each sale no more than 3 consecutive days
 - (b) 3 sales per year to a residence
- d) On-Site auction sale
 - (a) Each sale no more than 2 consecutive days
 - (b) 1 sale per year to a residence

Code Enforcement Officer review/permit required

- a) Dwelling – single-family detached
- b) Dwelling – multi-family: two unit or duplex.
- c) Home occupations

Planning Board review required

- a) Boarding care
- b) Dwelling unit: above or behind a commercial establishment
- c) Dwelling - multi-family; 3 or more families, including apartments

INSTITUTIONAL

Planning Board review required

- a) Cemeteries
- b) Churches
- c) Day care centers
- d) Fraternal Orders and Service Clubs
- e) Government Facilities and Services
- f) Medical Clinic
- g) Museum
- h) Nursing Homes
- i) Public and private schools, post secondary education facilities

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required

- a) Apartment Complex 43+ units
- b) Auction hall, flea market
- c) Automobile body repair, service, sales and supplies
- d) Bait & tackle sales, sporting goods sales
- e) Banks/credit unions
- f) Bar/pub
- g) Beauty shops
- h) Bed & breakfast, motel/hotel/inns, maximum 10 rooms
- i) Boat storage facilities, yard
- j) Campground
- k) Craft/gift, tradesman shop, art gallery, antique shop
- l) Fireworks Store
- m) Fishing, diving, and sailing shop/instruction
- n) Florist shop, greenhouse
- o) Fuel Sales
- p) Funeral home
- q) Grocery store
- r) Marine construction & salvage
- s) Marine office, harbor supply & services, chandlery
- t) Professional offices, office complex
- u) Radio station
- v) Recreation facilities
- w) Recreation vehicles sales and service
- x) Redemption Center
- y) Research & development facilities
- z) Restaurant, take-out restaurant
- aa) Retail establishments of less than or equal to 10,000 square feet (Continued – next page)

COMMERCIAL 2 DISTRICT (C2) (Continued)

COMMERCIAL (Continued)

Planning Board review required

- bb) Sales & Rentals of marine Vessels and Related Marine Equipment
- cc) Seafood distribution
- dd) Shipbuilding
- ee) Veterinary clinic/hospital
- ff) Video rentals
- gg) Warehouse/storage facility

INDUSTRIAL

Planning Board review required

- a) Light Manufacturing Assembly Plant up to 10,000 sq. ft.
- b) Lumber Yard/Sawmill
- c) Wholesale business facility up to 10,000 sq. ft

TRANSPORTATION AND UTILITIES

Code Enforcement Officer review/permit required:

- a) Land management roads and water crossings of standing waters and of minor and major flowing waters

Planning Board review required

- a) Inter modal transportation facilities
- b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
- c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

- o 60,000 s.f.

Minimum Lot Size per Dwelling Unit

- o 60,000 s.f.

Minimum Road Frontage

- o Rte 1 subject to MDOT's Access Mgmt Standards
- o Lots not on state maintained roads – 100 ft.

Setbacks from property line

- o Front – 30 ft.
- o Side and Rear – 10 ft.

Maximum Building Height – 40 ft.

COMMERCIAL 3 DISTRICT (C3): The Purpose of the Commercial 3 District is to encourage development of low impact commercial uses that will prevent overdevelopment and sprawl. The location of the Commercial 3 District is illustrated on the Official District Boundary Map of the Town of Searsport

The following uses/activities are allowed in the Commercial 3 District.

RESOURCE MANAGEMENT

Uses allowed without review/permit:

- a) Forest and agricultural management activities
- b) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected
- c) Surveying and other resource analysis
- d) Wildlife/fishery management practices

RESOURCE EXTRACTION

Uses allowed without review/permit:

- a) Commercial timber harvesting.

Code Enforcement Officer review/permit required:

- a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells
- b) Production of commercial agricultural products.

Planning Board review required

- a) Mineral extraction operations for any purpose affecting an area 2 acres or greater in size

RESIDENTIAL

Uses allowed without review/permit:

- a) In-Law apartment

Police Department review/permit:

- e) Yard, porch, barn, garage sale
 - (a) Each sale no more than 3 consecutive days
 - (b) 3 sales per year to a residence
- f) On-Site auction sale
 - (a) Each sale no more than 2 consecutive days
 - (b) 1 sale per year to a residence

Code Enforcement Officer review/permit required:

- a) Dwelling – single-family detached
- b) Dwelling – multi-family: two unit or duplex.
- c) Home occupations

Planning Board review required :

- a) Boarding care
- b) Dwelling unit: above or behind a commercial establishment
- c) Dwelling - multi-family; 3 or more families, including apartments
- d) Mobile home park

INSTITUTIONAL

Planning Board review required:

- a) Cemeteries
- b) Churches
- c) Day care centers
- d) Fraternal Orders and Service Clubs
- e) Government Facilities and Services
- f) Medical Clinic
- g) Museum
- h) Nursing Homes
- i) Public and private schools, post-secondary education facilities

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required:

- a) Apartment Complex 3+ units
 - b) Auction hall
 - c) Automobile body repair, service, sales and supplies
 - d) Bait & tackle sales, sporting goods sales
 - e) Banks/credit unions
 - f) Bar/pub
 - g) Beauty shops
 - h) Bed & breakfast, motel/hotel/inns, maximum 10 rooms
 - i) Boat storage facilities, yard
 - j) Campground
 - k) Craft/gift/antique/tradesman shop, art gallery
 - l) Fireworks Store
 - m) Fishing & commercial vessel berthing
 - n) Fishing, diving, and sailing shop/instruction
 - o) Florist shop, greenhouse
 - p) Fuel Sales
 - q) Funeral home
 - r) Grocery store, supermarket
 - s) Marine office, harbor supply & services, chandlery
 - t) Marine transport & excursion services
 - u) Professional offices, office complex
 - v) Radio station
 - w) Recreation facilities
 - x) Recreation vehicles sales and service
 - y) Research & development facilities
 - z) Restaurant, take-out restaurant
 - aa) Retail establishments of less than or equal to 10,000 square feet
- (Continued – next page)

COMMERCIAL 3 DISTRICT (C3) (Continued)

COMMERCIAL (Continued)

Planning Board review required:

- bb) Sales & Rentals of marine Vessels and Related Marine Equipment
- cc) Seafood distribution
- dd) Shipbuilding
- ee) Sporting Cabins
- ff) Veterinary clinic/hospital
- gg) Video rentals
- hh) Warehouse/storage facility

INDUSTRIAL

Planning Board review required:

- a) Light Manufacturing Assembly Plant up to 10,000 sq. ft.
- b) Wholesale business facility up to 10,000 sq. ft

TRANSPORTATION AND UTILITIES

Code Enforcement Officer review/permit required:

- a) Land management roads and water crossings of standing waters and of minor and major flowing waters

Planning Board review required:

- a) Inter modal transportation facilities
- b) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

- o 60,000 s.f.

Minimum Lot Size per Dwelling Unit –

- o 60,000 s.f.

Minimum Road Frontage

- o Rte 1 subject to MDOT's Access Mgmt Standards
- o Lots not on state maintained roads – 100 ft.

Setbacks from property line

- Front – 30 ft.
- Side and Rear – 10 ft.

Maximum Building Height – 40 ft.

INDUSTRIAL DISTRICT (I): The Purpose of the Industrial District is to accommodate industrial and large commercial development. The location of the Industrial District is illustrated on the Official District Boundary Map of the Town of Searsport.

<p>The following uses/activities are allowed in the Industrial District.</p> <p><u>RESOURCE MANAGEMENT</u> Uses allowed without review/permit: a) Forest and agricultural management activities b) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected c) Surveying and other resource analysis d) Wildlife/fishery management practices</p> <p><u>RESOURCE EXTRACTION</u> Uses allowed without review/permit: a) Commercial timber harvesting</p> <p>Code Enforcement Officer review/permit required: a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells b) Production of commercial agricultural products.</p> <p>Planning Board review required : a) Mineral extraction operations for any purpose affecting an area 2 acres or greater in size</p> <p><u>INSTITUTIONAL</u> Planning Board review required: a) Day Care Centers b) Government Facilities and Services c) Medical Clinic d) Museum</p> <p><u>COMMERCIAL</u> Planning Board review required: a) Auction Hall b) Automobile body repair, service, sales and supplies c) Bait & tackle sales d) Banks/credit unions (Continued)</p>	<p><u>COMMERCIAL (Continued)</u></p> <p>Planning Board review required: a) Bar/pub b) Beauty shops c) Boat storage facilities, yard d) Cargo Handling Facilities e) Commercial fishing operations f) Fishing & commercial vessel berthing g) Fishing, diving, and sailing shop/instruction h) Fuel sales – commercial & motor vehicle retail fuels i) Marina, marine office, harbor supply & services, chandlery j) Marine construction & salvage, pollution control facilities k) Marine vessel repair, service, sales & rental l) Professional offices, office complex m) Radio station n) Research & development facilities o) Seafood processing/packaging/distribution p) Shipbuilding q) Towers r) Tradesman Shop s) Tugboat, fireboat, pilot boat & similar services t) Warehouse/storage facility u) Windmills</p> <p><u>INDUSTRIAL</u> Planning Board review required: a) Automotive graveyard/Automobile recycling business/Junkyard b) Bulk Fuel Distribution Facility - Wholesale c) Chemical Manufacturing and/or Distribution d) Concrete Plant e) Disposal of Hazardous/Leachable Materials f) Disposal of Solid Waste other than agriculture g) Light Manufacturing Assembly Plant up to 10 k sq. ft. h) Lumber Yard/Sawmill i) Pulp Mill j) Sewage Treatment Facility k) Storage/Transport of Leachable Materials</p> <p>(Continued – next page)</p>
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INDUSTRIAL DISTRICT (I) (Continued)

Planning Board review required (already in effect):

- l) Transportation Facility and Terminal Yard
- m) Wholesale business facility up to 10,000 sq. ft.

TRANSPORTATION AND UTILITIES

Code Enforcement Officer review/permit required:

- a) Land management roads and water crossings of standing waters and of minor and major flowing waters

Planning Board review required:

- a) Inter modal transportation facilities
- b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
- c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

- o 3 acres

Minimum Lot Size per Dwelling Unit

- o 3 acres

Minimum Road Frontage

- o 200 ft Setbacks from property line
- o Front 60 ft.
- o Side and Rear 40 ft.

Maximum Structure Height

- o 60 ft. for principal structures
- o 150 ft. for Cranes, Bulk Fuel Storage Tanks, Silos, Grain Elevators, and similar Structures.

MARINE DISTRICT (M): The Purpose of the Marine District is to accommodate marine and commercial marine related activities. The location of the Marine District is illustrated on the Official District Boundary Map of the Town of Searsport

The following uses/activities are allowed in the Marine District.

RESOURCE MANAGEMENT

Uses allowed without review/permit:

- a) Forest and agricultural management activities
- b) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected
- c) Surveying and other resource analysis.
- d) Wildlife/fishery management practices

RESOURCE EXTRACTION

Code Enforcement Officer review/permit required:

- a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells

INSTITUTIONAL

Planning Board review required:

- a) Government Facilities and Services
- b) Museum
- c) Marine themed public and private schools, post-secondary education facilities, school dormitory

COMMERCIAL

Planning Board review required:

- a) Bait & tackle sales
- b) Boat Storage Facilities, Boat yard
- c) Campgrounds
- d) Cargo Handling Facilities
- e) Commercial Fishing Operations
- f) Commercial & non-commercial vessel berthing
- g) Conference/Education Center up to 150 person capacity
- h) Craft, tradesman shop, art gallery, antique shop
- i) Fishing, diving, and sailing shop/instruction
- j) Marina, marine office, harbor supply & services, chandlery
- k) Marine construction & salvage, pollution control facilities
- l) Marine transport & excursion services
- m) Marine vessel repair, service, sales & rental

COMMERCIAL (continued)

Planning Board review required:

- a) Motel, hotel and inns
- b) Recreation facilities
- c) Research & development facilities
- d) Restaurant, take-out restaurant establishments of
- e) Retail less than or equal to 10,000 square feet
- f) Seafood processing/packaging/distribution
- g) Shipbuilding
- h) Tugboat, fireboat, pilot boat & similar services
- i) Warehouse/storage facility
- j) Windmills
- k) Yacht Clubs

TRANSPORTATION AND UTILITIES

Code Enforcement Officer review/permit required:

- a) Land management roads and water crossings of standing waters and of major flowing waters

Planning Board review required:

- a) Intermodal transportation facilities
- b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
- c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

- o 1 acre

Minimum Lot Size per Principle Structure

- o 1 acre Minimum Road Frontage

o 100 ft.

Setbacks from property line

- o Front 40 ft.
- o Side and Rear 10 ft.

Maximum Building Height

- o 40 ft.

MIXED RESIDENTIAL DISTRICT (MR): The purpose of the Mixed Residential District is to provide an additional area of the community for light industrial growth and expansion of residential and commercial development. The location of the Mixed Residential District is illustrated on the Official District Boundary Map of the Town of Searsport.

<p>The following uses/activities are allowed in the Mixed Residential District.</p> <p><u>RESOURCE MANAGEMENT</u> Uses allowed without review/permit: a) Forest and agricultural management activities b) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected c) Surveying and other resource analysis d) Wildlife/fishery management practices</p> <p><u>RESOURCE EXTRACTION</u> Uses allowed without review/permit: a) Commercial timber harvesting Code Enforcement Officer review/permit required: a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells b) Production of commercial agricultural products. Planning Board review required: a) Mineral extraction operations for any purpose affecting an area 2 acres or greater in size</p> <p><u>RESIDENTIAL</u> Uses allowed without review/permit: a) In law apartment Police Department review/permit: g) Yard, porch, barn, garage sale (a) Each sale no more than 3 consecutive days (b) 4 sales per year to a residence h) On-Site auction sale (a) Each sale no more than 2 consecutive days (b) 1 sales per year to a residence</p> <p>Code Enforcement Officer review/permit required: a) Single-family detached dwelling b) Multi-family dwelling: two unit or duplex Planning Board review required (already in effect): c) Dwelling unit above or behind a commercial establishment d) Multi-Family dwelling; 3 or more families, including apartments e) Mobile home park (continued)</p>	<p><u>RESIDENTIAL (continued)</u> f) Boarding care g) Home occupations</p> <p><u>INSTITUTIONAL</u> Planning Board Review required: a) Cemeteries b) Churches c) Day care centers d) Fraternal Orders and Service Clubs e) Nursing homes f) Public and private schools, post-secondary education facilities</p> <p><u>COMMERCIAL</u> Police Department review/permit: Outdoor Yard, porch, barn, garage sale Planning Board review required: a) Adult entertainment b) Apartment Complex 3+ units c) Auction hall d) Automobile body repair, service, sales and supplies e) Bait & tackle sales, sporting goods sales f) Banks/credit unions g) Beauty shops h) Bed & breakfast i) Boat storage facilities, yard j) Campground k) Cargo Handling Facilities l) Commercial fishing operations m) Commercial & non-commercial vessel berthing n) Craft/gift, tradesman shop, art gallery, antique shop o) Fishing, diving, and sailing shop/instruction p) Florist shop, greenhouse q) Fuel sales r) Funeral home s) Grocery store t) Marine construction & salvage u) Marine office, harbor supply & services, & chandlery v) Marine vessel repair, service, sales & rental w) Professional offices w) A single (1) medical marijuana dispensary as regulated by the Maine Medical Use of Marijuana Act, 22 M.R.S. § 2428 (10) (2009) x) Recreation facilities</p>
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y) Recreation vehicles sales and service

z) Redemption Center

MIXED RESIDENTIAL DISTRICT (MR):

(Continued)

cc) Retail establishments of less than or equal to 10,000 square feet

dd) Sporting goods

ee) Towers up to and including 195 feet in height

ff) Veterinary clinic/hospital

gg) Video rentals

hh) Warehouse/storage facility

INDUSTRIAL

Planning Board review required:

A Automotive graveyard/Automobile recycling business/Junkyard

b) Bulk Fuel Distribution Facility - Wholesale

c) Concrete Plant

d) Disposal of Solid Waste other than agriculture

e) Light Manufacturing Assembly Plant up to 10 k sq. ft.

f) Lumber Yard/Sawmill

g) Storage/Transport of Leachable Materials

h) Transportation Facility and Terminal Yard

i) Wholesale business facility up to 10,000 sq. ft.

TRANSPORTATION AND UTILITIES

Code Enforcement Officer review/permit required:

a) Land management roads and water crossings of standing waters and of minor and major flowing waters

Planning Board review required:

a) Inter modal transportation facilities

b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops

c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

aa) Research & development facilities

bb) Restaurant, take-out restaurant

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

o 20,000 s.f.

Minimum Lot Size per Principle Structure

o 7,500 s.f. with public sewer/water

o 20,000 s.f. without public sewer/water

Minimum Road Frontage

o 100 ft.

Setbacks from property line

o Front 20 ft.

o Side and Rear 10 ft.

Maximum Building Height

o 40 ft.

RESIDENTIAL DISTRICT (R): The purpose of the Residential District is to encompass existing development and to provide areas for growth for future residential housing needs and small businesses. The location of the Residential District is illustrated on the Official District Boundary Map of the Town of Searsport

The following uses/activities are allowed in the Residential District.

RESOURCE MANAGEMENT & EXTRACTION

Uses allowed without review/permit:

- a) Wildlife/fishery mgmt practices
- b) Surveying & other resource analysis
- c) Forest and Agricultural mgmt activities.
- d) Non-commercial uses for scientific, educational or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected
- e) Commercial timber harvesting

Code Enforcement Officer review/permit required:

- a) Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells.

Planning Board review required (already in effect):

- a) Mineral extraction operations for any purpose, affecting an area 2 acres or greater in size.

RESIDENTIAL

Uses allowed without review/permit:

- a) In law apartment

Police Department review/permit:

- i) Yard, porch, barn, garage sale
 - (a) Each sale no more than 3 consecutive days
 - (b) 4 sales per year to a residence
- j) On-Site auction sale
 - (a) Each sale no more than 2 consecutive days
 - (b) 1 sale per year to a residence

Code Enforcement Officer review/permit required:

- a) Single-family detached dwelling
- b) Multi-family dwelling: two unit or duplex
- c) Home occupations

Planning Board review required:

- a) Dwelling unit above or behind a commercial establishment
 - b) Multi-Family dwelling; 3 or more families, including apartments
- (Continued)

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

RESIDENTIAL (continued)

Planning Board review required

- c) Mobile home park
- d) Boarding care

INSTITUTIONAL

Planning Board Review required:

- a) Cemeteries
- b) Churches
- c) Day care centers
- d) Nursing homes

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required:

- a) Apartment complex 3+ units
- b) Beauty shops
- c) Bed & Breakfasts
- d) Craft shop/art gallery, antique shop
- e) Florist shop, greenhouse
- f) Funeral home
- g) Professional offices
- h) Recreational facilities
- i) Research & development facilities
- j) Veterinary clinic/hospital

TRANSPORTATION & UTILITIES

Code Enforcement Officer review/permit required:

- a) Land Management roads and water crossings of standing waters, minor and major flowing waters

Planning Board review required (already in effect):

- a) Intermodal transportation facilities
- b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
- c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

- o 10,000 s.f. with public sewer/water
- o 20,000 s.f. without public sewer/water

Minimum Lot Size per Principle Structure

- o 7,500 s.f. with public sewer/water
- o 20,000 s.f. without public sewer/water

Minimum Road Frontage

- o Rte 1 & other state maintained roads subject to MDOT's Access Mgmt Standards;

- o Lots not on Rte. 1 – 100 ft.

Setbacks from property line

- front 15'; side & rear 10' Maximum building height at ridge line – 40'

RESIDENTIAL 1 DISTRICT (R1): The purpose of the Residential 1 District is to encompass existing development and minimize the potential for commercial sprawl while maintaining the historical character of these portions of the community. The location of the Residential 1 District is illustrated on the Official District Boundary Map of the Town of Searsport

The following uses/activities are allowed in the Residential 1 District.

RESOURCE MANAGEMENT & EXTRACTION

Uses allowed without review/permit:

- a) Wildlife/fishery mgmt practices
- b) Surveying & other resource analysis
- c) Forest and Agricultural mgmt activities.
- d) Non-commercial uses for scientific, educational or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected
- e) Commercial timber harvesting

Code Enforcement Officer review/permit required:

- a) Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells.

Planning Board review required (already in effect):

- a) Mineral extraction operations for any purpose, affecting an area 2 acres or greater in size.

RESIDENTIAL

Uses allowed without review/permit:

- a) In law apartment

Police Department review/permit:

- a) Yard, porch, barn, garage sale
 - (a) Each sale no more than 3 consecutive days
 - (b) 4 sales per year to a residence
- b) On-Site auction sale
 - (a) Each sale no more than 2 consecutive days
 - (b) 1 sale per year to a residence

Code Enforcement Officer review/permit required:

- a) Single-family detached dwelling
- b) Multi-family dwelling: two unit or duplex
- c) Home occupations

Planning Board review required:

- a) Dwelling unit above or behind a commercial establishment
 - b) Multi-Family dwelling; 3 or more families, including apartments
- (Continued)

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

RESIDENTIAL (continued)

Planning Board review required

- c) Mobile home park
- d) Boarding care

INSTITUTIONAL

Planning Board Review required (already in effect):

- a) Cemeteries
- b) Churches
- c) Day care centers
- d) Nursing homes
- e) Medical Clinic
- f) Museum
- g) Public and private schools, post-secondary education facilities, school dormitory

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required (already in effect):

- a) Bed & Breakfasts
- b) Craft shop/art gallery, antique shop
- c) Florist shop, greenhouse
- d) Professional offices
- e) Restaurants

TRANSPORTATION & UTILITIES

Code Enforcement Officer review/permit required:

a) Land Management roads and water crossings of standing waters, minor and major flowing waters

Planning Board review required (already in effect):

- a) Intermodal transportation facilities
- b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
- c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

- o 5,000 s.f. with public sewer/water
- o 20,000 s.f. without public sewer/water

Lot Size per Principle Structure

- o 5,000 s.f. with public sewer/water
- o 20,000 s.f. without public sewer/water

Minimum Road Frontage

- o Rt.1 & other state maintained roads subject to MDOT's Access Mgmt. Standards;
- o Lots not on state maintained roads 25 50 ft.

Setbacks from property line

front, side, & rear 10'

Maximum building height at ridge line – 40'

RESIDENTIAL 2 DISTRICT (R2): The purpose of the Residential 2 District is to minimize the potential for sprawl and retain the unique character of these portions of the community. The location of the Residential 2 District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Residential 2 District.

RESOURCE MANAGEMENT & EXTRACTION

Uses allowed without review/permit:

- a) Wildlife/fishery management practices
- b) Surveying and other resource analysis
- c) Forest and agricultural management activities
- d) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected
- e) Commercial timber harvesting

Code Enforcement Officer review/permit required:

- a) Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells.

RESIDENTIAL

Uses allowed without review/permit:

- a) In law apartment

Police Department review/permit:

- c) Yard, porch, barn, garage sale
 - (a) Each sale no more than 3 consecutive days
 - (b) 2 sales per year to a residence
- d) On-Site auction sale
 - (a) Each sale no more than 2 consecutive days
 - (b) 1 sales per year to a residence

Code Enforcement Officer review/permit required:

- a) Single-family detached dwelling
- b) Multi-family dwelling: two unit or duplex
- c) Home occupations

Planning Board review required:

- a) Dwelling unit above or behind a commercial establishment
- b) Multi-Family dwelling; 3 or more families, including apartments
- c) Boarding care

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required:

- a) Bed & Breakfasts
- b) Craft shop/art gallery, antique shop
- c) Florist shop, greenhouse
- d) Professional offices
- e) Veterinary clinic/hospital

TRANSPORTATION & UTILITIES

Code Enforcement Officer review/permit required:

- a) Land Management roads and water crossings of standing waters, minor and major flowing waters

Planning Board review required:

- a) Intermodal transportation facilities
- b) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

o 60,000 s.f.

Minimum Lot Size per Dwelling Unit

o 60,000 s.f.

Minimum Road Frontage

- o State maintained roads (including Route 1) subject to MDOT's Access Mgmt Standards
- o Lots not on state maintained roads – 100 ft.

Setbacks from property line – front 30'; side & rear 10'

Maximum building height at ridge line – 40'

RESIDENTIAL 3 DISTRICT (R3): The purpose of the Residential 3 District is to maintain the unique historic character of this downtown residential neighborhood. The location of the Residential 3 District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Residential 3 District.

RESOURCE MANAGEMENT & EXTRACTION

Uses allowed without review/permit:

- a) Surveying and other resource analysis
- b) Forest and agricultural management activities
- c) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected
- d) Commercial timber harvesting

Code Enforcement Officer review/permit required:

- a) Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells.

RESIDENTIAL

Uses allowed without review/permit:

- a) In law apartment

Police Department review/permit:

- e) Yard, porch, barn, garage sale
 - (a) Each sale no more than 3 consecutive days
 - (b) 2 sales per year to a residence
- f) On-Site auction sale
 - (a) Each sale no more than 2 consecutive days
 - (b) 1 sales per year to a residence

Code Enforcement Officer review/permit required:

- a) Single-family detached dwelling
- b) Home occupations

Planning Board review required:

- a) Boarding care

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required:

- a) Bed & Breakfasts
- b) Commercial fishing operations
- c) Fishing & commercial vessel berthing
- d) Noncommercial Vessel Berthing

TRANSPORTATION & UTILITIES

Code Enforcement Officer review/permit required:

- a) Land Management roads and water crossings of standing waters, minor and major flowing waters

Planning Board review required:

- a) Intermodal transportation facilities
- b) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

- o 10,000 s.f.

Minimum Lot Size per Principle Structure

- o 7,500 s.f.

Minimum Road Frontage

- o 100 ft.

**Setbacks from property line o 10 ft.
front, side & rear**

Maximum building height

- 40ft.

RURAL AGRICULTURAL RESIDENTIAL DISTRICT (RAR): The purpose of the Rural Agricultural Residential District is to maintain the rural character of the town, to protect agricultural and forestry uses, to provide open spaces and to provide for lower density residential dwellings. The location of the Rural Agricultural Residential District is illustrated on the Official District Boundary Map of the Town of Searsport.

The following uses/activities are allowed in the Rural Agricultural District.

RESOURCE MANAGEMENT

Uses allowed without review/permit:

- a) Forest and agricultural management activities
- b) Non-commercial uses for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected

c) Surveying and other resource analysis

d) Wildlife/fishery management practices

RESOURCE EXTRACTION

Uses allowed without review/permit:

a) Commercial timber harvesting

Code Enforcement Officer review/permit required:

a) Filling, grading, draining, dredging or alteration of water table or water level, not including wells

b) Production of commercial agricultural products

Planning Board review required:

a) Mineral extraction operations for any purpose affecting an area 2 acres or greater in size

RESIDENTIAL

Uses allowed without review/permit:

a) In-Law apartment

Police Department review/permit:

- g) Yard, porch, barn, garage sale
 - (a) Each sale no more than 3 consecutive days
 - (b) 4 sales per year to a residence
- h) On-Site auction sale
 - (a) Each sale no more than 2 consecutive days
 - (b) 1 sales per year to a residence

Code Enforcement Officer review/permit required:

a) Dwelling – single-family detached

b) Dwelling – multi-family: two unit or duplex

c) Home occupations

Planning Board review required:

a) Boarding care

b) Dwelling unit: above or behind a commercial establishment

RESIDENTIAL (continued)

Planning Board review required:

c) Dwelling - multi-family; 3 or more families, including apartments

INSTITUTIONAL

Planning Board review required:

a) Cemeteries

b) Churches

c) Day Care Centers

d) Fraternal Orders and Service Clubs

e) Medical Clinic

f) Museum

g) Nursing Homes

h) Public and private schools, post-secondary education facilities

COMMERCIAL

Police Department review/permit:

Outdoor Yard, porch, barn, garage sale

Planning Board review required:

a) Auction hall, flea market

b) Bait & tackle sales

c) Beauty Shops

d) Bed and Breakfast

e) Boarding Kennels

f) Boat storage facilities

g) Campgrounds

h) Craft, tradesman shop, art gallery, antique shop i)

Florist shop, greenhouse

j) Funeral home

k) Golf course

l) Grocery Store

m) Professional Offices

n) Recreation facilities

o) Research & development facilities

p) Sporting Cabins

q) Towers

r) Veterinary Clinic/Hospital

s) Windmills

(Continued on next page)

RURAL AGRICULTURAL RESIDENTIAL DISTRICT (RAR) (Continued)

INDUSTRIAL

Planning Board review required:

- a) Lumber Yard/Sawmill

TRANSPORTATION AND UTILITIES

Code Enforcement Officer review/permit required:

- a) Land Management roads and water crossings of standing waters, minor and major flowing waters

Planning Board review required:

- a) Inter modal transportation facilities
- b) Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops
- c) Road construction projects, other than land management roads, which are part of projects requiring Planning Board review

Note: Accessory uses and structures related to the exercise of listed uses are permitted, with Code Enforcement Officer Review.

DIMENSIONAL REQUIREMENTS

Minimum Lot Size

- o 3 acres

Minimum Lot Size per Dwelling Unit

- o 1 acre (less if cluster housing provisions are met)

Minimum Road Frontage

- o 200 ft.

Setbacks from property line

- o Front 25 ft.
- o Side and Rear 10 ft.

Maximum Building Height – 40 ft.

SECTION V: LAND USE STANDARDS

SECTION USERS GUIDE: This section contains general performance standards with which all new development proposals submitted for approval pursuant to this Ordinance must comply. The purpose of the regulations contained in this section is to allow maximum utilization of land while protecting against adverse impacts on the environment, neighboring properties, and the public interest. This assurance is provided by separating the areas of the Town of Searsport into districts and permitting specific land uses within each, provided that a use meets all the additional criteria specified in this Ordinance. This regulatory approach has been termed "performance zoning" because it permits a use to be developed on a particular parcel only if the use on that parcel meets "performance standards".

The following Land Use Standards shall govern all Land Use Permits issued by the Code Enforcement Officer and the Planning Board. In reviewing applications submitted pursuant to this Ordinance, the Code Enforcement Officer or the Planning Board shall consider the following performance standards and make written findings that each applicable standard has been met prior to issuing final approval. In all instances, the burden of proof shall be upon the applicant.

A. GENERAL PERFORMANCE STANDARDS

The following provisions shall apply to all permitted uses, and failure to comply with any of these standards shall be considered a violation of this Ordinance:

1. **Danger** - No material which is dangerous due to explosion, extreme fire hazard, chemical hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable State and Federal codes and regulations.
2. **Vibration** - With the exception of vibration necessarily involved in the construction or demolition of buildings, no unreasonable vibration shall be transmitted outside the lot where it originates.
3. **Wastes** - No offensive wastes shall be discharged or dumped into any river, stream, watercourse, storm drain, pond, lake, or swamp. Industrial wastewater may be discharged to municipal sewers only and in such quantities and quality as to be compatible with existing municipal facilities as proscribed by the Wastewater Superintendent.
4. **Noise** - The level of sound, inherently and recurrently generated from industrial or commercial facilities shall not exceed 70 dBA between 7:00 a.m. and 7:00 p.m. (the "daytime hourly limit"), and 60 dBA between 7:00 p.m. and 7:00 a.m. (the 'nighttime hourly limit') at or within the boundaries of any lot used for a residential purpose, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices.

In addition to the sound level standards otherwise established, commercial or industrial facilities or operations shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones. Tonal sound is defined as a sound wave usually perceived as a hum or which because its instantaneous sound pressure varies essentially as a simple sinusoidal function of

time. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with a duration of less than one (1) second.

Determination of noise violation: A noise violation shall be considered to exist when the Code Enforcement Officer or their designee is able to confirm the complaint from the same residential lot within two (2) separate twenty-four-hour periods. The Code Enforcement Officer shall only respond to a complainant who confirms that the noise is detectable at the time of the actual complaint. In order to confirm a complaint, the Code Enforcement Officer or their designee shall first determine that a noise is detectable in the area of the complaint. The Code Enforcement Officer or their designee shall interview the complainant to verify that the detectable noise is in fact the noise that resulted in the complaint. If the complainant verifies the noise as the source of the complaint, then the Code Enforcement Officer shall notify the owner or operator of the alleged noise source either in person or by telephone within one (1) working day, with a written confirmation within seven (7) working days of the complaint. The Code Enforcement Officer shall work with the operator of the alleged noise source to identify the source of the noise and any means by which the noise may be reduced to an acceptable level. If such informal means do not remedy the violation, the Code Enforcement Officer may, in his or her discretion, issue a Notice of Violation in accordance with this Ordinance.

5. Lighting - All exterior lighting shall minimize adverse impact on neighboring properties.

B. SPECIFIC PERFORMANCE STANDARDS

No permit shall be approved unless the standards set forth below (if applicable to the type of use) are met.

1. ADULT ENTERTAINMENT

Refer to Adult Entertainment Ordinance

2. CLUSTER DEVELOPMENT

If 25% to 50% of the site is permanently preserved as open space a corresponding reduction in the minimum lot area per dwelling unit shall be allowed. This approach is an incentive to preserve open space. In no case shall lots served by subsurface sewage disposal systems be less than 20,000 square feet.

3. HOME OCCUPATIONS

The purpose of the Home Occupation provision is to permit the conduct of those activities that are otherwise allowed within the Districts in which they are located. Home occupations are limited to those uses which may be conducted within a residential dwelling, accessory structure or on the property without substantially changing the appearance or condition of the residence or accessory structure, or materially injuring the usefulness of the residence or accessory structure for normal residential purposes. Home occupations initiated after the Effective Date of this Ordinance shall be approved by the Code Enforcement Officer in accordance with the general approval standards set forth in this Ordinance as well as the standards below.

Any home occupation or profession which is accessory to, subordinate to and compatible with a residential use may be permitted by the Code Enforcement Officer if it conforms to the following

conditions. If any activities carried out on otherwise residential premises are not incidental or subordinate to the residential use, they shall be treated as an independent non-residential use and subject to the same permit requirements, review procedure and standards as would be applicable to the category of use if not connected with a residence.

- a. The home occupation shall be principally carried on within the dwelling or accessory structure. Necessary parking areas or incidental storage of equipment shall be permitted.
- b. The home occupation shall be conducted only by a person or persons residing in the dwelling unit, and/or not more than two employees;
- c. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours, shall not be permitted;
- d. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood, and
- e. The home occupation may utilize for public access:
 - i. Basement spaces;
 - ii. One accessory structure;
 - iii. Unfinished attic spaces to be used for storage only;
 - iv. Home occupations which involve use or storage of hazardous or leachable materials in excess of normal residential use are not permitted, and
 - v. In no case shall the home occupation be open to the public at times earlier than 7:00 A.M. nor later than 9:00 P.M.

Any home occupation which does not meet one or more of the above performance standards shall be considered in violation of this Ordinance and may be subject to prosecution or required to be permitted as a commercial use.

4. JUNKYARDS / AUTOMOBILE GRAVEYARDS / AUTOMOBILE RECYCLING BUSINESSES

Refer to the Maine State Statues Title 30, M.R.S.A. Section 3751 et. seq. to Regulate Junkyards, Automobile Graveyards and Automobile Recycling Businesses

5. MANUFACTURED HOUSING

All manufactured housing sited within the Town of Searsport after the adoption of this ordinance must meet the standards of the Manufactured Home & Construction Safety Standards of the Department of Housing & Urban Development adopted in 1976.

6. SIGNS

No sign shall be hereafter erected, altered or maintained, within the limits of the Town of Searsport except in conformance with the provisions of this section.

- a. Signs Prohibited: No sign, whether new or existing, shall be permitted within the Town of Searsport which causes a traffic sight, health or welfare hazard, or results in a nuisance, due to illumination, placement, display, or obstruction of existing signs.
- b. Off Premise Signs: No off premise sign shall be erected or maintained in the Town of Searsport except in conformity with Title 23 MRSA, Section 1901-1925, and The Maine Traveler Information Services Law. Off premises official business directional signs may be located in the Town of Searsport in such a location and in such a manner as allowed under Title 23, Section 1901-1925 and under the rules and regulations of the Department of Transportation of the State of Maine.

c. Exempt Signs: Traffic control signs, signals, and/or devices regulating or enhancing public safety erected by a governmental body are exempt from the provisions of this section except as otherwise provided for herein:

d. Changeable Signs: Changeable signs shall not be permitted except in conformance with the Town of Searsport Changeable Signs Ordinance.

e. A Bed and Breakfast shall be limited to two signs, each not to exceed 9 square feet.

7. TOWERS – Refer to Searsport Wireless Facilities Ordinance

8. TRANSIENT ACCOMMODATIONS: “BED AND BREAKFAST” “Bed and Breakfast” accommodations shall be permitted in the private residence of the host family who live on the premises provided that:

- a. The maximum number of guests at any time is sixteen (16) persons;
- b. The maximum number of beds is eight (8);
- c. Meals are only served to registered guests;
- d. Two (2) signs, each not to exceed nine (9) square feet, are permitted on the premises.

9. WINDMILLS – Refer to Searsport Wind Energy Ordinance

10. WIRELESS FACILITIES – Refer to Searsport Personal Wireless Facilities Ordinance

11. ACTIVITIES REQUIRING SITE PLAN REVIEW

Any new commercial, retail, industrial, institutional use, or any residential use comprising three or more dwelling units, shall require approval pursuant to the Site Plan Review Ordinance. The specific types of uses subject to the Site Plan Review Ordinance shall be as provided therein.

SECTION VI: ADMINISTRATION OF THIS ORDINANCE SECTION USERS GUIDE: This section contains provisions for the administration of this Ordinance including specific provisions for certificates of compliance, conditions of approval, and public hearings.

A. CREATION OF ADMINISTERING BODIES AND AGENTS

1. CODE ENFORCEMENT OFFICER

The Code Enforcement Officer shall approve, approve with conditions, or deny those applications over which he/she has jurisdiction as provided in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

2. PLANNING BOARD

The Planning Board of the Town of Searsport is hereby designated as the Planning Board heretofore, established in accordance with Article VIII, Pt.2, Section 1, of the Maine Constitution and Title 30-A MRSA, Section 3001. The Planning Board shall be appointed by the Selectmen of the Town of Searsport. The Planning Board is empowered to approve, approve with conditions, or deny applications over which it has jurisdiction as provided in this Ordinance. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

3. BOARD OF APPEALS

The Board of Appeals for the Town of Searsport shall be established and governed in accordance with the Town's Board of Appeals Ordinance.

B. APPROVAL REQUIRED

After the effective date of this Ordinance, no person shall construct any building or structure or engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the Planning Board or Code Enforcement Officer, as provided herein.

C. APPLICATION REQUIRED

Applications for approval shall be submitted in writing, on forms provided, to the Code Enforcement Officer, who shall oversee the permitting process and record keeping, and determine compliance with the submission requirements set forth herein. The Code Enforcement Officer or Planning Board may require the submission of additional information deemed necessary to determine conformance with the provisions of this Ordinance.

D. CODE ENFORCEMENT OFFICER PERMIT

In addition to any other permits or approvals required, a permit issued by the Code Enforcement Officer shall be required before beginning or undertaking any of the following activities:

1. ACTIVITIES REQUIRING PERMIT

- a. **FLOOD HAZARD AREAS:** All construction or earth moving activities or other improvements within the 100-year flood plain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.
- b. **NEW CONSTRUCTION:** New construction of buildings or structures.
- c. **ALTERATION:** Alteration of a building, structure, or land, or parts thereof. The permitting authority shall be as designated in Section V of this Ordinance. Site Plan Review may also be required – see the Site Plan Review Ordinance.
- d. **PLACEMENT OF SIGNS:** Placement of signs except temporary signs, except where approved by the Planning Board as part of a site plan review.
- e. **MOVING:** All buildings or structures which are removed from or moved onto, or moved around within a lot.
- f. **DEMOLITION:** No demolition of a building or structure or portion thereof, shall commence until after the issuance of a Demolition Permit by the Code enforcement Officer.
- g. **CHANGE OF USE:** The change of use any premises. The Code Enforcement Officer shall determine whether a particular activity constitutes a Change of Use as defined in this Ordinance. If

the change is to a type of use for which Site Plan Review is required, a Site Plan approval shall be obtained from the Planning Board.

h. SECTION IV: F. SCHEDULE OF USES. Any activity requiring a Land Use Permit issued by the Code Enforcement Officer, in accordance with the Land Use Ordinance Schedule of Uses.

E. APPLICATION AND REVIEW PROCEDURES

1. APPLICATION:

All applications for a permit required by this Ordinance shall be submitted, with fee if applicable, in writing to the Code Enforcement Officer on forms provided.

2. SUBMISSIONS:

All applications for a permit shall be accompanied by a sketch plan, accurately drawn to scale and showing actual dimensions or distances, and showing:

- a. The actual shape and dimensions of the lot for which a permit is sought;
- b. The location and size of all buildings, structures, and other significant features currently existing on the lot, as well as all water bodies and wetlands within two hundred fifty feet (250') of the property lines;
- c. The location and building plans of new buildings, structures or portions thereof to be constructed. Plans to be submitted if deemed necessary by the Code Enforcement officer;
- d. The existing and intended use of each building or structure;
- e. Where applicable, the location of soil test pits, subsurface sewage disposal system, parking lots and driveways, signs, buffers, private wells; and
- f. Where Site Plan Review is required under the Site Plan Review Ordinance, the application shall include a site plan and other materials required by the Site Plan Review Ordinance.
- g. Such other information as may be reasonably required by the Code Enforcement Officer or Planning Board to provide for the administration and enforcement of this Ordinance.

3. TO WHOM ISSUED:

A permit shall be issued to none other than the applicant or his authorized agent. Written proof of authorization shall be required from the owner of record, if not the applicant.

4. COMPLIANCE WITH LAND USE ORDINANCE:

All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable standards set forth in Section V of this Ordinance.

5. DEADLINE FOR ACTION:

The Code Enforcement Officer shall, within thirty (30) days of receipt of a complete application: (1) issue the permit, if the Code Enforcement Officer has jurisdiction over the application and all proposed construction and uses meet the provisions of the Ordinance; (2) refer the application to the Planning Board for its review; or (3) deny the application. All decisions of the Code Enforcement Officer shall be in writing. The Planning Board in its review of any application shall follow the procedures outlined in the Site Plan Review Ordinance.

6. COPIES:

One (1) copy of the application, with the permit or other written decision, shall be returned to the applicant, and one (1) copy, with a copy of the permit or written decision, shall be retained by the Code Enforcement Officer as a permanent public record.

7. POSTING:

The applicant shall cause any permit issued to be conspicuously posted on the lot on which the activity will occur at a location clearly visible from the street.

8. COMMENCEMENT AND COMPLETION OF WORK:

Construction and alteration activities on projects for which a permit has been granted under this Section shall be completed within twenty-four (24) months of the date of issuance of that permit. Activities may be extended for up to twelve (12) months by the Code Enforcement Officer, for good cause, if an application for an extension is submitted not later than thirty days prior to the expiration of the prior permit and a substantial portion has been completed. If an application for extension is not submitted, then activities which are not commenced or completed within the time limits provided above shall be subject to new application and the permit issued under this Section shall be considered void.

F. OTHER PERMITS REQUIRED BEFORE APPROVAL

Applications for approval under this Ordinance will not be considered complete for processing until all other required local, state, and federal permits and licenses have been secured and evidence that they have been secured has been provided, unless state or federal regulations require local approval first.

G. POSITIVE FINDINGS REQUIRED

Approval shall be granted by the Code Enforcement Officer or Planning Board, after receipt of a complete application, only upon a positive finding by the Code Enforcement Officer or Planning Board that the proposed use:

1. Is a permitted use in the district in which it is proposed to be located;
2. Is in conformance with the applicable performance standards of Section V of this Ordinance;
3. Has received, or as a condition of approval, will receive all other permits or approvals required under other applicable Town of Searsport Ordinances related to the use of property, including but not limited to the Site Plan Review Ordinance, Shoreland Zoning Ordinance, Subdivision Ordinance, Halfmoon Pond Watershed Protection Ordinance and Floodplain Management Ordinance;
4. Will provide safe access and egress from existing or proposed public and private roads.

H. CERTIFICATE OF OCCUPANCY REQUIRED

A certificate of occupancy is required prior to occupying any structure or commencing any use granted approval under the provisions of this ordinance and shall be obtained from the CEO. A certificate of occupancy shall be granted if the CEO finds that the structure or use has received all applicable Town-issued permits, is in compliance with any conditions imposed by said permits, and conforms to provisions of the Land Use Ordinance, electrical code, plumbing code, Americans with Disabilities Act, Life Safety 101 and NFPA 31 and may be safely used or occupied. Such a certificate shall be required for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

I. VIOLATIONS AND ENFORCEMENT

1. VIOLATION.

Any construction of buildings or structures, and any use of land, buildings or structures except in conformance with the provisions of this Ordinance shall be deemed a violation of this Ordinance and a nuisance.

2. CODE ENFORCEMENT OFFICER.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance 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 the violation, including discontinuance of illegal use of land, buildings, structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

3. LEGAL ACTIONS.

When the above does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, upon notice from the Code Enforcement Officer, are hereby authorized to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of the Ordinance in the name of the municipality.

4. PENALTIES.

Any person or persons who violate any provision(s) of this Ordinance or any permit issued under the provisions of this Ordinance, shall be subject to civil penalties in accordance with the provisions of Title 30-A MRSA § 4452.

5. CONTRACTOR LIABILITY.

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits for said activity have not been obtained or if work performed by the contractor does not conform to all conditions of approval of the permit or the terms of this Ordinance.

J. APPEALS

1. APPEALS.

The Board of Appeals shall hear appeals from final decisions of the Code Enforcement Officer and Planning Board on decisions to grant or deny permits or approvals pursuant to this Ordinance in accordance with the Town's Board of Appeals Ordinance. Appeals shall be filed within 30 days of the Code Enforcement Officer or Planning Board's official, written decision on the application.

2. VARIANCES.

The Board of Appeals shall authorize variances in accordance with the procedures set forth in the Town's Board of Appeals Ordinance. Variances may be granted only under the following conditions:

- a. Variances may be granted only from the dimensional requirements including, but not limited to, lot size, structure height and setback requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- c. The Board of Appeals shall not grant a variance unless it finds that:
 - i. The proposed structure or use would meet the requirements of the Ordinance except for the specific provision from which relief is sought; and
 - ii. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 1. That the land in question cannot yield a reasonable return unless a variance is granted;
 2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 3. That the granting of a variance will not alter the essential character of the locality; and
 4. That the hardship is not the result of actions taken by the applicant or a prior owner.
- d. Notwithstanding Section J(2) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
- e. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

K. FEE SCHEDULE. All application fees for permits shall be paid to the Town of Searsport in accordance with the fee schedule as promulgated by the municipal officers upon recommendation of the Planning Board. Fees shall be for the cost of processing the permits and shall not be refundable regardless of the final decision to issue or deny a permit. Advertising costs, technical or legal assistance and associated costs deemed necessary by the Town for the review of applications shall be the responsibility of the applicant.

SECTION VII: DEMOLITION

Demolition Delay

Purpose: While the Demolition Delay cannot and does not prohibit anyone from demolishing or altering historically significant or sensitive homes, it does at least give the town and the Searsport Historic Preservation Committee (HPC) the chance to preserve the architectural and historical features as a record for the future. This section is presented in furtherance of the policy set forth in the Growth Management Act, the Maine State goal, to preserve the State's historic and archaeological resources, and the Searsport Comprehensive Plan.

No applications for the act of demolition as allowed by a building permit or demolition permit for a structure 50 years or older shall be approved by the Code Enforcement Officer (CEO) until the Historic Preservation Committee (HPC) makes a determination as to its historic or architectural significance, and has the opportunity to pursue alternatives to demolition that will preserve, rehabilitate, or restore it or properly record it. Alternatives must be mutually agreeable to the Committee and the applicant. The Demolition Delay shall apply to all structures in the Town, not limited to those previously landmarked or included in a Historic District or on the National Register.

1. Upon receiving a request to demolish a structure 50 years old or older, the CEO shall date the application and promptly forward a copy of the application to the Chairman of the HPC.
2. The HPC will conduct a Public Hearing within 60 days of the HPC's receipt of the applicant's request to demolish, unless an extension is agreed to by both the Committee and the applicant. The purpose of the Public Hearing shall be to determine whether the structure is of sufficient historical or architectural significance for the HPC to pursue alternatives to demolition. Written notice of the public hearing shall be given by first class mail to the applicant and to owners of abutting properties of the applicant's lot at least 7 days prior to the hearing date. The CEO and any consultants or professional advisors of the HPC shall also be notified. The HPC shall post the meeting notice in the Town Hall and publish notice of the date, time, and place of the hearing in a newspaper of general circulation in Searsport at least 7 days prior to the Hearing.
3. Should the HPC make a determination of historical or architectural significance, they shall seek alternatives to demolition. The period for pursuing alternatives to demolition shall not be more than 60 days beyond the determination of significance, or a total of 120 days from the date of the HPC's receipt of request for demolition, unless an extension is agreed to by both the HPC and the applicant.
4. There shall be a notice posted of intent to demolish visible on the property throughout the period of HPC review in order to encourage public awareness and input into the review process.
5. Following the Public Hearing, and at the same meeting, the HPC shall determine if the building or structure, or the portion of the building or structure to be demolished is significant enough to warrant pursuit of alternatives to demolition. The following actions may be taken following the Public Hearing:
 - a. If it is determined to be not significant, the HPC shall transmit this decision to the CEO, who shall be authorized to issue the permit to demolish immediately.

b. If it is determined to be significant, the HPC shall transmit this decision to the CEO, who shall be prohibited from issuing the permit to demolish until the 120 day delay is fulfilled. Criteria for determining structure significance shall be based upon one or more of the following:

i. Structures or archaeological sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social, or sociological history of Searsport or nation.

ii. Structures or archaeological sites associated with Town historic personages, great ideas or ideals.

iii. Structures or archaeological sites on or eligible for listing on the National Register of Historic Places or in the Local Historic District.

iv. Structures or archaeological sites embodying examples of architectural types or specimens valuable for study of a period, style, or method of building construction.

c. Failure to make a determination of significance within 60 days shall also constitute HPC approval of the application for demolition.

6. Any alternative to structure demolition must be mutually agreed upon in writing by the applicant and the HPC.

7. The HPC shall be authorized to obtain photographic or professional documentation of a structure determined to be significant at no expense to the applicant.

8. In the event a structure is demolished before the review process is completed, no building permits shall be issued to the applicant, for construction on the lot the demolished building occupied for a period of 2 years. Any permits current for the applicant shall be revoked.

9. In the event a structure is deemed a danger to life or property by the CEO, the CEO may allow demolition before the review deadline.

10. Waivers. The HPC may, upon the applicant's request, waive any part of the 120-day delay period procedures. Such action shall be taken only upon:

a. A finding of the HPC that the strict application of the demolition delay provisions to the applicant and his property would cause undue hardship that could not be reasonably avoided. Undue hardship shall not include mere inconveniences or incidental financial loss;

b. The HPC finds that the goals and objectives of the demolition delay can be achieved in less than (120) days.

11. All demolition work shall be completed within thirty days of permit issuance. When circumstances beyond the permittee's control prevent completion of the work, the permittee may request an extension in writing to the CEO prior to expiration of the permit. Requests for extension must indicate why additional time is necessary to complete the work.

12. A demo delay decision by the HPC is not transferrable to a new owner of the property. If the property is sold during the demo delay period, then the demo delay will restart at the date of closing. Once a demo delay has expired, but before a demolition permit is issued by the CEO, and the property is sold to a new owner, the demo delay application process begins again.

13. Appeals. Any action of the Historic Preservation Committee may be appealed in writing directly to the Board of Appeals, by the affected party.

SECTION VIII: DEFINITIONS

A. CONSTRUCTION OF LANGUAGE

1. In this Ordinance, certain terms or words should be interpreted as follows:

- a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual;
- b. The present tense includes the future tense, the singular number includes the plural and plural includes the singular;
- c. The word "shall" is mandatory;
- d. The word "may" is permissive;
- e. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied"; and
- f. The word "dwelling" includes the word "residence."

2. In the case of any difference or meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

3. Terms not defined shall have the customary dictionary meaning.

B. DEFINITIONS

For the purposes of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

Abutting property / Abutter: Any lot which is physically contiguous with the subject lot even if only at a point, and any lot which is located directly across a street or right of way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

Access: A means of approach or entry to or exit from property.

Accessory Structure: A building which (1) is subordinate in area, extent and purpose to the principal building or use served, (2) is located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance, and (3) is customarily incidental to the principal building or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an "accessory building".

Accessory Use: A use subordinate to a permitted use located on the same lot, and related to the permitted use.

Acre: A measure of land containing forty-three thousand, five hundred and sixty (43,560) square feet.

Adult Entertainment: Any business in any use category which meets the definition of an "Adult Entertainment Business Establishment" as defined in the Town of Searsport Adult Entertainment Business Establishments Ordinance.

Aggrieved Person: A person whose interests are damaged or adversely affected by a decision, an action, or the failure to act by the Planning Board or Code Enforcement Officer.

Agricultural Activity: Land clearing, tilling, fertilizing, including spreading and disposal of animal manure and manure sludge, liming, planting, pesticide application, harvesting of cultivated crops, pasturing of livestock and other similar or related activities, but not the construction, creation or maintenance of land management roads.

Alteration: As applied to a building or structure, a change or rearrangement in the structural parts or in the means of ingress or egress; or an enlargement, whether by extending on a side or by increasing height; or in moving from one location or position to another.

Amusement Park: A commercially operated park with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, and the like.

Antenna, Accessory Use: An antenna that is an accessory use to a residential dwelling unit.

Appeal: A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this Ordinance as expressly authorized by this Ordinance.

Apartment: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating.

Archaeological Site a place (or group of physical sites) in which evidence of past activity is preserved (either prehistoric or historic or contemporary), and which has been, or may be, investigated using the discipline of archaeology and represents a part of the archaeological record. These sites may include but are not limited to, those with few or no remains visible above ground, buildings and other structures still in use, artifacts, terrain features, graphics (paintings or drawings, etc.) and the evidence of plants or animals.

Attic: That part of a building that is immediately below, and wholly or partly within, the roof framing.

Automobile graveyard: A yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 101, subsection 42, or parts of the vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations.

A. "Automobile graveyard" does not include:

(1) An area used for temporary storage of vehicles or vehicle parts by an establishment or place of business that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable. In order for a vehicle's storage to be considered temporary, it must be removed from the site within 180 calendar days of its receipt;

(2) An area used by an automobile hobbyist to store, organize, restore or display antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles, street rods or parts of these vehicles as these vehicles are defined in Title 29-A, section 101 as long as the hobbyist's activities comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this subsection regarding the storage of vehicles or vehicle parts that are collected by a hobbyist, except that a municipal ordinance may require areas used by an automobile hobbyist to comply with the screening requirements in section 3754-A, subsection 1, paragraph A and the standards in section 3754-A, subsection 5, paragraph A, paragraph B, subparagraph (1) and paragraph C. For the purposes of this subparagraph, an automobile hobbyist is a person who is not primarily engaged in the business of selling any of those vehicles or parts from those vehicles;

(3) An area used for the parking or storage of vehicles, vehicle parts or equipment intended for use by a municipality, quasi-municipal entity or state or federal agency;

(4) An area used for the storage of operational farm tractors and related farm equipment, log skidders, logging tractors or other vehicles exempted from registration under Title 29-A, chapter 5;

(5) An area used for the parking or storage of vehicles or equipment being offered for sale by a dealer, equipment dealer, trailer dealer or vehicle auction business as defined in Title 29-A, section 851;

(6) An area used for the storage of vehicles by an establishment or place of business that is primarily engaged in business as a new vehicle dealer as defined in Title 29-A, section 851;

(7) An area used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business; or

(8) An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in Title 29-A, section 101 that is temporarily out of service but is expected to be used by the vehicle or equipment owner or by an operator designated by the owner. This subsection does not exempt an area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area.

Automobile recycling business: The business premises of a dealer or a recycler licensed under Title 29-A, sections 851 to 1112 who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, as long as 80% of the business premises specified in the site plan in section 3755-A, subsection 1, paragraph C is used for automobile recycling operations.

A. "Automobile recycling business" does not include:

(1) Financial institutions as defined in Title 9-B, section 131, subsections 17 and 17-A;

(2) Insurance companies licensed to do business in the State;

(3) New vehicle dealers, as defined in Title 29-A, section 851, licensed to do business in the State; or

(4) That portion of the business premises that is used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business.

Automobile Sales: A lot arranged, designed, or used for the storage and display for sale of any motor vehicle and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.

Automobile Repair Service: A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; over-all painting and undercoating of automobiles.

Basement: The substructure of a building that is partially or wholly below ground level which may or may not be used for living spaces.

Bed and Breakfast: Accommodations provided for compensation as a business in the private residence of the host family, consisting of a maximum of eight guest beds and 16 guests at any one time. Meals may be served only to overnight guests.

Boarding Care/House: A facility for the care of individuals where meals are provided.

Buffers: Units of land, together with specified types and amounts of planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

Building: Any structure having a roof or partial roof, supported by columns or walls, used for the shelter or enclosure of persons, animals, goods or property of any kind. Where independent units with separate entrances are divided by walls, each unit is a building.

Building Front Line: Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

Building Height: The height measured to roof ridge or peak, excluding accessories such as cupolas, steeples, etc.

Building, Principal: A building (structure) in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located.

Campground: Any land area specifically designed and developed, containing two or more individual campsites which accommodate that segment of the traveling public seeking temporary camping accommodations for tents, recreational vehicles and/or towed travel trailers for compensation. Accessory uses include camper services and facilities such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlet for camping supplies and equipment, recreational services etc.

Change of Use: The change in the type or intensity of business use. For example, a gift shop to a restaurant is a change of use. One gift shop to another gift shop is not a change of use, provided the intensity of use is unchanged. Intensity of use is an assessment by the reviewing authority of conditions

such as, but not limited to, operating hours, noise, exterior lighting, amount of customer traffic, or signage. If the Code Enforcement Officer finds as a preliminary matter that the overall intensity of use will be increased by 25% or more, the activity shall be reviewed as a change of use.

Cluster Development: The development, according to an approved plan, of a large tract of land where three (3) or more residential buildings are constructed on lots smaller than normally required in the district where located, provided the overall density of the development of the tract does not exceed the density or requirements of the district; and land not built upon is permanently preserved as common "open space". The term also refers to a Planned Unit Development.

Code Enforcement Officer: A person appointed by the Board of Selectmen to administer and enforce this Ordinance.

Commercial: The buying or selling of goods or services or the provision of facilities for a fee.

Condominium: Portions of real estate which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, or an amendment to a declaration and duly recorded. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Any real estate development consisting exclusively of clustered, detached, single family residences is not a condominium, unless so designated in the declaration.

Conference Center: A building constructed for the purpose of educational and/or recreational meetings, seminars or performances.

Day Care Center: A house or place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day, providing care and protection for 3 or more children under the age of 16 unrelated to the operator, not to include nursery schools, summer camps, formal public or private schools, and further defined by the Department of Human Services as follows: Day Care Center: A Day Care Facility as defined in State statutes for 13 or more children on a regular basis; and Day Care Home: A Day Care Facility as defined in State statutes for 3 to 12 children on a regular basis.

Demolition: The destruction, removal, or relocation of a structure not classified as an incidental structure, or the permanent or temporary removal of more than fifty percent or more of the roof area as measured in the plan view; or fifty percent or more of the perimeter walls of a building as measured contiguously around the building or any exterior wall facing a public street. Incidental structures are accessory buildings such as sheds, fences, play structures, and so forth.

District: A specified portion of the Town, delineated on the Official District Boundary Map, within which certain regulations and requirements or various combinations thereof, apply under the provisions of this Ordinance.

Dwelling: A building or portion thereof, used exclusively for residential occupancy.

Dwelling, Single Family Detached: A dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit. The term shall include manufactured and prefabricated homes.

Dwelling, Two Family: A detached or semi-detached building containing two (2) Dwelling Units.

Dwelling, Multiple Family: A building or structure containing three (3) or more Dwelling Units.

Easement: Legally binding authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

Educational Facility: Any building consisting primarily of classroom space which is used for offering courses, lectures, training seminars or other similar use, including, but not limited to, private nursery, kindergarten, elementary, middle, secondary and post-secondary schools.

Enlargement or To Enlarge: An "enlargement" is an addition to an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.

Essential Services: The construction, alteration, maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection supply or disposal systems. Such systems include towers (with exception of cellular towers), poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories. These systems are exempt from definition of a structure.

Extension or To Extend: An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.

Family: Two (2) or more persons related by blood, marriage, adoption or guardianship, or not more than five (5) persons not so related occupying a dwelling unit and living as a single housekeeping unit; such a group to be distinguished from a group occupying a boarding house, lodging house, club, or fraternity, or hotel.

Flea Market: An outdoor market selling antiques, used household goods, curios, and the like, at a frequency of four or more days in any six-month period.

Golf Course: An outdoor area laid out for the purpose of playing the game of golf, including golf-related and appurtenant structures and uses. This definition excludes miniature golf courses and golf driving ranges (see "Recreation Facility").

Grocery Store: An establishment retailing food and related commodities.

Guest Room: A room in a hotel, motel, tourist home or "bed and breakfast" residence offered to the public for compensation in which no provision is made for cooking.

Highway: Any public way.

Historic District: A geographically definable area possessing a significant concentration or linkage of sites, structures or objects united by past events or aesthetically by plan or physical development and designated in accordance with the requirements of this Ordinance as appropriate for historic preservation. Such historic districts may also comprise individual elements separated geographically, but linked by historical association.

Historic Integrity: The authenticity of a property's historic identity as evidenced by the survival of physical characteristics (location, design, setting, materials, workmanship and association) that existed during the property's prehistoric or historic period.

Historic Landmark: Any site feature or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which is associated with historic personages or important events in local, state or national history which has been designated in accordance with this Ordinance.

Historic Overlay District: A geographically definable area possessing a significant concentration or linkage of sites, structures or objects united by past events or aesthetically by plan or physical development and designated in accordance with the requirements of this Ordinance as appropriate for historic preservation. Such historic districts may also comprise individual elements separated geographically, but linked by historical association.

Historic Site: A parcel of land of special significance in the history or prehistory of the Town and its inhabitants, or upon which an historic event has occurred, or an historic site by virtue of usage and which has been designated as such in accordance with this Ordinance. The term "historic site" shall also include any improved parcel or part of it on which is situated an historic landmark, and any abutting parcel or part of it used as and constituting part of the premises on which the historic landmark is situated as may be designated in accordance with this Ordinance.

Home Occupation:

Any occupation or profession which is accessory to a dwelling unit or residence, and:

1. Is customarily carried on wholly within a dwelling unit or wholly within a structure accessory to a dwelling unit; and
2. Is carried on exclusively by a member or members of the family residing in the dwelling unit, except, however, two additional employees, not residents of the dwelling unit nor members of the family, shall be permitted; and
3. Is clearly incidental and secondary to the use of the dwelling for residential purposes.

Home occupations shall include, without limitation, such uses as antique and/or gift shops, art studios, beauty shops, dressmaking, teaching, television repair, woodworking, studios, or the office of a broker, physician, dentist, attorney, surveyor, engineer, architect, accountant or insurance agent, but only if the specific type of use is otherwise allowed in the district in which it is located.

Hospital: An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Hotel: An establishment that provides lodging and usually meals, entertainment and various personal services for the public.

Individual Historic Property: A property that is worthy of preservation because it possesses historic integrity and local, regional, state, or national significance. Important properties may include structures, sites, and objects significant in American history, archaeology, architecture, engineering, or culture, which have been designated as such in accordance with this Ordinance.

Industry/Industrial: Use of premises for assembling, fabricating, finishing, manufacturing, distilling, packaging, or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations, repair shops and the extraction of minerals.

In-Law Apartment: The portion of a home, with or without separate entrance, plumbing and cooking facilities which serves the purpose of providing living space to relatives or caretakers of the people residing in the principal dwelling.

Inn: An establishment for lodging and entertaining of travelers.

Institutional: A building or use devoted to some public, governmental, educational, charitable medical or similar use.

Intermodal: The shipment of cargo involving more than one mode of transportation.

Junkyard: A yard, field or other outside area used to store, dismantle or otherwise handle:

A. Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture.

B. Discarded, scrap and junked lumber; and

C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

Kennel, Commercial: Any place in or at which any number of dogs or cats are kept for the purpose of sale or in connection with boarding, care, training or breeding, for which a fee is charged.

Kennel, Non-Commercial: An accessory building to a residence designed or used for the accommodation of dogs or cats owned by the occupants of the residence.

Land Use Permit: A permit for proposed land use activity as defined in this Ordinance and issued by the Planning Board or Code Enforcement Officer in accordance with the provisions of this Ordinance.

Light Manufacturing: The fabrication or processing of materials into a finished product. Fabrication relates to the stamping, cutting or otherwise shaping of the processed materials into objects/products. Light manufacturing does not include the refining or other initial processing of basic raw materials such as metal ore, lumber or rubber.

Lot: A parcel of land undivided by any street or public road and occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses incidental to such building, use or development, including such open spaces and yards as are designed, and arranged or required by this Ordinance for such building, use or development. **Lot Area:** The area contained within the boundary lines of a lot.

Lot, Corner: A lot abutting two or more streets at their intersection.

Lot Depth: The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

Lot Frontage: Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by the Ordinance shall be provided, on at least one street.

Lot Line: A line bounding a lot which divides one lot from another, or from a street or any other public or private space, as defined below:

Front Lot Line: In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard. In the case of a lot with no road frontage, the front lot line shall be considered to be the lot line in front of the building.

Rear Lot Line: That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front lot line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

Side Lot Line: Any lot line other than a front or rear lot line. **Lot of Record:** Any validly recorded lot that at the time of its recordation complied with all applicable laws, ordinances, and regulations.

Lumberyard/Sawmill: A permanent facility having regular business hours, sawlog specifications and price list; sells lumber wholesale and/or retail at the site.

Manufactured Housing: A structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. For the purposes of this Ordinance, three (3) types of manufactured housing will be referred to:

1. NEWER MOBILE HOME: Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards and complies with the Manufactured Housing Construction and Safety Standards Act of 1974, et. seq., which in the traveling mode are 14 body feet or more in width and are 750 or more square feet and are constructed on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation;

2. OLDER MOBILE HOMES: Those units constructed before June 15, 1976, and not in compliance with the Manufactured Housing Construction and Safety Standards Act of 1974, which are constructed on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, but does not include those smaller units commonly called "travel trailers"; and

3. MODULAR HOMES: Those units which the manufacturer certifies are constructed in compliance with the State's manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and area designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained herein.

Marina: A business establishment having frontage on navigable water within the Town and providing for hire off-shore mooring or docking facilities for boats and accessory services and facilities such as: boat sales, rental and storage, marine supplies and equipment, marina engine and hull repairs, construction and outfitting for pleasure craft, fuel and oil, electricity, fresh water, ice, shower and laundry facilities and on-premises restaurant.

Marine Railways: A parallel set of rails running from a marine related facility to the water for the purposes of launching, repairing, and retrieving boats and vessels onto land to which said set of rails is connected.

Medical Clinic: An office building used by members of the medical profession for the diagnosis and outpatient treatment of human ailments.

Medical Marijuana Dispensary: a state registered dispensary as described, authorized and regulated by the Maine Medical Use of marijuana Act, 22 M.R.S. § 2241 et seq. (2009).

Mineral Extraction: The removal of sand, gravel, bedrock or soil from its natural site of geologic deposition or formation; the screening, sorting, crushing or other processing of any part of the geologic material so removed; the storage of sand, gravel, crushed stone, or soil in stock piles or other forms.

Mobile Home Park: A parcel of land under unified ownership approved by the Town of Searsport for the placement of three (3) or more manufactured homes.

Motel: An establishment that provides lodging and parking and in which rooms are accessible from an outdoor parking area.

Motor Vehicle: Every vehicle that is self-propelled and designed for carrying persons or property or which is used for the transportation of persons and not operated exclusively on tracks.

Motor Vehicle, Unserviceable: Any motor vehicle which is wrecked, dismantled, cannot be operated legally on any public highway, or which is not being used for the purposes for which it was manufactured.

Municipal Facilities: Buildings or land that is owned by a Public entity and operated under its supervision for a public purpose.

National Register of Historic Places: A register assigned by The National Historic Preservation Act of 1966 as amended that recognizes buildings, sites, districts, structures, and objects significant in American history, archaeology, architecture, engineering, or culture, and identifies them as worthy of preservation.

National Register-Eligible Property: An historic property that is eligible for inclusion in the Register because it meets the National Register criteria, which are specified in the Department of the Interior regulations at 36 CFR 60.4.

National Register-Listed Property: An historic property that has been formally listed in the National Register of Historic Places and accepted by the Secretary of the Interior, who is represented for purposes of the decision by the Keeper of the National Register.

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.

Normal Maintenance and Repair: Any work necessary to maintain an improvement or structure in its original or previously improved state or condition. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in use, change in location, change in size or capacity.

Nuisance: A person, structure or act that causes harm, annoyance or inconvenience; any violation of this Ordinance.

Nursing Home: A facility where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

Open Space: A use that does not disturb the existing state of the land except to restore this land to a natural condition.

Outdoor Recreation: Outdoor recreation activities that are operated by an entity other than a unit of government and which are available for use for a fee, including but not limited to standard golf courses, ice skating, tennis courts, cross-country ski trails, and alpine ski trails and the rental of non-motorized sports equipment, but excluding games and activities common to amusement parks. Private outdoor recreation facilities serving exclusively a residential use shall be considered accessory to the residential use.

Owner: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Parcel: The entire area of a tract of land subject to division or development; may include more than one Lot.

Parking Facility: An area used for the parking of motor vehicles where that use is a primary use or where a separate fee is charged for the privilege of parking. The term "facility" shall also include a commercial parking lot but shall not include a commercial parking garage.

Parking Lot: An open area other than a street used for the parking of more than two automobiles and available for public use whether free, for compensation, or an accommodation for clients or customers.

Parking Space: An enclosed or unenclosed area, sufficient in size to store one automobile together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

Party: The applicant(s), his or her authorized agent, all abutting property owners, and such other individuals or organizations as the Planning Board, at its discretion, finds to have a reasonable and identifiable interest in the proposed project.

Performance Standard: A criterion established to control the use of land and structures. The purpose of performance standards is to provide detailed regulations and restrictions by means of minimum criteria which must be met by users in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare of citizens of Searsport.

Permitted Use: A use that may be lawfully established in a particular district, provided it conforms to all the requirements, standards and regulations of such district.

Person: Any person, firm, association, partnership, corporation, municipal or other local government entity, quasi-municipal entity, educational or charitable organization or institution or legal entity.

Principal Use: The specific primary purpose for which land is used.

Private Road: A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.

Professional Office: An office of a professional such as an architect, accountant, dentist, doctor of medicine, lawyer, etc., but not including any manufacturing, commercial or industrial activity.

Public Road: A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.

Radio Station: An establishment engaged primarily in the use of electromagnetic waves for the wireless transmission of electric impulses into which sound is converted for the purposes of entertainment, education, news or weather.

Recreation Facility: A place designed and equipped for the conduct of sports and/or leisure time activities including regulation size miniature golf courses and driving ranges, water slides, outdoor amusement centers, spectator sports facilities, race tracks or other similar facilities.

Restaurant: An establishment whose principal business is the sale of food and/or beverages to consumers in a ready-to-consume state

Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption and not for trade.

Road: A thoroughfare or way consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles. Includes a Private or Public Road.

Sawmill: See Lumberyard/Sawmill

Setback: The minimum distance from any lot line to the nearest part of a structure.

Sign: A device, model, banner, pennant, insignia, flag, or other representation, which is used as, or is in the nature of an advertisement, announcement or direction.

Sporting Cabin(s): A series of cottages or structures that provide lodging for the public typically associated with a sporting or nature activity.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Subdivision – see “Subdivision Ordinance for the Town of Searsport, Maine.”

Tradesman’s Shop: The shop of a self-employed craftsman or person in a skilled trade.

Tower: A building or structure typically higher than its diameter and high relative to its surroundings that may stand apart or be attached to a larger structure and that may be fully walled in or of skeleton framework.

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Variance: A relaxation of the terms of this Ordinance where such a variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. Refer to the Board of Appeals Ordinance for criteria.

Warehouse and Storage Facility: A commercial structure for the storage of personal items merchandise or commodities, including bulk storage and bulk sales outlet.

Windmill: a mill powered by the wind usually acting on oblique vanes or sails that radiate from a horizontal shaft.

Windmills, Commercial: Wind Energy Systems that produce energy for sale, not personal use or credit.

Wholesale Business Establishment: Any business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to consumers.

Yard: The area of land on a lot not occupied by buildings.

Front Yard: The open, unoccupied space on the same lot with the principal building between the front lot line and nearest part of any building on the lot, and extending the entire width of the lot.

Rear Yard: The open, unoccupied space on the same lot with the principal building between a rear lot line and the nearest part of any building on the lot, and extending the entire width of the lot.

Side Yard: The open, unoccupied space on the same lot with the principal building between a side lot line and the nearest part of any building on the lot, extending from the front yard to the rear yard.

TOWN OF SEARSPORT LAND USE ORDINANCE

Revised 3/8/08, 3/7/09, 3/5/10, 3/10/12, 3/7/2015

Amended at the Town Meeting on March 11, 2017

Amended at the Town Meeting on March 10, 2018

This is a true and attested copy by: _____
Deborah Plourde, Town Clerk

FLOODPLAIN MANAGEMENT ORDINANCE
FOR THE
TOWN OF SEARSPORT, MAINE

ENACTED: March 7, 2015
Date

EFFECTIVE: March 7, 2015
Date

CERTIFIED BY: Deborah Plourde
Signature

CERTIFIED BY: Deborah Plourde
Print Name

Town Clerk
Title

Affix Seal

FLOODPLAIN MANAGEMENT ORDINANCE

CONTENTS

ARTICLE	PAGE
I. PURPOSE AND ESTABLISHMENT	2
II. PERMIT REQUIRED	2
III. APPLICATION FOR PERMIT.....	2
IV. APPLICATION FEE AND EXPERT'S FEE	4
V. REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS.....	4
VI. DEVELOPMENT STANDARDS.....	6
VII. CONDITIONAL USE REVIEW.....	13
VIII. CERTIFICATE OF COMPLIANCE.....	14
IX. REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS	14
X. APPEALS AND VARIANCES	15
XI. ENFORCEMENT AND PENALTIES.....	17
XII. VALIDITY AND SEVERABILITY	18
XIII. CONFLICT WITH OTHER ORDINANCES	18
XIV. DEFINITIONS	18
XV. ABROGATION.....	23

ARTICLE I-PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Searsport, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Searsport, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Searsport, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Searsport has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Searsport having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Searsport, Maine.

The areas of special flood hazard, Zones A, AE, and VE for the Town of Searsport, Waldo County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Waldo County" dated July 6, 2015 with accompanying "Flood Insurance Rate Map" dated July 6, 2015 with panels: 305E, 315E, 316E, 318E, 319E, 455E, 456E, 457E, 458E, 459E, 462E, 464E, 466E, 467E, 476E, 478E, and 486E derived from the county wide digital Flood Insurance Rate Map entitled "Digital Flood Insurance Rate Map, Waldo County," are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIV), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer except as provided in Article VII. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Searsport, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;

- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.3. apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:

1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones AE and VE from data contained in the "Flood Insurance Study - Waldo County, Maine," as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.K. and IX.D.;
 - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
 - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
2. highest and lowest grades at the site adjacent to the walls of the proposed building;
3. lowest floor, including basement; and whether or not such structures contain a basement; and,
4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form 81-65, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
 - 2. a V-Zone Certificate to verify that the construction in coastal high hazard areas, Zone VE, will meet the criteria of Article VI.P.; and other applicable standards in Article VI;
 - 3. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 - 4. a certified statement that bridges will meet the standards of Article VI.M.;
 - 5. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee as established by the Board of Selectmen shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood and floodway data contained in the "Flood Insurance Study - Waldo County, Maine," as described in Article I.;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article IX.D., in order to administer Article VI of this Ordinance; and,
 - 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits, based on the type of development:
 - 1. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, H, or P. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 - 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated

but that meet the floodproofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

For development that requires review and approval as a Conditional Use, as provided for in this Ordinance, the Flood Hazard Development Permit Application shall be acted upon by the Planning Board as required in Article VII.

- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article X of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VIII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

A. All Development - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. use construction materials that are resistant to flood damage;
3. use construction methods and practices that will minimize flood damage; and
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during flooding conditions.

- B. Water Supply - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.**

- C. Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. On Site Waste Disposal Systems** – On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. Residential** - New construction or substantial improvement of any residential structure located within:
1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D.
 3. Zone VE shall meet the requirements of Article VI.P.
- G. Non Residential** - New construction or substantial improvement of any non-residential structure located within:
1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D., or

- a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

3. Zone VE shall meet the requirements of Article VI.P.

H. **Manufactured Homes - New or substantially improved manufactured homes located within:**

1. Zone AE shall:

- a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
- b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) all components of the anchoring system described in Article VI.H.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

3. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article IX.D.; and
- b. meet the anchoring requirements of Article VI.H.1.c.

3. Zone VE shall meet the requirements of Article VI.P.

I. **Recreational Vehicles - Recreational Vehicles located within:**

1. Zones A and AE shall either:

- a. be on the site for fewer than 180 consecutive days,

- b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
- c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VLH.1.

2. Zone VE shall meet the requirements of either Article VII.1.a. and b., or Article VLP.

J. **Accessory Structures -** Accessory Structures, as defined in Article XIV, located within Zones AE and A shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

1. be 500 square feet or less and have a value less than \$3000;
2. have unfinished interiors and not be used for human habitation;
3. have hydraulic openings, as specified in Article VII.2., in at least two different walls of the accessory structure;
4. be located outside the floodway;
5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. **Floodways -**

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones AE and A riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

- a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.
3. In Zones AE and A riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.
- L. Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones AE and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:
- 1. Enclosed areas are not "basements" as defined in Article XIV;
 - 2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
 - 3. The enclosed area shall not be used for human habitation; and,
 - 4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.
- M. Bridges** - New construction or substantial improvement of any bridge in Zones AE, A, and VE shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. Containment Walls - New construction or substantial improvement of any containment wall located within:

1. Zones AE, A, and VE shall:
 - a. have the containment wall elevated to at least one foot above the base flood elevation;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. Wharves, Piers and Docks - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE, A, and VE, in and over water and seaward of the mean high tide if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

P. Coastal Floodplains -

1. All new construction located within Zones AE and VE shall be located landward of the reach of mean high tide except as provided in Article VI.P.6.
2. New construction or substantial improvement of any structure located within Zone VE shall:
 - a. be elevated on posts or columns such that:

- (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;
 - (2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and,
 - (3) water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
- b. have the space below the lowest floor:
 - (1) free of obstructions; or,
 - (2) constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,
 - (3) constructed to enclose less than 300 square feet of area with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.
- c. require a registered professional engineer or architect to:
 - (1) develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual*, (FEMA-55); and,
 - (2) certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Article VIP.2.
3. The use of fill for structural support in Zone VE is prohibited.
4. Human alteration of sand dunes within Zone VE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.
5. The area below the lowest floor shall be used solely for parking vehicles, building access, and storage.
6. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.G. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.K., and VI.L. are met:
 - a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.

- b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
- c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.
- d. The structure shall have unfinished interiors and shall not be used for human habitation.
- e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to one foot above the base flood elevation.
- f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the Special Flood Hazard Area.

ARTICLE VII - CONDITIONAL USE REVIEW

The Planning Board shall hear and decide upon applications for conditional uses provided for in this Ordinance. The Planning Board shall hear and approve, approve with conditions, or disapprove all applications for conditional uses. An applicant informed by the Code Enforcement Officer that a Conditional Use Permit is required shall file an application for the permit with the Planning Board.

A. Review Procedure for a Conditional Use Flood Hazard Development Permit

- 1. The Flood Hazard Development Permit Application with additional information attached addressing how each of the conditional use criteria specified in the Ordinance will be satisfied, may serve as the permit application for the Conditional Use Permit.
- 2. Before deciding any application, the Planning Board shall hold a public hearing on the application within thirty days of their receipt of the application.
- 3. If the Planning Board finds that the application satisfies all relevant requirements of the ordinance, the Planning Board must approve the application or approve with conditions within 45 days of the date of the public hearing.
- 4. A Conditional Use Permit issued under the provisions of this Ordinance shall expire if the work or change involved is not commenced within 180 days of the issuance of the permit by the Planning Board.
- 5. The applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

B. Expansion of Conditional Uses

1. No existing building or use of premises may be expanded or enlarged without a permit issued under this section if that building or use was established or constructed under a previously issued Conditional Use Permit or if it is a building or use which would require a Conditional Use Permit if being newly-established or constructed under this Ordinance.

ARTICLE VIII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer:
 1. an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, H, or P and,
 2. for structures in Zone VE, certification by a registered professional engineer or architect that the design and methods of construction used are in compliance with Article VI.P.2.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 1. review the required certificate(s) and the applicant's written notification; and,
 2. upon determination that the development conforms to the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE IX - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law, local ordinances or regulations, and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided in order to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE X - APPEALS AND VARIANCES

The Board of Appeals of the Town of Searsport may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
1. a showing of good and sufficient cause; and,
 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,

- d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as is deemed necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
1. other criteria of Article X and Article VI.K. are met; and,
 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
1. the development meets the criteria of Article X, paragraphs A. through D. above; and,
 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article X, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 2. such construction below the base flood level increases risks to life and property; and,
 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. Appeal Procedure for Administrative and Variance Appeals
1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE XI - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to other actions, the Code Enforcement Officer (CEO may, upon identifying a violation, submit a declaration to the Administrator of the Federal Insurance Administration requesting a flood insurance denial. The valid declaration shall consist of;
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
 5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XII - VALIDITY AND SEVERABILITY

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

ARTICLE XIII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIV - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law, and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - a small detached structure that is incidental and subordinate to the principal structure.

Adjacent Grade - the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Area of Special Flood Hazard - land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - a flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - area of a building that includes a floor that is subgrade (below ground level) on all sides.

Breakaway Wall - a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building - see Structure.

Certificate of Compliance - a document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer - a person certified under Title 30-A MRSA, Section 4451 (including exceptions in Section 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws.

Conditional Use - a use that, because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to Article VII.

Containment Wall – wall used to convey or direct storm water or sanitary water from the initial source to the final destination.

Development – a manmade change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

Digital Flood Insurance Rate Map (FIRM) – see **Flood Insurance Rate Map**

Elevated Building - a non-basement building that is:

- a. built, in the case of a building in Zones AE or A, so that the top of the elevated floor, or in the case of a building in Zone VE, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored to not impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones AE or A, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L. In the case of Zone VE, **Elevated Building** also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Article VI.P.2.b.(3).

Elevation Certificate - an official form (FEMA Form 81-31, as amended) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- b. is required for purchasing flood insurance.

Flood or Flooding

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Study - an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see **Flood Elevation Study**.

Floodplain or Floodprone Area - land area susceptible to being inundated by water from any source (see flooding).

Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use - a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

Locally Established Datum - for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of this Ordinance.

Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - when related to the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

National Geodetic Vertical Datum (NGVD) - the national vertical datum, a standard established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD is based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

New Construction - structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

North American Vertical Datum (NAVD)- means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound, and subsidence and the increasing use of satellite technology.

100-year flood - see **Base Flood**.

Recreational Vehicle - a vehicle that is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- a. the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see **Area of Special Flood Hazard**.

Start of Construction - the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Structure - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Board of Appeals.

Variance - means a grant of relief by a community from the terms of a floodplain management regulation.

Violation - means the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

60.3 (e) Rev. 01/15
Prepared by DACF/SB

SHORELAND ZONING ORDINANCE

Town of Searsport, Maine

TABLE OF CONTENTS

1. Purposes.....	1
2. Authority.....	1
3. Applicability.....	1
4. Effective Date.....	1
5. Availability.....	1
6. Severability.....	1
7. Conflicts with Other Ordinances.....	1
8. Amendments.....	1
9. Districts and Zoning Map.....	2
A. Official Shoreland Zoning Map.....	2
B. Scale of Map.....	2
C. Certification of Official Shoreland Zoning Map.....	2
D. Changes to the Official Shoreland Zoning Map.....	2
10. Interpretation of District Boundaries.....	2
11. Land Use Requirements.....	2
12. Non-conformance.....	2
A. Purpose.....	2
B. General.....	2
C. Non-conforming Structures.....	3
D. Non-conforming Uses.....	5
E. Non-conforming Lots.....	6
13. Establishment of Districts.....	6
A. Resource Protection District.....	6
B. Stream Protection District.....	7
C. Halfmoon Pond.....	7
D. Limited Residential District.....	7
E. Limited Commercial District.....	7
F. General Development I District.....	7
G. General Development II District.....	8
H. Commercial Fisheries/Maritime Activities District.....	8
14. Table of Land Uses.....	10
15. Land Use Standards.....	11
A. Minimum Lot Standards.....	11
B. Principal and Accessory Structures.....	12
C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water body or Within a Wetland.....	14
D. Campgrounds.....	15
E. Individual Private Campsites.....	15
F. Commercial and Industrial Uses.....	16
G. Parking Areas.....	16
H. Roads and Driveways.....	17
I. Signs.....	18
J. Storm Water Runoff.....	18
K. Septic Waste Disposal.....	18
L. Essential Services.....	19
M. Mineral Exploration and Extraction.....	19
N. Agriculture.....	20
O-1 Timber Harvesting – Statewide Standards.....	20
P. Clearing or Removal of Vegetation for Activities Other than Timber Harvesting.....	20
Q. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal.....	22
R. Exemptions to Clearing and Vegetation Removal Requirements.....	23
S. Revegetation Requirements.....	24

T. Erosion and Sedimentation Control	25
U. Soils.....	26
V. Water Quality.....	26
W. Archaeological Site.....	26
16. Administration.....	26
A. Administering Bodies and Agents	26
B. Permits Required.....	27
C. Permit Application	27
D. Procedure for Administering Permits.....	28
E. Special Exceptions	28
F. Expiration of Permit.....	29
G. Installation of Public Utility Service.....	29
H. Appeals.....	29
I. Enforcement.....	31
17. Definitions	32

SECTION 1. PURPOSES

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

SECTION 2. AUTHORITY

This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

SECTION 3. APPLICABILITY

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river,
- upland edge of a coastal wetland, including all areas affected by tidal action, or
- upland edge of a freshwater wetland,

and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

SECTION 4. Effective Date of Ordinance and Ordinance Amendments.

This Ordinance, which was adopted by the municipal legislative body on MARCH 16, 1991, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

SECTION 5. AVAILABILITY

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

SECTION 6. 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.

SECTION 7. CONFLICTS WITH OTHER ORDINANCES

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 administered by the municipality, the more restrictive provision shall control.

SECTION 8. AMENDMENTS

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

SECTION 9. DISTRICTS AND ZONING MAP

A. Official Shoreland Zoning Map.

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

- (1) Resource Protection
- (2) Stream Protection
- (3) Halfmoon Pond District
- (4) Limited Residential
- (5) Limited Commercial
- (6) General Development I
- (7) General Development II
- (8) Commercial Fisheries/Maritime Activities

B. Scale of Map.

The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. **Certification of Official Shoreland Zoning Map.** The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

D. **Changes to the Official Shoreland Zoning Map.** If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

SECTION 10. INTERPRETATION OF DISTRICT BOUNDARIES

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

SECTION 11. LAND USE REQUIREMENTS

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

SECTION 12. NON-CONFORMANCE

A. **Purpose.** It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

1 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.

2 Repair and Maintenance.

This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-conforming Structures

1. Expansions.

All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15(B)(1). A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

- (a) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. In the Halfmoon Pond District, any expansion or new development is prohibited within 75 feet of the normal high water line. **¶** Expansion of an accessory structure that is located closer to the normal high water-line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
- (b) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1).
 - (i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
- (c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.
 - (i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
 - (ii) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.
 - (iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than

250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

- (d) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.
- (2) **Foundations.** Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(3) Relocation, below.
- (3) **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 requirements to the greatest practical extent as determined by the Planning Board or its designee, 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 (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 to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15(S). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- (a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

- (b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
- (4) **Reconstruction or Replacement.** Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed,

regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming area footprint of the reconstructed or replaced structure at its new location. If the total area footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(3) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(3) above, the physical condition and type of foundation present, if any.

- (5) **Change of Use of a Non-conforming Structure.** The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

- (1) **Expansions.** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1) above.
- (2) **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 except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
- (3) **Change of Use.** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses in the CFMA district, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(5) above.

E. Non-conforming Lots

- (1) **Non-conforming Lots:** A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.
- (2) **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the *State Minimum Lot Size Law* (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

- (3) **Contiguous Lots - Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- (a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
- (b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

SECTION 13. ESTABLISHMENT OF DISTRICTS

A. Resource Protection District.

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Residential, Limited Commercial, General Development I, or Commercial Fisheries/Maritime Activities Districts need not be included within the Resource Protection District.

- (1) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
- (2) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

- (3) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
- (4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.
- (5) Areas within 250 feet, horizontal distance, of the upland edge of freshwater and/or coastal wetlands, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W). These areas are generally depicted on a Geographic Information System (GIS) data layer.

B. Stream Protection District. The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

C. Halfmoon Pond Overlay District

The Halfmoon Pond Overlay District includes those areas immediately adjacent to and within two hundred and fifty (250) feet from the high water line of Halfmoon Pond.

D. Limited Residential District. The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the General Development Districts, Commercial Fisheries/Maritime Activities District, Limited Commercial Districts or Halfmoon Pond District.

E. Limited Commercial District The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

F. General Development I District. The General Development I District includes the following types of existing, intensively developed areas:

- (1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - (a) Areas devoted to manufacturing, fabricating or other industrial activities;
 - (b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
 - (c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.
- (2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

G. General Development II District.

The General Development II District includes the same types of areas as those listed for the General Development I District. The General Development II District, however, shall be applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development I District.

Portions of the General Development District I or II may also include residential development. However, no area shall be designated as a General Development I or II District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers that flow to great ponds classified GPA.

H. Commercial Fisheries/Maritime Activities District.

The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

- (1) Shelter from prevailing winds and waves;
- (2) Slope of the land within 250 feet, horizontal distance, of the shoreline;
- (3) Depth of the water within 150 feet, horizontal distance, of the shoreline;
- (4) Available support facilities including utilities and transportation facilities; and
- (5) Compatibility with adjacent upland uses.

SECTION 14. Table of Land Uses.

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)

No - Prohibited

PB - Allowed with permit issued by the Planning Board.

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection GD General Development I and General Development II

LR - Limited Residential CFMA - Commercial Fisheries/Maritime Activities

LC - Limited Commercial SP - Stream Protection

HP - Halfmoon Pond Overlay District

LAND USES

TABLE 1. LAND USES IN THE SHORELAND ZONE

	DISTRICT						
	SP	RP	LR	LCI	GD I&II	CFMA	HP
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes						
2. Motorized vehicular traffic on existing roads and trails	yes						
3. Forest management activities except for timber harvesting & land management roads	yes						
4. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	yes	yes	yes	yes	CEO
5. Fire prevention activities	yes						
6. Wildlife management practices	yes						
7. Soil and water conservation practices	yes						
8. Mineral exploration	no	yes ²					
9. Mineral extraction including sand and gravel extraction	no	PB ³	PB	PB	PB	PB	no
10. Surveying and resource analysis	yes						
11. Emergency operations	yes						
12. Agriculture	yes	PB	yes	yes	yes	yes	yes
13. Aquaculture	PB	PB	PB	yes	yes	yes	no
14. Principal structures and uses							
A. One and two family residential, including driveways	PB ⁴	PB ⁵	CEO	PB	no	no	PB
B. Multi-unit residential	no	no	PB	PB	no	no	no
C. Commercial	no	no	no ¹⁰	PB	PB	PB ⁵	no
D. Industrial	no	no	no	no	PB	PB ⁵	no
E. Governmental and Institutional	no	no	no	PB	PB	PB ⁵	no
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ⁴	PB	PB	PB	CEO	PB ⁵	no
15. Structures accessory to allowed uses	PB ⁴	PB	CEO	PB	yes	yes	PB
16. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland							
a. Temporary	CEO ¹¹						
b. Permanent	PB	PB	PB	PB	PB	PB ⁵	PB
17. Conversions of seasonal residences to year-round residences	LPI	no	LPI	LPI	no	no	no
18. Home occupations	PB	no	PB	CEO	PB	no	no
19. Private sewage disposal systems for allowed uses	LPI	no	LPI	LPI	LPI	LPI	PB
20. Essential services	PB ⁶	PB ⁶	PB	PB	PB	PB	PB
A. Roadside distribution lines (34.5kV and lower)	CEO ⁴	CEO ⁴	yes ¹⁰	yes ¹¹	yes ¹¹	yes ¹¹	PB ⁶
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB ⁴	PB ⁴	CEO	CEO	CEO	CEO	PB ⁶
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB ⁴	PB ⁴	PB	PB	PB	PB	PB ⁶
D. Other essential services	PB ⁴	PB ⁴	PB	PB	PB	PB	PB ⁶
21. Service drops, as defined, to allowed uses	yes						
22. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO ⁵	no
23. Individual, private campsites	no	no	CEO	no	no	no	PB
24. Campgrounds	no	no	PB ¹⁰	PB	PB	no	no
25. Road construction	PB	no ⁶	PB	PB	PB	PB ⁵	PB
26. Parking facilities	no	no ⁷	PB	PB	PB	PB ⁵	no
27. Marinas	no	no	PB	PB	PB	PB	no
28. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes	PB
29. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO	PB
30. Signs	Yes ¹²	CEO ¹²	Yes ¹²	PB ¹²	PB	PB	Yes ¹²
31. Uses similar to allowed uses	CEO						
32. Uses similar to uses requiring a CEO permit	CEO						
33. Uses similar to uses requiring a PB permit	PB						

¹ In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

² Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

³ In RP not allowed in areas so designated because of wildlife value.

⁴ Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁵ Functionally water-dependent uses and uses accessory to such water dependent uses only.

⁶ See further restrictions in Section 15(1)(2).

⁷ Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

⁸ Except as provided in Section 15(1)(4).

⁹ Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.

¹⁰ Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

¹¹ Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

¹² Permit not required but must file a written "notice of intent to construct" with CEO.

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

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

SECTION 15. Land Use Standards.

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

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)		
(a) Residential per dwelling unit		
(i) Within the Shoreland Zone Adjacent to Tidal Areas	30,000	150
(ii) Within the Shoreland Zone Adjacent to Non-Tidal Areas	40,000	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure		
(i) Within the Shoreland Zone Adjacent to Tidal Areas, Exclusive of Those Areas Zoned for Commercial Fisheries and Maritime Activities	40,000	200
(ii) Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities	NONE	NONE
(iii) Within the Shoreland Zone Adjacent to Non-tidal Areas	60,000	300
(c) Public and Private Recreational Facilities		
(i) Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas	40,000	200
(2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.		
(3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.		
(4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.		
(5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.		

- (6) Clustered housing within the shoreland zone provided that the overall dimensional requirements, including frontage and lot area per dwelling unit, are met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.

B. Principal and Accessory Structures

- (1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

- (a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
 - (b) For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the board of appeals.
 - (c) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
- (2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
 - (3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.
 - (4) With the exception of General Development Districts located adjacent to coastal wetlands and rivers that do not flow to great ponds and Commercial Fisheries/Maritime Activities Districts, non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone. This

limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.

In a General Development District located adjacent to coastal wetlands, or rivers that do not flow to great ponds, or in a Commercial Fisheries/Maritime Activities District, non-vegetated surfaces shall not exceed a total of seventy (70) percent of the portion of the lot located within the shoreland zone.

For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as nonvegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

- (5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
- (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - (e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
 - (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (iii) Only native species may be used to establish the buffer area;
 - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - (v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;
- (6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the

Department of Environmental Protection pursuant to the *Natural Resources Protection Act*, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland, and Shoreline Stabilization

- (1) No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.
- (2) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (3) The location shall not interfere with existing developed or natural beach areas.
- (4) The facility shall be located so as to minimize adverse effects on fisheries.
- (5) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
- (6) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
- (7) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the *Natural Resources Protection Act*.
- (8) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- (9) Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
- (10) Vegetation may be removed in excess of the standards in Section 15(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
 - (a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored.
 - (b) Revegetation must occur in accordance with Section 15(S).
- (11) A deck over a river may be exempted from the shoreland setback requirements if it is part of a downtown revitalization project that is defined in a project plan approved by the legislative body of the municipality, and may include the revitalization of structures formerly used as mills that do not meet the structure setback requirements, if the deck meets the following requirements:
 - (a) The total deck area attached to the structure does not exceed 700 square feet;

- (b) The deck is cantilevered over a segment of a river that is located within the boundaries of the downtown revitalization project;
- (c) The deck is attached to or accessory to an allowed commercial use in a structure that was constructed prior to 1971 and is located within the downtown revitalization project;
- (d) The construction of the deck complies with all other applicable standards, except the shoreline setback requirements in section 15(B); and
- (e) The construction of the deck complies with all other state and federal laws.

D. Campgrounds.

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

- (1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
- (2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites.

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

- (1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- (2) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
- (3) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (4) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (5) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (6) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (7) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface

sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage system facilities.

F. Commercial and Industrial Uses.

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

- (1) Auto washing facilities
- (2) Auto or other vehicle service and/or repair operations, including body shops
- (3) Chemical and bacteriological laboratories
- (4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms
- (5) Commercial painting, wood preserving, and furniture stripping
- (6) Dry cleaning establishments
- (7) Electronic circuit assembly
- (8) Laundromats, unless connected to a sanitary sewer
- (9) Metal plating, finishing, or polishing
- (10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- (11) Photographic processing
- (12) Printing

G. Parking Areas

- (1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District and Commercial Fisheries/Maritime Activities District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- (3) In determining the appropriate size of proposed parking facilities, the following shall apply:
 - (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - (b) Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

- (1) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

- (2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.
- (3) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
- (4) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15 (T).
- (5) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
- (6) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- (7) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
 - (a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

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

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
- (c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
- (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- (8) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

I. Signs.

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Halfmoon Pond, Limited Residential and Limited Commercial Districts:

- (1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
- (2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
- (3) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
- (4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- (5) Signs relating to public safety shall be allowed without restriction.
- (6) No sign shall extend higher than twenty (20) feet above the ground.
- (7) Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

- (1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
- (2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

K. Septic Waste Disposal

(1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following:

a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and

b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

(2) Setback requirements in the Halfmoon Pond District shall be no less than two hundred fifty (250) feet from the normal high-water line of Halfmoon Pond.

L. Essential Services

(1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

(2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection, Stream Protection District except to provide services to a permitted use within said district(s), or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

(3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

M. Mineral Exploration and Extraction.

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

(1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.

(2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

(3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

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

- (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 - (b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
 - (c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

- (1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the *Nutrient Management Law* (7 M.R.S.A. sections 4201-4209).
- (2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- (3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
- (4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- (5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the planning board.

O-1. Timber Harvesting – Repealed (Now regulated by Maine Forest Service)

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

- (1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in section Q

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

- (2) Except in areas as described in Section P(1), above, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, or within a strip extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
- (a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.
 - (b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

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

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

The following shall govern in applying this point system:

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

For the purposes of Section 15(P)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

- (c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.
 - (d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
 - (e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section Q, below, unless existing new tree growth is present.
 - (f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15.P(2).
- (3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the General Development or Commercial Fisheries/Maritime Activities Districts.

- (4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- (5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

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

- (1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
 - (a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.
 - (b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is

not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

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

R. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- (1) The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;
- (2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;

- (3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
- (4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;
- (5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:
 - (a) A coastal wetland; or
 - (b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
- (6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
 - (a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 - (b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 - (c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.
- (7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

S. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

- (1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
- (2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed;

- (3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
- (4) Revegetation activities must meet the following requirements for trees and saplings:
 - (a) All trees and saplings removed must be replaced with native noninvasive species;
 - (b) Replacement vegetation must at a minimum consist of saplings;
 - (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - (d) No one species shall make up 50% or more of the number of trees and saplings planted;
 - (e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - (f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.
- (5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
 - (a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 - (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - (d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years
- (6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:
 - (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
 - (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

T. Erosion and Sedimentation Control

- (1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - (a) Mulching and revegetation of disturbed soil.

- (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - (c) Permanent stabilization structures such as retaining walls or rip-rap.
- (2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
 - (3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
 - (4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - (a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
 - (5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

U. Soils. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

V. Water Quality. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

W. Archaeological Site. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

SECTION 16. Administration

A. Administering Bodies and Agents

- (1) **Code Enforcement Officer.** A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

(2) **Board of Appeals.** A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.

(3) **Planning Board.** A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required. After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

(1) A permit is not required for the replacement of an existing road culvert as long as:

(a) The replacement culvert is not more than 25% longer than the culvert being replaced;

(b) The replacement culvert is not longer than 75 feet; and

(c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

(2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

(3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

(1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14. The appropriate fee, as determined by a fee schedule promulgated by the Municipal Officers upon Planning Board recommendation, shall accompany said application.

(2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

(3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

(4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

(5) When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and

certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

D. Procedure for Administering Permits. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;
- (8) Will avoid problems associated with floodplain development and use; and
- (9) Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

E. Special Exceptions. In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

(3) All proposed buildings, sewage disposal systems and other improvements are:

- (a) Located on natural ground slopes of less than 20%; and
- (b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

- (4) The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
- (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

H. Appeals

(1) **Powers and Duties of the Board of Appeals.** The Board of Appeals shall have the following powers:

(a) **Administrative Appeals:** To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

(b) **Variance Appeals:** To authorize variances upon appeal, within the limitations set forth in this Ordinance.

(2) **Variance Appeals.** Variances may be granted only under the following conditions:

(a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

- (b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- (c) The Board shall not grant a variance unless it finds that:
 - (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - a. That the land in question cannot yield a reasonable return unless a variance is granted;
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - c. That the granting of a variance will not alter the essential character of the locality; and
 - d. That the hardship is not the result of action taken by the applicant or a prior owner.
- (d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals, or the codes enforcement officer if authorized in accordance with 30-A MRSA §4353-A, may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Sections 16(H)(2)(f) and 16(H)(4)(b)(iv) below.)
- (e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- (f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) Appeal Procedure

(a) Making an Appeal

- (i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.**
- (ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:**
 - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.**
 - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.**
- (iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.**
- (iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.**

(b) Decision by Board of Appeals

- (i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.**
 - (ii) The person filing the appeal shall have the burden of proof.**
 - (iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.**
 - (iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.**
- (5) Appeal to Superior Court.** Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.
- (6) Reconsideration.** In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Enforcement

(1) **Nuisances.** Any violation of this Ordinance shall be deemed to be a nuisance.

(2) **Code Enforcement Officer**

(a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or 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, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

(b) 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.

(c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

(3) **Legal Actions.** When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless 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 there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

(4) **Fines.** Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

SECTION 17. Definitions

For the purpose of this Ordinance, the following definitions shall be observed. All terms, not specifically defined herein, shall have their ordinary or customary meanings. Words used in the present tense shall include the future and the plural shall include the singular.

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.

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.

Agriculture - the production, keeping or maintenance for sale or lease of plants 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 green-house products. Agriculture does not include forest management and timber harvesting activities.

Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boat Launching Facility - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Bureau of Forestry - State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.

Campground - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy - the more or less continuous cover formed by tree crowns in a wooded area.

Cluster Housing Development - a form of development for single-family residential subdivisions that permits a reduction in lot area and other requirements, provided there is not an increase in the number of lots that would have been permitted under a conventional subdivision and the result land area is devoted to open space.

Coastal wetland - all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," 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.

Cross-sectional area - the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH - the diameter of a stranding tree measured 4.5 feet from ground level.

Development - a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

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

Disability - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of

mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Disruption of shoreline integrity - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

Driveway - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

Emergency operations - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential services - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

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

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

Family - one or more persons occupying a premises and living as a single housekeeping unit.

Floodway - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

Footprint - the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Forested wetland - a freshwater wetland dominated by woodey vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Foundation - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

- (1) Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
- (2) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

Gray water - A liquid waste discharge from any fixture, appliance or appurtenance in connection with a plumbing system which does not receive or contain fecal matter.

Great pond - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great pond classified GPA - any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground cover - small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Hazard tree - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Height of a structure - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Increase in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

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

Institutional - a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Licensed Forester - a forester licensed under 32 M.R.S.A. Chapter 76.

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.

Marina - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Market value - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mineral exploration - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Multi-unit residential - a residential structure containing three (3) or more residential dwelling units.

Native - indigenous to the local forests.

Non-conforming condition - non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

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, lot coverage or footprint, 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 allowed 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.

Non-native invasive species of vegetation - species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Normal high-water line (non-tidal waters) - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Outlet stream - any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

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.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland.

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure - a structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same lot.

Public facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent floodplain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recreational facility - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet

facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Riprap - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River - a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Salt marsh - Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt meadow - Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

Sapling - a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

Seedling - a young tree species that is less than four and one half (4.5) feet in height above ground level.

Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

(1) in the case of electric service

(a) the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

(b) the total length of the extension is less than one thousand (1,000) feet.

(2) in the case of telephone service

(a) the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

(b) the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline -- the normal high-water line, or upland edge of a freshwater or coastal wetland.

Storm-damaged tree - a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Structure -- anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system -- any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system..

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Tidal waters -- all waters affected by tidal action during the highest annual tide.

Tree - a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

Tributary stream -- means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

Vegetation - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Velocity zone - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Volume of a structure - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body - any great pond, river or stream.

Water crossing - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - a freshwater or coastal wetland.

Windfirm - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.

STATUTORY AUTHORITY: 38 M.R.S.A. Section 438-A(5)

EFFECTIVE DATE:
March 16, 1991

AMENDED:
March 11, 2000 (Town Meeting)
July 13, 2000 (Special Town Meeting)
March 7, 2009 (Town Meeting)
March 10, 2012 (Town Meeting)
March 5, 2016 (Town Meeting)
March 11, 2017 (Town Meeting)

Amended at the Town Meeting on March 11, 2017

This is a true and attested copy by: Deborah Plourde
Deborah Plourde, Town Clerk

Subdivision Ordinance of the Town of Searsport

Subdivision Ordinance of the Town of Searsport

Table of Contents

ARTICLE 1 - AUTHORITY AND ADMINISTRATION.....	4
1.1 Authority.....	4
1.2 Administration.....	4
1.3 Amendments.....	4
ARTICLE 2 - PURPOSES AND STATUTORY REVIEW CRITERIA.....	5
2.1 Purposes.....	5
2.2 Statutory Review Criteria:.....	5
ARTICLE 3 - DEFINITIONS.....	8
ARTICLE 4 - ADMINISTRATIVE PROCEDURE.....	12
ARTICLE 5 - SKETCH PLAN MEETING AND SITE INSPECTION.....	13
5.1 Purpose.....	13
5.2 Sketch Plan Meeting Procedure.....	13
5.3 Sketch Plan Submissions.....	13
5.4 Contour Interval and On-Site Inspection.....	13
5.5 Rights Not Vested.....	14
5.6 Establishment of File.....	14
ARTICLE 6 - PRELIMINARY PLAN APPLICATION.....	15
6.1 Procedure.....	15
6.2 Mandatory Submissions for Preliminary Plan.....	16
ARTICLE 7 - FINAL PLAN APPLICATION.....	21
7.1 Procedure.....	21
7.2 Mandatory Submissions.....	23
7.3 Required Submissions for which a Waiver May be Granted.....	24
7.4 Final Approval and Filing.....	25
ARTICLE 8 - REVISIONS TO APPROVED PLANS.....	27
8.1 Procedure.....	27
8.2 Submissions.....	27
8.3 Scope of Review.....	27
ARTICLE 9 - INSPECTIONS AND ENFORCEMENT.....	28
9.1 Inspection of Required Improvements.....	28
9.2 Violations and Enforcement.....	29
ARTICLE 10 - PERFORMANCE & DESIGN STANDARDS.....	30
10.1 Basic Subdivision Layout.....	30

10.2	Sufficient Water	30
10.3	Erosion and Sedimentation and Impact on Water Bodies	31
10.4	Sewage Disposal.....	32
10.5	Solid Waste	32
10.6	Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline.....	33
10.7	Conformance with Zoning Ordinance and Other Land Use Ordinances.....	36
10.8	Financial and Technical Capacity.....	36
10.9	Impact on Ground Water Quality or Quantity.....	37
10.10	Floodplain Management.	38
10.11	Identification of Freshwater Wetlands, Rivers, Streams or Brooks.....	38
10.12	Stormwater Management	38
10.13	Cluster Developments.....	39
10.14	Compliance with Timber Harvesting Rules.....	40
10.15	Traffic Conditions and Streets.	41
10.15.1	Specific Access and Street Design Standards.....	42
ARTICLE 11 - PERFORMANCE GUARANTEES		51
11.1	Types of Guarantees	51
11.2	Contents of Guarantee.....	51
11.3	Escrow Account.	51
11.4	Performance Bond.....	51
11.5	Letter of Credit.....	51
11.6	Conditional Agreement.....	52
11.7	Phasing of Development	52
11.8	Release of Guarantee.....	52
11.9	Default.....	52
11.10	Improvements Guaranteed.	52
ARTICLE 12 - WAIVERS		53
12.1	Waivers of Certain Submission Requirements Authorized.....	53
12.2	Waivers of Certain Improvements Authorized.....	53
12.3	Waiver of Procedural Steps.....	53
12.4	Conditions for Waivers.....	53
12.5	Waivers to be shown on final plan.....	53
ARTICLE 13 - APPEALS		54
13.1	Appeals to Superior Court.....	54
ARTICLE 14 - VALIDITY, EFFECTIVE DATE, CONFLICT OF ORDINANCES, AND FILING		54

ARTICLE 1 - AUTHORITY AND ADMINISTRATION

1.1 Authority.

- A. These standards have been prepared in accordance with the provisions of Title 30-A M.R.S.A., §4403.
- B. These standards shall be known and may be cited as "Subdivision Regulations of the Town of Searsport, Maine."

1.2 Administration.

- A. The Planning Board of the Town of Searsport, hereinafter called the Board, shall administer this ordinance.
- B. The provisions of this ordinance shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of Searsport.

1.3 Amendments.

A. INITIATION

An amendment to this Ordinance may be initiated by one of the following:

1. The Planning Board, provided a majority of the board has so voted.
2. Request of Board of Selectpersons to the Planning Board.
3. Written petition of 10% of the number of registered voters who voted in the most recent gubernatorial election, in accordance with 30-A M.R.S.A. § 2522 or 2528.
4. An individual may initiate an amendment through any of the above methods.

B. HEARINGS

All proposed amendments shall be referred to the Planning Board for their recommendation. The Planning Board shall hold a public hearing at least 30 days before the town meeting vote on any proposed amendment, and shall make a written recommendation to the Board of Selectmen within 30 days from the public hearing.

C. MAJORITY VOTE

After receiving the recommendation of the Planning Board, the amendment may be adopted or rejected by majority vote of the voters at an Annual Town Meeting.

ARTICLE 2 - PURPOSES AND STATUTORY REVIEW CRITERIA

2.1 Purposes. The purposes of this ordinance are:

- A. To provide for an expeditious and efficient process for the review of proposed subdivisions;
- B. To assure new development in the Town of Searsport meets the goals and conforms to the policies of the Searsport Comprehensive Plan and the Searsport Land Use Ordinance.
- C. To assure the comfort, convenience, safety, health and welfare of the people of the Town of Searsport;
- D. To protect the environment and conserve the natural and cultural resources identified in the Searsport Comprehensive Plan and Land Use Ordinance as important to the community;
- E. To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;
- F. To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and
- G. To promote the development of an economically sound and stable community.

2.2. Statutory Review Criteria: When reviewing any application for a subdivision, as defined by Article 3, the Review Authority shall find that the following criteria as found in Title 30-A M.R.S.A. §4404 have been met, as well as all applicable provisions of the Land Use Ordinance and other sections of this Ordinance have been met, before granting approval. The proposed project:

- A. Will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - 1. The elevation of the land above sea level and its relation to the flood plains;
 - 2. The nature of soils and subsoils and their ability to adequately support waste disposal;
 - 3. The slope of the land and its effect on effluents;
 - 4. The availability of streams for disposal of effluents; and
 - 5. The applicable State and local health and water resources rules and regulations;
- B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- C. Will not cause an unreasonable burden on an existing water supply, if one is to be used;
- D. Will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;
- E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway, located outside

the urban compact area of an urban compact municipality, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;

- F. Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;
- G. Will not cause an unreasonable burden on the municipality's ability to dispose of solid waste if municipal services are to be utilized;
- H. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
- I. Is in conformance with a duly adopted subdivision ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;
- J. The developer has adequate financial and technical capacity to meet the standards of this section.
- K. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, sections 435 through 490, or within 250 feet of tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.
 - 1. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.
 - (a) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.
 - (b) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983;
- L. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water
- M. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the

subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision or project plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

- N. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;
- O. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9;
- P. The proposed subdivision will provide for adequate storm water management;
- Q. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;
- R. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;
- S. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
- T. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, M.R.S.A section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Planning Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the Planning Board that it will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, M.R.S.A section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

ARTICLE 3 - DEFINITIONS

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, any word or term defined in the Searsport Land Use Ordinance shall have the definition contained in that ordinance, unless defined differently below; other words and terms used herein are defined as follows:

Affordable Housing: Housing units which will meet the sales price and/or rental targets established by the comprehensive plan for housing affordability.

Applicant: The person applying for subdivision approval under these regulations.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Buffer Area: Refer to the Searsport Land Use Ordinance, under "Buffers".

Capital Improvements Program (CIP): The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

Cluster Subdivision: Refer to the Searsport Land Use Ordinance.

Common Open Space: Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by these regulations unless waived, after the applicant's written request, by a vote by the Board. The Board shall issue a written statement to the applicant upon its determination that an application is complete.

Complete Substantial Construction: The completion of a portion of the improvements which represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

Comprehensive Plan: A document or interrelated documents adopted by the Legislative Body, containing the elements established under Title 30-A M.R.S.A. §4326 sub-§§ 1 to 4, including the strategies for an implementation program which are consistent with the State goals and guidelines established under Title 30-A M.R.S.A. §§4311 through 4350.

Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Density: The number of dwelling units per acre of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Direct Watershed of a Great Pond: That portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan, or as depicted in the drainage

divide data layer provided by the Maine Office of GIS. Due to the scale of the map there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a professional land surveyor showing where the drainage divide lies.

Driveway: A vehicular access way serving two lots or less.

Dwelling Unit: Refer to the Searsport Land Use Ordinance, under "Structural Terms".

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of waste water per day or more; or any system designed to be capable of treating waste water with higher BOD5 and total suspended solids concentrations than domestic waste water.

Final Plan: The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

Freshwater Wetland: Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has surface area in excess of thirty acres, except for the purposes of these regulations, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to a limiting factor such as seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

100-Year Flood: The highest level of flood that, on the average, has a one percent chance of occurring in any given year.

High Water Mark, Coastal Waters: See DEP Chapter 1000 Minimum Guidelines for Municipal Shoreland Zoning Ordinances.

High Water Mark, Inland Waters: See DEP Chapter 1000 Minimum Guidelines for Municipal Shoreland Zoning Ordinances.

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, most recent edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Multifamily Development: Refer to the Searsport Land Use Ordinance.

Municipal Engineer: Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

Net Residential Acreage: The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development as outlined in Article 10.

Net Residential Density: The average number of dwelling units per net residential acre.

New Structure or Structures: Includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure.

Person: Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

Planning Board: The Planning Board of the Town of Searsport..

Preliminary Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Professional Engineer: A professional engineer, registered in the State of Maine.

Public Water System: A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.

Recording Plan: An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

Reserved Affordable Housing: Affordable housing which is restricted by means of deed covenants, financing restrictions, or other binding long term methods to occupancy by households making 80% or less of the area median household income.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

Street: Refer to the Searsport Land Use Ordinance, under "Road".

Street Classification:

Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets:

Collector Street: A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

Industrial or Commercial Street: Streets servicing industrial or commercial uses.

Minor Residential Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Private Right-of-Way: A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

Subdivision: The term shall be defined as in Title 30-A M.R.S.A. §4401, sub-§4, as amended. A subdivision is the division of a tract or parcel of land into three or more lots within any five year period, which period begins on the effective date of this document, whether accomplished by sale, lease, development, buildings, or otherwise. The following shall not be considered to create lots for the purpose of this document: a division accomplished by devise, condemnation, order of the court, gift to a person related to the donor by blood (limited to mother, father, son daughter, brother or sister), marriage, adoption, unless the intention of such a gift is to avoid the objectives of this document; or by transfer of any interest in land to the owner off land abutting thereon. A dividing of lots shall be exempted herein if a third lot is

created by a subdivider who shall have retained one of the lots for his or her own use as a single family residence for a period of at least five years prior to such dividing.

Tract or Parcel of Land: Contiguous land in the same ownership, provided that lands located on the opposite sides of a publicly owned road shall be considered each a separate tract or parcel of land.

Usable Open Space: That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

ARTICLE 4 - ADMINISTRATIVE PROCEDURE

In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the municipal offices. Applicants shall request to be placed on the Board's agenda at least fourteen (14) days in advance of a regularly scheduled meeting by contacting the Chairperson. Applicants who attend a meeting but who are not on the Board's agenda may be heard only after all agenda items have been completed, and then only if a majority of the Board so votes. However, the Board shall take no action on any application not appearing on the Board's written agenda.

ARTICLE 5 - SKETCH PLAN MEETING AND SITE INSPECTION

5.1 Purpose.

The purpose of the sketch plan meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

5.2 Sketch Plan Meeting Procedure.

- A. The applicant shall present the Preapplication Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.
- B. Following the applicant's presentation, the Board may ask questions, point out potential problems or issues for future discussions, and make suggestions to be incorporated by the applicant into the subsequent application. Substantive, lengthy discussions about compliance with review standards or the consideration of waiver requests shall be postponed until the subsequent review of the full application.
- C. The date of the on-site inspection is selected.

5.3 Sketch Plan Submissions.

Ten (10) copies of the sketch plan and all supporting materials must be submitted fourteen (14) days prior to a regularly scheduled Planning Board meeting, in order to be placed on the Board's agenda. The sketch plan shall show, in simple sketch form, the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The sketch plan, which does not have to be engineered and may be a freehand penciled sketch, shall show site conditions such as steep slopes, wet areas and vegetative cover in a general manner. The sketch plan shall be supplemented with a written project narrative, with general information to describe or outline the existing conditions of the site and a description of the proposed development. The narrative should include general proposals for how any common areas and infrastructure will be managed and maintained. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The sketch plan shall be accompanied by:

- A. A sketch plan application fee, which will be the amount established by the Searsport Board of Selectmen.
- B. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision; unless the proposed subdivision is less than 10 acres in size.
- C. A copy of that portion of the Waldo County Soil Survey covering the proposed subdivision, showing the outline of the proposed subdivision development, and D. A written project narrative as described above.

5.4 Contour Interval and On-Site Inspection.

Within thirty days of the sketch plan meeting, the Board may hold an on-site inspection of the property and inform the applicant in writing of the required contour interval on the Preliminary Plan. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. If the proposed project includes buildings, the approximate corners of building footprints shall be "flagged." The Board may choose not to conduct on-site inspections when there is inclement

weather or snow on the ground. On-site inspections shall be noticed as required by 1 M.R.S.A. §§401-410, and the public shall be allowed to accompany the Board. Minutes shall be taken in the same manner as for regular meetings.

5.5 Rights Not Vested.

The sketch plan meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A., §302.

5.6 Establishment of File.

Following the sketch plan meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the sketch plan meeting shall be maintained in the file.

ARTICLE 6 - PRELIMINARY PLAN APPLICATION

6.1 Procedure.

- A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a preliminary plan at least 14 days prior to a scheduled meeting of the Board. Applications shall be submitted by mail or by hand to the municipal offices. Failure to submit an application within six months shall require resubmission of the Sketch Plan to the Board. The preliminary plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.**
- B. All applications for preliminary plan shall be accompanied by a nonrefundable application fee in an amount equal to fee schedule established by the Searsport Board of Selectmen, and payable by check to the municipality. In addition, the applicant shall pay an escrow fee of \$250 per lot or dwelling unit, to be deposited in a special escrow account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with the Zoning Ordinance and Subdivision Regulations. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that the balance be brought back up to the original deposit amount. The Board shall continue to notify the applicant and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit. Any balance in the escrow account remaining after a decision on the final plan application by the Board shall be returned to the applicant.**
- C. The Board shall not review any preliminary plan application unless the applicant or applicant's representative attends the meeting. Should the applicant or applicant's representative fail to attend, the Board shall reschedule review of the application at its next regular meeting.**
- D. Within three days of the receipt of the Preliminary Plan application, the Board, or its designee, shall:
 - 1. Issue a dated receipt to the applicant.**
 - 2. Notify in writing by First Class Mail all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project. A fee for notification of abutters will be \$5 per abutter.**
 - 3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.****
- E. Within thirty days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.**
- F. Upon determination that a complete application has been submitted for review, the Board shall notify the applicant in writing. The Board shall also notify the Road Commissioner, Fire Chief, Searsport Water District Superintendent, if serviced by Public Water, Searsport Waste Water Superintendent, if serviced by Public Sewer, and Superintendent of Schools of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multifamily, commercial or industrial buildings. The Board**

shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision. The Board shall determine whether to hold a public hearing on the preliminary plan application.

- G. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting landowners and to the applicant, at least ten days prior to the hearing.
- H. Within thirty days from the public hearing or within sixty days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- I. When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:
 - 1. The specific changes which it will require in the final plan;
 - 2. The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
 - 3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.
- J. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

6.2 Mandatory Submissions for Preliminary Plan.

The following items shall be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Article 12. Ten (10) copies of all materials shall be delivered to the Town Office, at least 14 days prior to a regularly scheduled Planning Board meeting, in order for the application to be placed on the Board's agenda. The Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.

A. Application Form.

Ten (10) copies of the application form and any accompanying information.

B. Location Map.

The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:

1. Existing subdivisions in the proximity of the proposed subdivision.
2. Locations and names of existing and proposed streets.
3. Boundaries and designations of zoning districts.
4. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.

C. Preliminary plan. The preliminary plan may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch, provided all necessary detail can easily be read. The application materials for preliminary plan approval shall include the following information.

1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.
2. Verification of right, title or interest in the property by deed, purchase and sales agreement, option to purchase, or some other proof of interest.
3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The entire parcel or tract shall be shown, including all contiguous land in common ownership within the last five years, as required by Title 30-A M.R.S.A. section 4401.
4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
6. An indication of the type of sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Searsport Sewer District stating the district has the capacity to collect and treat the waste water shall be provided.
 - b. When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A Surface Wastewater Disposal System Application: HHE-200, shall be required. A map showing the location of all test pits dug on the site shall be submitted.
 - c. Where public sewer is available, it must be used.
7. An indication of the type of water supply system(s) to be used in the subdivision.
 - a. When adequate public water supply with adequate pressure is confirmed to be available by a public water provider, developers of any subdivision must use that public water service

for domestic use. When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision.

- b. Where public water service is provided, the system shall be designed according to the specifications of the public water provider.
8. The date the plan was prepared, north point, and graphic map scale.
9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.
10. Wetland areas shall be delineated on the survey, regardless of size.
11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, unusually large specimen trees, if present, and other essential existing physical features.
12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.
13. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
14. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
15. The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
16. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.
17. The proposed lot lines with approximate dimensions and lot areas.
18. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
19. The location of any open space to be preserved or common areas to be created, and a general description of proposed ownership, improvement and management.
The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.
20. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.

21. Areas within or adjacent to the proposed subdivision which have been identified by the Maine Department of Inland Fisheries and Wildlife Beginning with Habitat Project or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program or Maine Department of Inland Fisheries & Wildlife Beginning With Habitat Project the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
 22. All areas within or adjacent to the proposed subdivision which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the comprehensive plan or by the Maine Historic Preservation Commission as sensitive or likely to contain such sites.
- D. Required Submissions for which a Waiver May be Granted. The following items shall be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Article 12, Waivers. Ten (10) copies of all materials shall be delivered to the Town Office, at least 14 days prior to a regularly scheduled Planning Board meeting, in order for the application to be placed on the Board's agenda. The Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.
1. A high-intensity soil survey by a registered soil scientist.
 2. Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.
 3. Hydrogeologic assessment.
A hydrogeologic assessment prepared by a certified geologist or registered professional engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and:
 - a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1998, File No. 98-138, 144 and 147; or
 - b. The subdivision has an average density of more than one dwelling unit per 100,000 square feet. The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on groundwater quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; and proposed use of shared or common subsurface wastewater disposal systems. The hydrogeologic assessment shall be conducted in accordance with the provisions of section 10.9 below.
 4. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent available edition of the Trip Generation Manual, published by the Institute of Transportation Engineers. Trip

generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

5. **Traffic Impact Analysis.** For subdivisions involving 28 or more parking spaces or projected to generate more than 140 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.
- E. The Planning Board may require any additional information not listed above, when it is determined necessary by the Board to determine whether the statutory review criteria of Title 30-A M.R.S.A. §4404 have been met.

ARTICLE 7 - FINAL PLAN APPLICATION

7.1 Procedure.

- A. Within six months after the approval of the preliminary plan, the applicant shall submit 10 copies of an application for approval of the final plan with all supporting materials, at least 21 days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the municipal offices or delivered by hand to the municipal offices. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board.

If an applicant cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Board prior to the expiration of the filing period. In considering the request for an extension the Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

- B. All applications for final plan approval for a subdivision shall be accompanied by a nonrefundable application fee in an amount equal to the fee schedule established by the Searsport Board of Selectmen, and payable by check to the municipality. The Planning Board may continue to require the replenishment of the escrow account for hiring independent consulting services to review the application for final plan approval, along with any supporting materials, pursuant to the procedures of section 6.1 B.
- C. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable:
1. Maine Department of Environmental Protection, under the Site Location of Development Act.
 2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or Stormwater Law, or if an MEPDES wastewater discharge license is needed.
 3. Maine Department of Human Services, if the applicant proposes to provide a public water system.
 4. Maine Department of Human Services, if an engineered subsurface waste water disposal system(s) is to be utilized.
 5. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
 6. Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Access Management Permit

If the Board is unsure whether a permit or license from a state or federal agency is necessary, the applicant may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations.

- D. If the preliminary plan identified any areas listed on or eligible to be listed on the National Register of Historic Places, in accordance with Section 6.2.C.23, the applicant shall submit a copy of the plan and a copy of any proposed mitigation measures to the Maine Historic Preservation commission prior to submitting the final plan application.
- E. Written approval of any proposed street names from the Town of Searsport E911 Addressing Officer.
- F. The Board shall not review any final plan application unless the applicant or applicant's representative attends the meeting. Should the applicant or applicant's representative fail to attend, the Board shall reschedule review of the application at its next regular meeting.
- G. Within three days of the receipt of the Final Plan application, the Board, or its designee, shall issue a dated receipt to the applicant.
- H. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
- I. Upon determination that a complete application has been submitted for review, the Board shall notify the applicant in writing. The Board shall determine whether to hold a public hearing on the final plan application.
- J. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting landowners and to the applicant, at least ten days prior to the hearing.
- K. Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article 10.
- L. Within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A., §4404 and the standards of this ordinance. If the Board finds that all the criteria of the statute and the standards of this ordinance have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of this ordinance have not been met, the Board shall either deny the application or approve the application with conditions to

ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

7.2 Mandatory Submissions.

The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. One reproducible, stable-based transparency of the recording plan to be recorded at the Registry of Deeds, and four (4) full sized paper copies of all the final plan sheets and any supporting documents shall be submitted.

The final plan shall include or be accompanied by the following mandatory submissions of information.

- A. Completed Final Plan Application Form and Final Plan Application Submissions Checklist.
- B. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers.
- C. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
- D. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer district indicating the district has reviewed and approved the sewerage design shall be submitted.
- E. An indication of the type of water supply system(s) to be used in the subdivision.
 1. When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design.
 2. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary.
 3. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrologist familiar with the area.
- F. The date the plan was prepared, north point, graphic map scale.
- G. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
- H. The location of any zoning boundaries affecting the subdivision.
- I. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
- J. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

- K. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual.
- L. Street plans, meeting the requirements of Section 10.15.
- M. The width and location of any proposed new streets or public improvements or open space within the subject property that are shown upon the official map, in the comprehensive plan, or Capital Improvements Program, if any.
- N. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be managed and maintained shall be submitted. These may include homeowners' association by laws and condominium declarations. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.
- O. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
- P. The location and method of disposal for land clearing and construction debris.

7.3 Required Submissions for which a Waiver May be Granted .

The final plan shall also include or be accompanied by the following information, unless a waiver is requested and granted pursuant to Article 12, Waivers:

- A. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, published by the Maine Department of Environmental Protection. The Board may waive submission of the erosion and sedimentation control plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
- B. A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of *Stormwater Management for Maine: BMPS Technical Design Manual*, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Board may waive submission of the stormwater management plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the

proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

- C. If any portion of the proposed subdivision is in the direct watershed of a great pond, and meets the criteria of section 10.12.D, the following shall be submitted or indicated on the plan:
- (1) A phosphorus impact analysis and control plan conducted using the procedures set forth in DEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the Technical Guide.
 - (2) A long-term maintenance plan for all phosphorus control measures.
 - (3) The contour lines shown on the plan shall be at an interval of no less than five feet.
 - (4) Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

7.4 Final Approval and Filing.

A. No plan shall be approved by the Board as long as the applicant is in violation of the provisions of the previously approved Plan within the municipality.

B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., §4404, and this ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the tax assessor. One copy of the signed plan shall be forwarded to the code enforcement officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.

C. At the time the Board grants final plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board shall require the plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the expansion, addition or purchase of the needed facilities is included in the municipality's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.

D. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the plan, unless a revised final plan is first submitted and the Board approves any modifications, in accordance with Article 8. The Board shall make findings that the revised plan meets the criteria of Title 30-A M.R.S.A., §4404, and the standards of these regulations. In the event that a Plan is recorded without complying with this

requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

E. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

F. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

ARTICLE 8 - REVISIONS TO APPROVED PLANS

8.1 Procedure.

An applicant for a revision to a previously approved plan shall, at least 21 days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed.

8.2 Submissions.

The applicant shall submit a copy of the approved plan as well as 10 copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of this ordinance and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

8.3 Scope of Review.

The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

ARTICLE 9 - INSPECTIONS AND ENFORCEMENT

9.1 Inspection of Required Improvements.

- A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:
1. Notify the code enforcement officer in writing of the time when (s)he proposes to commence construction of such improvements, so that the municipal officers can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
 2. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.
- B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the inspecting official shall so report in writing to the municipal officers, Board, and the subdivider and builder. The municipal officers shall take any steps necessary to assure compliance with the approved plans.
- C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission from the Board to modify the plans in accordance with Article 8.
- D. At the close of each summer construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By October 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.
- E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a professional land surveyor, stating that all monumentation shown on the plan has been installed.
- F. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that

they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the municipal officers.

- G. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality or control is placed with a lot owners' association.

9.2 Violations and Enforcement.

- A. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Board in accordance with this ordinance.
- B. A person shall not convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.
- C. A person shall not sell, lease or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
- D. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Board.
- E. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in these regulations and recorded in the Registry of Deeds.
- F. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.
- G. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S.A., §4452.

ARTICLE 10 - PERFORMANCE & DESIGN STANDARDS

The performance and design standards in this article are intended to clarify and expand upon the statutory review criteria found in Article 2, section 2. In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance and design standards and make findings that each has been met prior to the approval of a final plan. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate all performance and design standards and statutory criteria for approval have been or will be met.

10.1 Basic Subdivision Layout

A. Blocks.

Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width constructed in accordance with design standards for sidewalks below. Maintenance obligations of the easement shall be included in the written description of the easement.

- ### B. Lots.
1. Wherever possible, side lot lines shall be perpendicular to the street.
 2. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the subdivision statute, the standards of this ordinance and conditions placed on the original approval.
 3. If a lot on one side of a stream (as defined in the DEP Minimum Shoreland Zoning Guidelines), tidal water, or road fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.
 4. The ratio of lot length to width, outside of the shoreland zone, shall not be more than five to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.
 5. The lot numbering shall be reviewed by the E-911 Addressing Officer and the comments shall be considered by the Board.

C. Utilities.

Utilities serving subdivisions in areas designated by the comprehensive plan as growth areas shall be installed underground. Utilities serving lots with a street frontage of 125 feet or less shall be installed underground. The Board may approve overhead utilities when the applicant proposes reserved affordable housing and provides evidence that the increased costs of underground utilities will raise the costs of the housing beyond the targets for affordable housing in the comprehensive plan.

D. Monuments.

1. All subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

10.2 Sufficient Water.

A. Water Supply.

1. Any subdivision within 1,000 feet of an existing water supply line will be required to connect to the system. When adequate public water supply service will not be available at the time of construction of the subdivision, a "capped system" shall be installed within the subdivision to allow future connection when adequate service becomes available without excavation within the right-of-way of any street within the subdivision.
2. When a subdivision is to be served by a public water system, the complete supply system within the subdivision including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the servicing water company or district and the fire chief. Fire hydrants connected to a public water supply system shall be located no further than 1,000 feet between hydrants, whenever possible.
3. When a proposed subdivision is not within the area designated for public water supply service in the comprehensive plan, water supply shall be from individual wells or a private community water system.
 - a. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface waste water disposal systems and other sources of potential contamination.
 - (1) Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots of smaller than one acre. On lots of one acre or smaller, the applicant shall prohibit dug wells by deed restrictions and a note on the plan.
 - (2) Wells shall not be constructed within 100 feet of the traveled way of any street, if located downhill from the street, or within 50 feet of the traveled way of any street, if located uphill of the street. This restriction shall be included as a note on the plan and deed restriction to the effected lots.
 - b. Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
 - c. If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).
 - d. If the Fire Chief has identified the need for additional water storage capacity for fire fighting purposes, the applicant shall provide adequate water storage facilities.
 - (1) Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the fire chief.
 - (2) Hydrants or other provisions for drafting water shall be provided to the specifications of the fire department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six inches. A suitable accessway to the hydrant or other water source shall be constructed.

B. Water Quality.

Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

10.3 Erosion and Sedimentation and Impact on Water Bodies

- A. The proposed subdivision shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.
- B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.

- C. Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.
- D. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

10.4 Sewage Disposal

A. Public System.

1. Any subdivision within 1,000 feet of an existing public sewage disposal service shall be connected to the public system.
2. When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.
3. The sewer district shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.
4. The sewer district shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the servicing sewer district or department.

B. Private Systems.

1. When a proposed subdivision is beyond 1,000 feet of a public sewage disposal service then sewage disposal shall be private subsurface waste water disposal systems or a private treatment facility with surface discharge, licensed by the Department of Environmental Protection.
2. The applicant shall submit evidence of site suitability for subsurface sewage disposal for each lot, and indicated on the final plat plan, as prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
 - a. The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to a disposal area on soils which meet the Disposal Rules. This information should appear on a form printed by the Division of Health Engineering known as an HHE-200.
 - b. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted in the deed so as not to be built upon.
 - c. In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

10.5 Solid Waste

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract

with a nonmunicipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years.

10.6 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline.

A. Preservation of Natural Beauty and Aesthetics.

- 1. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.**
- 2. In "Rural-AG" areas only, as indicated in the Comprehensive Plan, the subdivision shall be designed to minimize the visibility of buildings from existing public roads. A subdivision in which the land cover type at the time of application is forested, shall maintain a wooded buffer strip no less than fifty feet in width along all existing public roads. The buffer may be broken only for driveways and streets.**
- 3. The Board may require the application to include a landscape plan that will show the preservation of any existing large specimen trees, the replacement of trees and vegetation, and graded contours.**
- 4. When a proposed subdivision street traverses open fields, the plan shall include the planting of street trees. Street trees shall include a mix of tall shade trees and medium height flowering species. Trees shall be planted no more than fifty feet apart.**
- 5. When a proposed subdivision contains a ridge line identified in the comprehensive plan as a visual resource to be protected, the plan shall restrict tree removal and prohibit building placement within 50 feet vertical distance of the ridge top. These restrictions shall appear as notes on the plan and as covenants in the deed.**

B. Retention of Open Spaces and Natural or Historic Features.

- 1. If any portion of the subdivision is located within an area designated by the comprehensive plan as open space or greenbelt, that portion shall be reserved for open space preservation.**
- 2. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.**
- 3. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan, National Register of Historic Places, or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.**

4. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of open space to be reserved shall depend on the identified needs for outdoor recreation in the portion of the municipality in which the subdivision is located according to the comprehensive plan, the proposed lot sizes within the subdivision, the expected demographic makeup of the occupants of the subdivision, and the site characteristics, but shall constitute no less than 5% of the area of the subdivision. In determining the need for recreational open space the Board shall also consider the proximity of the subdivision to neighboring dedicated open space or recreation facilities; and the type of development. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than 25 feet of road frontage.
5. Subdivisions with an average density of more than three dwelling units per acre shall provide no less than fifty percent of the open space as usable open space to be improved for ball fields, playgrounds or other similar active recreation facility. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet.
6. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.
7. Reserved open space land may be dedicated to the municipality.
8. Where land within the subdivision is not suitable or is insufficient in amount, and when suggested by the comprehensive plan, a payment in lieu of dedication may be substituted for the reservation of some or part of the open space requirement. Payments in lieu of dedication shall be calculated based on the percentage of reserved open space that otherwise would be required and that percentage of the projected market value of the developed land at the time of the subdivision, as determined by the municipal tax assessor. The payment in lieu of dedication shall be deposited into a municipal land open space or outdoor recreation facility acquisition or improvement fund.

C. Protection of Significant Wildlife Habitat.

If any portion of a proposed subdivision lies within:

1. 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife Beginning with Habitat Project or the comprehensive plan as:
 - a. Habitat for species appearing on the official state or federal lists of endangered or threatened species;
 - b. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
 - c. Shorebird nesting, feeding and staging areas and seabird nesting islands;
 - d. Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; or
2. 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor;
3. Or other important habitat areas identified in the comprehensive plan or in the Department of Inland Fisheries and Wildlife Beginning with Habitat Project; the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it

supports. There shall be no cutting of vegetation within such areas, or within the strip of land extending at least 75 feet from the edge or normal high-water mark of such habitat areas. The applicant must consult with the Maine Department of Inland Fisheries and Wildlife, and provide their written comments to the Board. The Board may require a report to be submitted, prepared by a wildlife biologist, selected or approved by the Board, with demonstrated experience with the wildlife resource being impacted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe any additional appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.

D. Protection of Important Shoreland Areas.

1. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space with provisions made for continued public access.
2. Within areas subject to the state mandated shoreland zone, within a strip of land extending 100 feet inland from the normal high-water line of a great pond or any tributary to a great pond, and 75 feet from any other water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The plan notes, and deeds to any lots which include any such land, shall contain the following restrictions:
 - a. Tree removal shall be limited to no more than 40% of the volume of trees 4 inches or more in diameter measured at 4 1/2 feet above the ground level on any lot in any ten year period.
 - b. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown.
 - c. However, a footpath not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond, or a tributary to a great pond, the width of the foot path shall be limited to six feet.
 - d. In order to protect water quality and wildlife habitat adjacent to great ponds, and tributaries to great ponds, existing vegetation under three feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described above.
 - e. Pruning of tree branches, on the bottom third of the tree is permitted.
3. Within areas subject to the state mandated shoreland zone, beyond the buffer strip designated above, and out to 250 feet from the normal high water line of a water body or upland edge of a wetland, cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, shall not exceed in the aggregate, 25% of the lot area or 10,000 square feet, whichever is greater, including land previously developed.

E. Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services.

1. All open space common land, facilities and property shall be owned by:
 - a. The owners of the lots or dwelling units by means of a lot owners' association;
 - b. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or

- c. The municipality.
- 2. Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the municipality, there shall be a conservation easement deeded to the municipality prohibiting future development.
- 3. The common land or open space shall be shown on the final plan with appropriate notations on the plan to indicate:
 - a. It shall not be used for future building lots; and
 - b. Which portions of the open space, if any, may be dedicated for acceptance by the municipality.
- 4. The final plan application shall include the following:
 - a. Covenants for mandatory membership in the lot owners' association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
 - b. Draft articles of incorporation of the proposed lot owners' association as a not-for-profit corporation; and
 - c. Draft by-laws of the proposed lot owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.
- 5. In combination, the documents referenced in paragraph D above shall provide for the following.
 - a. The homeowners' association shall have the responsibility of maintaining the common property or facilities.
 - b. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.
 - c. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.

The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Board upon request of the lot owners' association or the developer.

10.7 Conformance with Zoning Ordinance and Other Land Use Ordinances.

All lots, other than those found within cluster developments approved pursuant to section 10. 13, shall meet the minimum dimensional requirements of the zoning ordinance for the zoning district in which they are located. The proposed subdivision shall meet all applicable performance standards or design criteria from the zoning ordinance and other land use ordinances.

10.8 Financial and Technical Capacity.

A. Financial Capacity.

The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall

have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation. B. Technical Ability.

1. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.
2. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

10.9 Impact on Ground Water Quality or Quantity. A. Ground Water Quality.

1. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
 - a. A map showing the basic soils types.
 - b. The depth to the water table at representative points throughout the subdivision.
 - c. Drainage conditions throughout the subdivision.
 - d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
 - f. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
3. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
4. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
5. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
6. Subsurface waste water 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 or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots. B. Ground Water Quantity.
 1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.
 2. A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

10.10 Floodplain Management.

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:

- A. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.
- B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.
- C. The plan shall include a statement that structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on the plan.

10.11 Identification of Freshwater Wetlands, Rivers, Streams or Brooks.

Freshwater wetlands within the proposed subdivision shall be identified in accordance with the *1987 Corps of Engineers Wetland Delineation Manual*, published by the United States Army Corps of Engineers. Any rivers, streams, or brooks within or abutting the proposed subdivision shall be identified.

10.12 Stormwater Management

- A. For subdivisions that require a DEP review under the Site Location of Development Act (SLDA), a stormwater management plan shall be submitted which complies with the SLDA permit and the requirements of DEP Chapter 500 Stormwater Regulations.
- B. For subdivisions that do not require a SLDA permit, but require a DEP permit under the Stormwater Law, a stormwater management plan shall be submitted which complies with the requirements of DEP Chapter 500 Stormwater Regulations.
- C. For subdivisions outside of the watershed of a Great Pond, that neither require a SLDA permit, nor a DEP permit under the Stormwater Law, a stormwater management plan shall be submitted which incorporates Low Impact Development techniques on each individual lot.
- D. For subdivisions within the watershed of a Great Pond, containing:
 - 1. five or more lots or dwelling units created within any five-year period; or
 - 2. any combination of 800 linear feet of new or upgraded driveways and/or streets; a stormwater management plan shall be submitted that meets the phosphorus allocation across the entire subdivision in accordance with the methodology described in the DEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006.
- E. The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development.

This hydrologic analysis would be in the form of a "Downstream Analysis" under conditions of the 10-year, 24-hour storm and the 25-year, 24-hour storm, and the 100-year, 24-hour storm, as described below:

Downstream Analysis Methodology

The criteria used for the downstream analysis is referred to as the "10% rule." Under the 10% rule, a hydrologic and hydraulic analysis for the 10-year, 24 hour storm and the 25-year, 24-hour storm, and the 100-year, 24-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a 10-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5% and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities.

10.13 Cluster Developments

A. Purpose, Mandate for Clustering.

1. The purpose of these provisions is to allow for flexibility in the design of housing developments to allow for the creation of open space which provides recreational opportunities or protects important natural features from the adverse impacts of development, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. Notwithstanding provisions of the zoning ordinance relating to dimensional requirements, the Board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. This shall not be construed as granting variances to relieve hardship, and action of the Zoning Board of Appeals shall not be required.
2. All subdivisions where three (3) lots or units or more are created within any five year period, and the project is NOT located in the Industrial, Marine, or Residential-3 zoning districts, shall be designed as a cluster developments, according to the following standards. **B. Basic Standards for Cluster Developments.**
 1. Cluster developments shall meet all requirements of these regulations.
 2. A "building envelope" shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The application shall illustrate the treatment of spaces, paths, roads, service and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of these regulations.
 3. The Planning Board shall allow lots within cluster developments to be reduced in lot area, street frontage and lot width below the minimum normally required by this ordinance in return for provision of common open space.
 4. Acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:
 - a. The area of the lot to account for roads and common parking areas.
 - b. Portions of the lot shown to be in a floodway or a coastal high hazard zone as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.

- c. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
 1. Slopes greater than 20%.
 2. Wetland soils.
 3. Portions of the lot subject to rights of way.
 4. Portions of the lot located in the resource protection zone.
 5. Portions of the lot covered by surface waters.
 6. Portions of the lot utilized for storm water management facilities.
5. Unless a community sewage collection and treatment system is provided, no individual lot or area of occupation, in the case of a condominium, shall be smaller in area than 20,000 square feet.
6. The total area of reserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the zoning ordinance. However, at least twenty-five percent (25%) to fifty percent (50%) of the area of the entire parcel or tract shall be included as common open space. Common open space shall not include road rights of way, streets, drives, or parking. No more than fifty percent (50%) of the common open space shall consist of forested wetlands or open wetlands of any size.
7. Every building lot that is reduced in area below the amount normally required shall be within 1,000 feet of the common land.
8. The distance between buildings shall not be less than 20 feet.
9. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.
10. Shore frontage for each lot or area of occupation, in the case of a condominium, shall not be reduced below the minimum normally required by the zoning ordinance.
11. Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.
12. The common open space shall be owned and managed according to the standards of 10.6.E.
13. The subdivider shall be responsible for the maintenance of the common open space and the other common facilities, until development sufficient to support the neighborhood association has taken place. or, alternatively, the objectives of clustering have been met. Such determination shall be made. The transfer of responsibility shall occur only after review and approval by the Planning Board, upon request by the neighborhood association or the developer or subdivider.

10.14 Compliance with Timber Harvesting Rules.

The Board shall ascertain that any timber harvested on the parcel being subdivided, has been harvested in compliance with rules adopted pursuant to Title 12, M.R.S.A section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Planning Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the Planning Board that it will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes

of this subsection, "liquidation harvesting" has the same meaning as in Title 12, M.R.S.A section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

10.15 Traffic Conditions and Streets.

A. General Standards

The proposed subdivision shall meet the following general transportation performance standards:

1. The subdivision transportation system shall provide safeguards against hazards to vehicles, bicyclists and pedestrians in interior subdivision streets and access connections to external streets;
2. The subdivision transportation system shall have design standards that avoid traffic congestion on any street;
3. The subdivision transportation system shall provide safe and convenient circulation for vehicles, bicyclists and pedestrians on interior subdivision streets and access connections to external streets;
4. The subdivision transportation system shall have design standards that are compatible with the estimated Average Annual Daily Traffic of the street, the land uses accommodated by the street, and the lot density of the street.
5. The subdivision transportation system shall have a positive relationship to the natural setting of the proposed subdivision site.

B. General Access Standards.

All subdivision accesses connecting with external streets shall meet the following standards:

1. Accesses connecting to any state or state-aid highway shall meet the minimum access permitting requirements of the Maine Department of Transportation "Highway Driveway and Entrance Rules";
2. Accesses that are expected to carry more than 100 passenger vehicle equivalent trips in the peak hour shall meet the minimum access permitting requirements of the Maine Department of Transportation "Rules and Regulations Pertaining to Traffic Movement Permits".
3. Accesses to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A study or analysis to determine the need for a left-turn storage lane shall be done.

C. General Internal Subdivision Street Standards

All internal subdivision streets shall meet the following minimum standards. In cases where the internal subdivision street standards conflict with the street ordinance of the municipality, the more stringent rule shall apply.

1. The street or street system of the proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided as deemed necessary by the municipality to provide access to abutting properties or to logically extend the street system. All street stubs shall be provided with temporary turn around or cul-de-sacs unless specifically exempted by the Public Works

Foreman, and the restoration and expansion of the street shall be the responsibility of any future developer of the abutting land. Minor collector and local streets shall connect with surrounding streets to permit convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

2. Where necessary to safeguard against hazards to vehicle drivers, bicyclists and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycleways, transportation calming techniques, and traffic controls within existing public streets.
3. **Street Names, Signs and Lighting.**
Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality, and shall be in accordance with the Searsport Addressing Ordinance. No street name shall be the common given name of a person. The developer shall either install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation. Street lighting shall be installed as approved by the Planning Board and subject to legislative body approval.
4. During street construction, the entire right of way shall not be cleared unless clearing is necessary for utilities, drainage or other infrastructure necessities beyond the clear zone. Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire right of way created during the street construction process. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

10.15.1 Specific Access and Street Design Standards.

A. Access Control.

1. To the maximum extent practical, all subdivision accesses shall be constructed perpendicular to the external street providing access to the subdivision. No subdivision accesses shall intersect the external street at an angle of less than 60 degrees.
2. Where a subdivision abuts or contains an existing or proposed arterial street, no lot may have vehicular access directly to the arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street.
3. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots. In cases where creating an access to a lesser traveled way is problematical, the Board may allow an access on the higher volume street if the access does not significantly detract from public safety. For accesses on higher volume streets, the Board shall consider the functional classification of the external street, the length of frontage on the external street, the intensity of traffic generated by the proposed subdivision, the geography along the frontage of the public way with lesser potential for traffic, and the distance to the public way with lesser potential for

traffic. In cases where the double frontage lot has frontage on two Maine Department of Transportation designated non-compact arterials, the access shall meet the permitting standards of the Maine Department of Transportation “Highway Driveway and Entrance Rules”.

4. Lots in subdivisions with frontage on a state or state aid highway shall have shared access points to and from the highway. Normally a maximum of two accesses shall be allowed regardless of the number of lots or businesses served.
5. The subdivision access including all radii must be paved from the edge of pavement of the external street to the street right of way or the length of the design vehicle using the subdivision, whichever is greater, unless:
 - a. the external street is not paved; or
 - b. the internal subdivision street is an unpaved private street that is expected to carry an Average Daily Traffic capacity of 50 trips or less.
6. **Minimum Sight Distance Standards**
 Minimum sight distance requirements for all subdivision accesses connecting to external streets shall be contingent on the posted speed of the external street connecting to the subdivision access. Minimum line of sight distance standards, as stipulated in MDOT's “Highway Driveway and Entrance Rules”, shall apply.
7. All streets in a subdivision shall be designed and constructed to meet the following standards for streets according to their classifications as determined by the Planning Board.

Design and Construction Standards for Streets		
Item	Collector Road	Minor Road
Minimum right-of-way width	66 feet	60 feet
Minimum pavement width	24 feet	20 feet
Minimum grade	0.5%	1.0%
Maximum grade	8%	8%
Maximum grade at intersections	3% within 75 feet	3% within 75 feet
Number of sidewalks	1	1
Minimum centerline radii on curves	200 feet	100 feet
Minimum tangent length between reverse curves	200 feet	100 feet
Minimum depth of subgrade grading 4 Inch Minus	22 inches	16 inches
Gravel base 1- ½ Minus Surface Gravel	22 inches	6 inch
Pavement (see “Minimum Pavement Width”) 12 MM Aggregate Size	2 inch	2 inch
Pavement 9 MM Aggregate Size	1 inch	1 inch

Minimum road crown-centerline to edge of pavement	3 inches	3 inches
Minimum shoulder width on each side of road	2 feet	2 feet
Sidewalks:		
1. minimum width	5 feet	4 feet
2. Gravel base course 1- ½ Minus	12 inches	12 inches
3. Surface pavement	2 inches	2 inches
Dead end or cul-de-sac street:		
1. Maximum length	1,200 feet	1,200 feet
2. Radii of turnaround at enclosed end: Right-of-way boundary - minimum	66 feet	66 feet
Outside pavement radius - minimum	47 feet	47 feet
Width of pavement - minimum	30 feet	30 feet
Minimum pavement curb radii at intersections	20 feet	20 feet

Grades of street should conform as closely as possible to the original relief of the land.

All changes in grade shall be connected by vertical curves such as will provide clear visibility for a distance of 200 feet.

Side slopes shall not be steeper than 3 feet horizontal and 1 foot vertical, graded, loamed (4 inches compacted) and seeded. If the side slope extends outside the required right-of-way, the subdivider shall expand the right-of-way to include the entire slope area.

All streets shall be provided with adequate drainage facilities to provide for the removal of stormwater. Driveway culverts shall be adequate to pass the design flow of the contiguous ditches, and shall be a minimum of 15 inches in diameter. All Cross Street culverts shall be adequate to pass the design flow, and be a minimum of 18 inches in diameter.

In construction of roads, the paved area, sidewalk, and shoulder shall be cleared of all stumps, roots, brush, perishable material, and all trees not intended for preservation. All loam, loamy material, clay, and other yielding material shall be removed from the roadway to at least subgrade depth, or as indicated by the Town Manager.

The roadway area shall be brought to the grade shown on the plan, profile and cross-section, by suitable gravel. The gravel shall meet the specifications for Aggregate Sub-base Courses as contained in the current edition of The Standard Specification for Highways and Bridges of the State of Maine Department of Transportation.

After the gravel has been thoroughly rolled, the surface of the roadway shall be paved. The pavement material and the manner of application of such shall conform to the requirements of the current edition of The Standard Specification for Highways and Bridges of the State of Maine Department of Transportation.

The Planning Board may require the curbing of roads, and specify the type of material to be used.

The Planning Board shall have authority to increase the minimum standards.

8. All high volume accesses shall meet the requirements of the Maine Department of Transportation's "Rules and Regulations Pertaining to Traffic Movement Permits." A copy of the Maine Department of Transportation's required traffic study shall be

submitted to the Board. The Board shall develop design standards for the proposed subdivision access based on the findings of the traffic study submitted to the Maine Department of Transportation. The design standards shall be compatible with the performance standards cited in Section 10.15.B of the Subdivision Regulations.

B. Street Design and Construction Standards.

1. General Requirements.

- a. The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.
- b. Applicants shall submit to the Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:
 1. Date, scale, and north point, indicating magnetic or true.
 2. Intersections of the proposed street with existing streets.
 3. Roadway and right-of-way limits including edge of pavement or aggregate base, edge of shoulder, clear zone, sidewalks, and curbs.
 4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
 5. Complete curve data shall be indicated for all horizontal and vertical curves.
 6. Turning radii at all intersections.
 7. Centerline gradients.
 8. Size, type, vertical clearance and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.
- c. Upon receipt of plans for a proposed public street the Board shall forward one copy to the municipal officers, the road commissioner, for review and comment.
- d. Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the road commissioner or the Maine Department of Transportation, as appropriate.
- e. Private Roads.

The following standards shall apply to all proposed private roads:

 1. All private roads shall be designated as such and will be required to have adequate signage indicating the road is a private road and not publicly maintained.
 2. Except for sidewalk, bicycle provisions and minimum grade requirements stipulated in this Section, all private roads shall adhere to the road design standards of this Section.
 3. All properties served by the private road shall provide adequate access for emergency vehicles and shall conform to the approved local street numbering system.
 4. All private roads shall have adequate provisions for drainage and stormwater runoff as provided in Section 10.12.

5. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan:
“All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town, until they meet all municipal street design and construction standards.”
6. A road maintenance agreement, approved by the Planning Board, shall be recorded with the deed of each property to be served by a common private road. The agreement shall provide for a method to initiate and finance a private road and maintain that road in condition, and a method of apportioning maintenance costs to current and future users.

2. Street Design & Construction Standards.

The Planning Board shall decide what roads will be collector streets and what roads will be minor streets.

- a. These design guidelines shall control the roadway, shoulders, clear zones, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice and will meet the performance standards of this Article.
- b. Where a subdivision borders an existing street that is wider, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in this ordinance.
- c. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in this ordinance), the plan shall indicate reserved areas for widening or realigning the road marked “Reserved for Road Realignment (Widening) Purposes.” Land reserved for such purposes may not be included in computing lot area or setback requirements of the land use ordinance.
- d. All streets in a subdivision shall be planned so as to meet the following standards:
 1. The proposed streets shall conform, as far as practical to the adopted Comprehensive Plan of the Town of Searsport.
 2. All streets in the subdivision shall be designed so as to provide safe vehicular travel and, in minor streets shall be designed so as to discourage movement of through traffic.
 3. The arrangement of streets in the subdivision shall provide for the continuation of arterial and collector streets into adjoining unsubdivided land unless topographic or other factors make continuance impractical or undesirable. Where a subdivision is served by a minor street, the Planning Board may require that a right-of-way or the minor street be projected to adjacent unsubdivided land when the Board finds that a projected street would be in keeping with the land use goals for the area and with sound planning practice.
 4. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the town under conditions approved by the Board of Selectmen.
 5. Intersections of streets shall be at angles as close to right angles (ninety degrees) as possible. In no case shall two streets intersect at an angle less than sixty degrees.
 6. When not directly intersecting, offset streets shall maintain a centerline distance of at least 200 feet.

7. Whenever possible, subdivisions containing fifteen lots or more shall have at least two street connections with existing public streets or streets on an approved Subdivision Plan.

e. The Board shall have authority to increase the minimum standards. f. On Street Parking.

The Board shall have authority to require a paved cross section of 26 feet for residential subdivisions with average lot widths between 100 feet and 40 feet wide for on-street spillover parking.

g. Curbs.

1. Curbs shall be installed for stormwater purposes and/or to protect the pavement edge from unraveling along parking lanes or in very intensive developments where heavy use may erode the planted area at the edge of the pavement. Curbs for stormwater management shall be contingent on the stormwater design standards specified in Section 10.13. If curbs are not necessary for stormwater management purposes, they are not required for subdivisions in which the average lot width is 100 feet or greater.

2. Granite curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement.

h. The Board may require additional shoulder lengths in any situation where the proximity of the proposed subdivision to future or existing neighborhood businesses, schools, community facilities, or other bicycle traffic generators suggest that additional shoulder lengths will be needed for bicycle traffic. In situations where additional shoulder lengths are required for bicyclists, the minimum width of a paved shoulder shall be 2 feet on either side of the traveled way.

i. The centerline of the roadway shall be the centerline of the right-of-way.

j. The Board may also require the reservation of a right-of-way easement equal to the right of way width of the internal subdivision street in line with the street to provide continuation of the road where future subdivision is possible. A T-turn around is permissible for residential subdivisions carrying an ADT of 200 or less. The turn around area shall have a width equal to the street width, a 5 foot turning radius, and a total length of 50 feet centered above the street.

k. Sidewalks.

The Board may require sidewalks in any situation where the proximity of the proposed subdivision to future or existing neighborhood businesses, schools, community facilities, or other pedestrian traffic generators suggest sidewalks will be needed. The Board shall determine if sidewalks will be installed on one side or both sides of the street, and if the sidewalk shall be a bituminous or Portland cement concrete sidewalk.

1. Location.

Sidewalks may be located adjacent to the curb or shoulder but it is recommended to locate sidewalks a minimum of 2 1/2 feet from the curb facing or edge of shoulder if the street is not curbed. If no shoulder is required, the sidewalk shall be located a minimum of 4 feet from the edge of the traveled way.

2. Bituminous Sidewalks.

(a) The "subbase" aggregate course shall be no less than twelve inches thick after compaction.

- (b) The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two lifts, each no less than one inch after compaction.
3. Portland Cement Concrete Sidewalks.
- (a) The "subbase" aggregate shall be no less than twelve inches thick after compaction.
 - (b) The portland cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick.

3. Street Construction Standards.

a. Preparation.

1. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.
2. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, clear zones, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
3. All organic materials or other deleterious material shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the municipal engineer as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.
4. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than one foot horizontal to four feet vertical is permitted.
5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

b. Bases and Pavement.

1.. Bases/Subbase.

- (a) The Aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 10.15-5.

Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.

- (b) If the Aggregate Subbase Course is found to be not fine-gradable because of larger stones, then a minimum of three inches of Aggregate Base Course shall be placed on top of the subbase course. The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances.

The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements of Table 10.15-6.

Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

Table 10.15-5 Aggregate Subbase Grading Requirements	
Sieve Designation Sieves	Percentage by Weight Passing Square Mesh
1/4 inch	25 - 70%
No. 40	0 - 30%
No. 200	0 - 7%

Table 10.15-6 Base Course Grading Requirements	
Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
1/2 inch	45 - 70%
1/4 inch	30 - 55%
No. 40	0 - 20%
No. 200	0 - 5%

2. **Pavement Joints.**

Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

3. **Pavements.**

- (a) Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving

location is 35°F or higher and the surface to be paved is not frozen or unreasonably wet.

- (b) Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

ARTICLE 11 - PERFORMANCE GUARANTEES

11.1 Types of Guarantees.

With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

- A. Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner, for the establishment of an escrow account;
- B. A performance bond payable to the municipality issued by a surety company, approved by the municipal officers, or town manager; or
- C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Municipality may draw if construction is inadequate, approved by the municipal officers, or town manager.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the road commissioner, municipal officers, and/or municipal attorney.

11.2 Contents of Guarantee.

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the municipality shall have access to the funds to finish construction.

11.3 Escrow Account.

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

11.4 Performance Bond.

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

11.5 Letter of Credit

An irrevocable letter of credit from a bank or other lending institution with offices in the region, shall indicate that funds have been set aside for the construction of the subdivision for the duration of the project and may not be used for any other project or loan.

11.6 Conditional Agreement

The Board at its discretion may provide for the applicant to enter into binding agreement with the municipality in lieu of other financial guarantees. Such an agreement shall provide for approval of the final plan on the condition that no more than four lots may be sold or built upon until either:

- A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or
- B. A performance guarantee, acceptable to the municipality is submitted in any amount necessary to cover the completion of the required improvements at an amount adjusted and prorated for the portions of the required improvements already installed.

Notice of agreement and any conditions shall be on the final plan that is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 11.8

11.7 Phasing of Development

The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

11.8 Release of Guarantee.

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of a qualified individual retained by the municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

11.9 Default.

If upon inspection by a qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the code enforcement officer, the municipal officers, the Board, and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.

11.10 Improvements Guaranteed.

Performance guarantees shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

ARTICLE 12 - WAIVERS

12.1 Waivers of Certain Submission Requirements Authorized.

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, or that the application is simple and minor in nature, it may waive portions of the submission requirements, unless prohibited by these regulations or Maine statutes, provided the applicant has demonstrated that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or these regulations.

12.2 Waivers of Certain Improvements Authorized.

Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or these regulations, and further provided the performance standards of these regulations and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

12.3 Waiver of Procedural Steps

The Board may allow an applicant to combine the final plan and preliminary plan application steps into one procedure, upon making all of the following written findings of fact:

1. No new streets are proposed;
2. No approvals are required from the Maine Department of Environmental Protection under the Site Location of Development Act, Stormwater Law, or Natural Resources Protection Act, other than a "Permit by Rule;"
3. The Board agrees to approve a waiver from the requirement to submit a stormwater management plan and sedimentation and erosion control plan, as ordinarily required by sections 6 or 7; and
4. The application contains all other applicable submissions required for both the preliminary and final plan steps, except for those items for which a waiver of a required submission has been requested and granted.

12.4 Conditions for Waivers.

Waivers may only be granted in accordance with Sections 12.1, 12.2 and 12.3. When granting waivers, the Board shall set conditions so that the purposes of these regulations are met.

12.5 Waivers to be shown on final plan.

When the Board grants a waiver to any of the improvements required by these regulations, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

ARTICLE 13 - APPEALS

13.1 Appeals to Superior Court.

An aggrieved party may appeal any decision of the Board under this ordinance to the Waldo County Superior Court, within thirty days of the date the Board issues a written order of its decision, in accordance with Rule 80B of Maine Rules of Court.

ARTICLE 14 - VALIDITY, EFFECTIVE DATE, CONFLICT OF ORDINANCES, AND FILING

14.1 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 this ordinance, and to this end, the provisions of this ordinance are hereby declared to be severable.

14.2 The effective date of this ordinance is March 5, 2011.
Amended at the Annual Town Meeting March 5, 2016
Amended at the Annual Town Meeting March 11, 2017
Amended at the Annual Town Meeting on March 10, 2018

14.3 Upon adoption, this ordinance shall repeal and supersede any and all prior municipal subdivision ordinances and regulations; however, this ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law. Where this ordinance imposes a higher standard for the promotion and the protection of health and safety, the provisions of this ordinance shall prevail.

14.4 A certified copy of this ordinance shall be filed with the Register of Deeds, according to the requirements of State Law.

This is a true and attested copy by: _____
Deborah Plourde, Town Clerk

SITE PLAN REVIEW ORDINANCE FOR THE TOWN OF SEARSPORT, MAINE

SECTION I - PURPOSE

Development or changes in the uses of land can cause a profound impact upon the cost and efficiency of municipal services and upon the environment of the town. Such development can impact schools, sewers, waterlines and other public utilities; recreational facilities; liquid and solid waste disposal; police and fire protection; open space; road systems and circulation; traffic congestion; placement of building(s) and structure(s); property values; water quality; the aesthetic and visual characteristics of the neighborhood and town, and the general health, safety and welfare of the community. It is the purpose of this Ordinance to control such impacts when caused by development; including commercial, retail, industrial, institutional building(s) and structure(s) and multi-family dwellings consisting of three-or- more attached dwelling units, and the establishment of a new non-residential use, even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, and other non-structural non-residential uses. This Ordinance shall not apply to structures used exclusively for single or two-family residences.

SECTION II - DEFINITIONS

The terms used in this Ordinance shall be defined as follows. If a term used in this Ordinance is not defined below, but is defined by the Land Use Ordinance, the definition in the Land Use Ordinance shall control.

Abutting Property / Abutter - Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property. An abutter is the owner or occupant of such a lot.

Accessory Use of Structure - A subordinate use of a building, other structure or a subordinate building or structure:

1. Whose use is customary in connection with the principal building, other structure or use of land; and
2. Whose use is clearly incidental to the principal use of land; and
3. Which is located on the same lot with the principal building, other structure, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

Alteration - A change, expansion or rearrangement in the structural parts or in the means of ingress or egress, or the addition of any new structure to an existing use. For uses other than industrial uses that are subject to this Ordinance, the enlargement of any existing structure or construction of any new structure involving a less than 25% increase in the overall floor space or bulk of the development since the enactment of this ordinance or the last site plan approval for the development (whichever is more recent) shall not be considered an alteration.

Building - Any structure having a roof or partial roof, supported by columns or walls, used for the shelter or enclosure of persons, animals, goods or property of any kind. Where independent units with separate entrances are divided by walls, each unit is a building.

Change of Use – The change in the type or intensity of uses subject to this Ordinance. For example, a gift shop to a restaurant is a change of use. One gift shop to another gift shop is not, provided the intensity of use is unchanged. Intensity of use is to be a preliminary assessment by the Code Enforcement Officer of conditions such as, but not limited to, operating hours, noise, exterior lighting, amount of customer traffic, or signage. If the Code Enforcement Officer finds that the overall intensity of use will be increased by 25% or more, the activity shall be reviewed as a change of use. The Planning Board may refuse jurisdiction upon a contrary finding.

Commercial - The buying or selling of goods or services or the provision of facilities for a fee.

Dwelling Unit - A room or group of rooms designed and equipped exclusively for use as living quarters or residence for one family, including provisions for living, sleeping, cooking and eating.

Industrial - Use of a premises for assembling, fabricating, finishing, manufacturing, distilling, packaging, or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations, repair shops and the extraction of minerals.

Institutional - A building or use devoted to some public, governmental, educational, charitable, medical or similar use.

Multi-Family Dwelling Unit - A building or structure containing three (3) or more dwelling units.

Party - The applicant(s), his or her authorized agent, all abutting property owners, and such other individuals or organizations as the Planning Board, at its discretion, finds to have a reasonable and identifiable interest in the proposed project.

Persons - Any person, firm, association, partnership, corporation, municipal or other local government entity, quasi-municipal entity, educational, or charitable organization or institution or legal entity.

Property Value –The Fair Market Value of a Searsport property as determined by a certified appraisal if offered, or if not offered, by clear and convincing evidence only offered by the actual property owner(s). The burden of proving whether a property value has or will substantially change is on the actual property owner(s), but rebuttal evidence may be offered by the applicant(s).

Rare and Irreplaceable Natural Areas – National, state or municipal parks, nature preserves owned by a land trust, Maine Audubon Society, the Nature Conservancy or a similar entity, federal or state-designated wilderness areas, or any location within consolidated public reserve lands designated by rule by the Bureau of Public Lands as a Protected Location.

Retail - Any business engaged primarily in the sale or resale of goods and services to the consumer.

Structure - Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Subdivision - The term subdivision, as defined in the Subdivision Ordinance for the Town of Searsport, Maine, shall, for purposes of this Ordinance, include commercial, retail, home occupation; industrial, institutional building(s), structure(s), and multi-family dwellings.

Substantial Enlargement - An expansion of the land area of the development site. For uses other than industrial uses that are subject to this Ordinance, substantial enlargement shall not include expansion of the development site if such expansion will not cause the total land area dedicated to the use to be increased by more than 25% since the enactment of this ordinance or the last site plan approval for the development (whichever is more recent).

Unreasonable Adverse Effect - Means any unreasonable risk to man, the environment, existing municipal services, Property Values, natural resources, and historic areas, taking into account the economic, social and environmental costs and benefits with the project.

SECTION III - AUTHORITY AND ADMINISTRATION

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution; Title 30-A MRSA § 3001.
2. No building permit, plumbing permit or certificate of occupancy shall be issued by the Planning Board or the Code Enforcement Officer for any use or development within the scope of this Ordinance until a Site Plan of Development Application has been reviewed and acted upon by the Planning Board.

SECTION IV – APPLICABILITY

This Ordinance shall apply to all development proposals for new construction or alterations or substantial enlargements or change of use to commercial, home occupation, retail, industrial, institutional and multi-family dwellings, buildings and their accessory uses, and structures. This Ordinance shall not apply to structures used exclusively for single or two-family residences.

SECTION V - SITE PLAN CONTENT AND APPLICATION PROCEDURES

A. The Site Plan of Development Application shall include the following items. The Planning Board may, upon request from the applicant or on its own initiative, waive items not applicable to the development or may require information not specified below but which is pertinent to the development:

1. A map or maps prepared at a scale of not less than one (1) inch to 50 feet, which shall include:
 - a. Name and address of the applicant or his/her authorized agent, name of the proposed development

and identification of any land within 500 feet of the proposed development in which the applicant has title or interest.

b. Boundaries of the tract of land certified by a registered land surveyor.

c. Existing soil conditions as described by a registered soil scientist, geologist or engineer.

d. Copies of pertinent municipal tax maps with lot numbers and names of abutting property owners.

e. Location of existing and proposed buildings and other structures, including use and proposed use thereof.

f. Location, size and elevation of buildings on abutting properties or within 200 feet of the property line of the proposed development.

g. Location of existing public streets.

h. Location and design of proposed access drives to the lot from public streets.

i. Location, design and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas.

j. Location of existing and proposed pedestrian walkways.

k. Location of existing and proposed utilities and easements including sanitary sewage, water, electricity and public rights-of-way. If the site is not to be served by a public sewer system, then an on-site soils investigation report by a Department of Human Services licensed site-evaluator shall be provided.

l. Location of existing natural drainage ways and proposed storm drainage facilities including dimensions of culverts, pipes, etc.

m. Location, intensity, type, size and direction of all outdoor lighting.

n. Location and size of signs and all permanent outdoor fixtures.

o. Landscape plan showing location, type and approximate size of plantings and location and dimension of all fencing and screening.

p. Contour lines at appropriate intervals to show the effect on the land of existing and proposed grades.

q. Location of any affected groundwater aquifers and aquifer re-charge areas.

r. An Architectural Rendering of all proposed buildings.

2. A written statement by the applicant that shall consist of:

- a. Evidence by the applicant of his title and interest in the property, or evidence that the applicant has entered into a binding purchase and sales agreement in the property, for which the application covers.
- b. A description of proposed uses of the site.
- c. Total floor area and ground coverage of each proposed building and structure and the percentage of lot covered by each building or structure.
- d. Description of existing and proposed easements, restrictions and covenants placed on the property.
- e. Method of solid waste disposal.
- f. Erosion and sedimentation control plan.
- g. Where the proposed development site includes, or is within 100 feet of the shoreline of tidal waters, a determination of whether this shoreline is currently eroding. If the shoreline is determined to be eroding, the following information shall be provided: An evaluation of the current rate of erosion; a projection of the location of the shoreline in fifty years; and an evaluation of the effect, if any, of the proposed project on shoreline stability.
- h. Statement of financial capacity providing the total estimated cost of the proposed development and demonstrating the applicant or owner's financial ability to complete all facets of the proposed development, which should include the names and sources of the financial parties, including banks, government agencies, private corporations, partnerships and limited partnerships, and whether these sources of financing are for construction loans or long term mortgages, or both.
- i. List all required local, state and federal permits/licenses pertaining to the development or planned use of the site.
- j. The applicant's evaluation of the need, availability and suitability of off-site public facilities, including sewer, water, streets, parking, solid waste and schools.
- k. An estimate of the date when construction will start and development will be completed.

B. Application Procedures

- 1. The application accompanied by the appropriate fee shall be filed with the Code Enforcement Officer for a preliminary completeness review. Upon receipt of an application, the Code Enforcement Officer or his/her designee shall notify and solicit comment from the Selectmen, Town Manager, Public Works Director, Fire Chief, Police Chief, EMA Director, EMS Director, Water District Superintendent, if serviced by public water, and Waste Water Superintendent, if serviced by public sewer. As part of the preliminary completeness review, the Code Enforcement Officer shall

ensure that the record includes comments from the Public Works Director, Fire Chief, Police Chief, EMA and EMS Directors and Water and Waste Water, Superintendents, if applicable, as to the adequacy of existing town facilities for the proposed development.

Within 30 days of the filing of an application, the Code Enforcement Officer or his/her designee shall notify the applicant that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. Any waiver of submission requirements shall be requested by the Applicant, and the Code Enforcement Officer shall refer any such request to the Planning Board.

After the Planning Board receives notice that the Code Enforcement Officer has determined that a complete application has been filed, it shall notify the applicant and begin its review of the proposed development. The Planning Board may request additional submissions from the applicant at any time during the course of its review if reasonably necessary to apply the standards of this or any other town ordinance.

2. When the Planning Board determines it is necessary, it may, after notification to and at the expense of the applicant, employ one or more independent consultants. The estimated costs of such consultants must be deposited with the Town of Searsport prior to employing any independent consultant. Any money not spent must be reimbursed to the applicant. If the cost of the review exceeds the amount deposited, the applicant must deposit additional funds with the Town of Searsport before Site Plan approval may be granted.

3. Within 30 days of receiving the application from the Code Enforcement Officer, the Planning Board shall review the completeness of the application and act on any requests for waivers. The Planning Board shall hold a public hearing within 30 days of the filing of its determination that the application is complete. The Planning Board shall post and notify the applicant of the time; date and place of the hearing. The Planning Board shall have published, at least seven days prior to the hearing in a newspaper of area-wide circulation, the time; date and place of the hearing. When possible, abutters' notices will be sent out at least seven days prior to the hearing by regular mail, the failure of which shall not constitute grounds for the invalidation of any approval issued under this Ordinance.

4. Public Hearings on applications shall be handled according to the procedures outlined in 30-A MRSA § 2691, subsections 3 (A), (B), (C), (D) and (E).

5. Within 30 days of the public hearing, or within 60 days of receiving the complete application, whichever is later, the Planning Board shall either approve, approve with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

6. Within seven days of reaching their decision, the Planning Board shall notify the applicant, in writing, of any action taken and the reason for taking such action.

7. Any of the procedural deadlines related to the holding of hearings or issuance of a decision may be waived or extended with the applicant's consent.

8. Within two years immediately following the date of application approval by the Planning Board, the project must be fully completed or a substantial start must have been undertaken. Substantial start shall mean that at least 30% (30 per cent) of the project must have been completed within this two-year period. One year extensions of the 2-year time limit may be granted by the Planning Board for delays caused by factors beyond the applicants' control, such as but not limited to: probate, legal morass, State and Federal regulatory delays, acts of God, etc.

9. Should any use, subject to the provisions of this Ordinance, be discontinued for two continuous years, such same use may not commence again without an approval of the Code Enforcement Officer.

10. Changes to Approved Plans: Substantial enlargements, alterations or changes of use from the original approved plan require Planning Board review and approval in accordance with this Ordinance, except that the Planning Board may waive submission requirements and review criteria related to elements of a development that will remain unchanged or that will not be impacted by the change of use or substantial enlargement.

SECTION VI - STANDARDS OF APPROVAL

The following standards are to be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the site plan. The site plan shall not be approved unless, in the judgment of the Planning Board, the applicant is reasonably able to meet each of the following standards. In all instances the burden of proof shall be on the property owner and shall require the production of evidence necessary to complete the application and satisfy the Planning Board as to the ability to meet each standard of approval.

1. **Preserve and Enhance the Landscape:** The landscape shall be preserved in its natural state insofar as is practicable, given the type of allowed use, by minimizing tree removal and disturbance of soil, and by retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of off-street parking areas from public walks, public rights-of-way, and abutting properties and/or structures, in order to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on neighboring lands and uses. For commercial and industrial subdivisions, due consideration shall also be given to the location of building(s), parking areas and other structures, within those areas of the property to be subdivided, that are most suitable for such uses. Areas deemed unsuitable for development, or possessing important natural or scenic values, shall be maintained in a natural condition. In this regard, particular consideration shall be given to Shoreland and marine resources.

2. **Relationship of Proposed Buildings to Environment:** Proposed building(s) or structure(s) shall, to the greatest extent practicable given the type of allowed use and applicable dimensional allowances, be related harmoniously with the surrounding terrain and to existing buildings within the vicinity which have a visual relationship to the proposed building(s) or structure(s). Special attention shall be paid to the bulk, location, height, and siding of the building(s) or structure(s) and to such natural features as slope, soil type, drainage ways, and important wildlife habitats.

3. Vehicle Access: The proposed site layout shall provide for safe access and egress from existing or proposed public and private roads. The layout shall indicate the location(s), number(s), and any on-site control(s) of these access/egress points, as well as any turning lanes and traffic signs or signals when required by existing or projected traffic flow on the existing or proposed public and private roads.

4. Parking and Circulation: The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives and parking areas shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and arrangement and use of parking areas.

5. Surface Water Drainage: Adequate provision shall be made for surface drainage so that the removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion, slope stability or public storm drainage systems. Whenever possible, on-site absorption of run-off surface waters shall be utilized as a means of minimizing discharge from the site and to retain the natural drainage patterns.

6. Existing Utilities: The development shall not impose an unreasonable adverse effect on sewers, sanitary and storm drains, water lines or other public utilities.

7. Advertising Features: The size, location, design, lighting and materials for all exterior signs and outdoor advertising structure(s) or features shall not cause unreasonable adverse effects on surrounding properties or cause unsafe traffic conditions.

8. Special Features of the Development: Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structure(s) shall have sufficient setbacks and screening so as to provide an audio/visual buffer sufficient to minimize their unreasonable adverse effect on other land uses within the development area and surrounding properties, and on recreational uses of public waters. Audio/visual buffering shall be reasonable given the type of use and applicable dimensional allowances, the type and proximity of surrounding uses, and the characteristics of the neighborhood. Any specific buffering requirements in the Land Use Ordinance shall be met, but the Planning Board may apply more stringent buffering requirements as set forth above.

9. Exterior Lighting: All exterior lighting shall comply with the Land Use Ordinance and shall be designed so as to minimize unreasonable adverse effect upon neighboring properties. Fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by pedestrians or from adjacent dwellings, and do not unnecessarily light the night sky.

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

11. Municipal Services; The development will not have an unreasonable adverse effect on the municipal services, including municipal road systems, fire departments, police department, solid

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

12. **Water Pollution:** Adequate provision shall be made to prevent an unreasonable adverse effect upon the quality of water. In addressing this matter, the layout plan shall indicate consideration of land elevation above sea level and its relationship to the flood plains, as well as the nature of soils and sub-soils and their ability to adequately support waste disposal. The layout plan shall also show consideration of the general slope of the land, and the slope's effect on effluents, any aquifer and aquifer re-charge areas; availability of streams or brooks for surface water runoff; the effect of project surface water runoff on Shoreland and marine resources; and applicable federal, state and local laws, ordinances, codes and regulations.

13. **On Site Water Supply:** The layout site plan shall indicate that sufficient water supply is available for reasonably foreseeable needs of the development without causing an unreasonable adverse effect on an existing water supply.

14. **Soil Erosion:** All building, site and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible such that filling, excavation and earth moving activity are kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible. The applicant shall utilize an active program to minimize soil erosion and sedimentation of watercourses and water bodies.

15. **Septage Disposal:** The layout plan shall provide for adequate septage waste disposal in conformance with pertinent state and federal laws.

16. **Adverse Effects:** The development shall not have unreasonable adverse effects upon designated historic sites, important wildlife habitats or rare and irreplaceable natural areas or property values.

17. **Financial Capacity:** The applicant shall demonstrate adequate financial and technical capacity to meet above standards.

18. **Air Quality:** the development shall not significantly add to the existing air pollution.

SECTION VII - GENERAL PROVISIONS

A. The Planning Board may, upon reviewing the application, impose any conditions on the applicant that the Planning Board deems necessary in order to bring the application into compliance with this Ordinance.

B. The Planning Board may require the filing of a Performance Bond, other financial security, or the execution of a conditional agreement with the municipality by the applicant, if deemed reasonably necessary to ensure the completion of all project elements shown on the Site Plan or required by condition imposed by the Planning Board.

C. All construction, performed under the authorization of a building permit or certificate of

occupancy, issued for the development within the scope of this Ordinance, shall be in conformance with the approved plan. It shall be a violation of this Ordinance to develop any approved project other than in accordance with the approved site plan, representations made in the Site Plan Review Applications, or any conditions attached to the approval, unless appropriate approvals are obtained under this and other applicable ordinances.

D. The application fee schedule, cited in Section V, subsection C. 1., shall be determined by the Municipal Officers upon recommendations of the Planning Board.

SECTION VIII - VIOLATION, ENFORCEMENT AND PENALTIES

A. Violation and Enforcement: The Code Enforcement Officer shall enforce the provisions of this Ordinance and shall report all violations to the Board of Selectmen, who are authorized to institute legal proceedings to enjoin violations of this Ordinance.

B. Penalties: Any person or persons who violate any provision(s) of this Ordinance or any permit issued under the provisions of this Ordinance, shall, upon conviction in Maine District Court, be subject to civil penalties in accordance with the provisions of Title 30-A MRSA § 4452, and the penalties provided for therein shall be assessed for each day of the violation.

C. Obtaining a permit under this ordinance through knowing misrepresentation of facts is a violation of the ordinance and subject to prosecution under this ordinance and 30-A MRSA section 4425.

SECTION IX - APPEALS

If the Planning Board disapproves an application, or grants approval-with-conditions that are objectionable to the applicant or any abutting property owners or any aggrieved party, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent and meaning of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, abutting property owner(s) or aggrieved party may appeal the decision of the Planning Board, in writing, to the Board of Appeals within 30 days of the Planning Board's official written decision.

The Board of Appeals may, after holding a public hearing, sustain, reverse or modify the Planning Board's decision in accordance with the Board of Appeals Ordinance.

SECTION X - CONSTRUCTION

A. Severability: Severability is intended throughout the provisions of this Ordinance. Should any provision, including among other things any exceptions, part(s), phrase(s) or term(s) or the application thereof to any person or circumstances be held invalid, the application of other provisions of this Ordinance shall not be affected thereby and the validity of this Ordinance in any and all other respects shall not be adversely affected.

B. Suppression: This Ordinance supersedes and replaces any and all like or comparable ordinances, policies or decisions previously enacted and in force within the Town of Searsport, and shall remain in effect until or unless revoked, or superseded by action of the voters of Searsport.

C. Amendments: From time to time, circumstances may require that portions or sections of this Ordinance be amended, revised, or deleted. Such action shall be proposed at town meeting to the voters of Searsport by the Board of Selectmen. Approval of any amendments, revisions or deletions rests exclusively with the voters of Searsport.

SECTION XI - ADOPTION

This Ordinance was submitted to the voters of Searsport and adopted at a Town Meeting held on the 8th day of March, 1986.

This Ordinance was amended by the voters of Searsport at a Town Meeting held on the 14th day of March, 1992.

This Ordinance was amended by the voters of Searsport at a Town Meeting held on the 8th day of March, 2003.

This Ordinance was amended by the voters of Searsport at a Town Meeting held on the 31st day of January, 2006.

This Ordinance was amended by the voters of Searsport at a Town Meeting held on the 10th day of March, 2012.

This Ordinance was amended by the voters of Searsport at a Town Meeting held on the 7th day of March, 2015

This Ordinance was amended by the voters of Searsport at a Town Meeting held on the 5th day of March, 2016

This Ordinance was amended by the voters of Searsport at a Town Meeting held on the 11th day of March, 2017

This Ordinance was amended by the voters of Searsport at a Town Meeting held on the 10th day of March, 2018

This is a true and attested copy by: _____
Deborah Plourde, Town Clerk