

Sec. 14-52. Shoreland Resource Protection Conservation District

(a) Purpose

The Conservation District is primarily designed to be a natural area with no permanent structures or buildings, no commercial or industrial activity, or other uses which would tend to detract from the district's natural beauty or adversely affect water quality. Conservation zones are generally defined to include:

(1) Floodplains that make building or development difficult, costly or unacceptable.

(2) Poor soil types not suitable for building or development.

(3) Steep slopes or embankments that render building or development generally difficult, costly or unacceptable.

(4) Areas where public sewers are not available, requiring the installation of septic systems in floodplains, poor soils, or steep slope generally not suitable for such systems.

(5) Significant wetlands that provide breeding and feeding habitat for waterfowl.

(6) Natural sites of significant scenic or aesthetic value.

Conservation zones are interpreted to be continuous strips of shore lands generally uninterrupted by other zones which would tend to divide the conservation zones into several smaller parcels, thus detracting from the natural, scenic, or aesthetic values of the zones as a whole.

(b) Allowed Uses:

Principal Uses:

Passive Recreation Forestry Timber Harvesting Agriculture

Accessory Uses and Structures for Principal Uses

Note: Principal Uses in the Resource Protection District shall conform to the applicable performance standards contained in the Shoreland Zoning Ordinance. (Resource Protection District)

~~(c) Resource Protection District Performance Standards~~

~~(1) Utility rights-of-way shall be permitted to pass across this district as long as it is approximately perpendicular to the general direction of the shoreline. Where the right-of-way enters and leaves the district, an appropriate strip of trees and shrubs shall be planted to minimize the visual intrusion to the zone and to control erosion. Such screening shall be subject to the approval of the Planning Board.~~

~~(2) Signs~~

~~The following provisions shall govern the use of signs in the Resource Protection District:~~

~~a. Signs and billboards relating to goods and services sold on the premises shall be permitted providing such signs shall not exceed 6 square feet in area, and shall not exceed 2 signs per premise. Billboards and signs relating to goods and services not rendered on the premises shall be prohibited.~~

~~b. Name signs shall be permitted providing such signs shall not exceed 2 signs per premises.~~

~~c. Residential users may display a single sign not over 3 square feet in areas relating to the sale, rental, or lease of the premises.~~

~~d. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed 2 square feet in area.~~

~~e. No sign shall extend higher than 20 feet above the ground.~~

~~f. Signs may be illuminated only by shielded, non-flashing lights.~~

~~Ord. No. 2 2007, 3-12-07.~~

The conservation district is the area within the boundaries of the Pattee Pond watershed as determined by Maine Department of Environmental Protection.

It is intended to be a rural area with limited commercial or industrial activity or other uses which would tend to adversely affect water quality. The district is generally restricted to low impact development with special attention to the following areas:

(1) Floodplains that make building or development difficult, costly or unacceptable.

(2) Poor soil types not suitable for building or development.

(3) Steep slopes or embankments that render building or development generally difficult, costly or unacceptable.

(4) Significant wetlands that provide breeding and feeding habitat for waterfowl.

(5) Natural sites of significant scenic or aesthetic value, historic sites, and archeological sites.

(b) Minimum Dimensional Requirements

All Dimensions are Minimum Requirements unless otherwise indicated

<u>Dimensional Requirements</u>	<u>Principal and Conditional Uses</u>	<u>Open Space Development</u>
<u>Lot area</u>	<u>2 acres</u>	<u>1 acre (See Note 1)</u>
<u>Lot width</u>	<u>200 feet</u>	<u>125 feet</u>
<u>Lot depth</u>	<u>250 feet</u>	<u>200 feet</u>
<u>Lot frontage</u>	<u>200 feet</u>	<u>125 feet</u>
<u>Maximum building height</u>	<u>35 feet</u>	<u>35 feet</u>
<u>Road yard</u>	<u>50 feet</u>	<u>By Planning Board</u>
<u>Rear yard</u>	<u>25 feet</u>	<u>By Planning</u>

		<u>Board</u>
<u>Side yard, principal structure</u>	<u>25 feet</u>	<u>By Planning Board</u>
<u>Side yard, accessory structure</u>	<u>25 feet</u>	<u>By Planning Board</u>
<u>Conservation Easement</u>	<u>As required by site plan</u>	<u>40% of the development</u>
<u>Road yard(Base Lot) (Note 2)</u>	<u>N/A</u>	<u>50 feet</u>
<u>Side and Rear yard (Base Lot) (Note 2)</u>	<u>N/A</u>	<u>25 feet</u>

Note 1. The planning Board may approve 30,000 sf. Lots if the Open Space Development has a community Subsurface Waste Disposal System including a reserved area for a replacement system.

(No Variances to the Subsurface Waste Disposal Rules will be allowed).

Note 2. "Base Lot" is the total parcel to be utilized in an Open Space Development.

(c) Allowed Uses

Principal Uses:

<u>Passive Recreation</u>	<u>Forestry</u>
<u>Timber Harvesting</u>	<u>Agriculture</u>
<u>Single Family Homes</u>	<u>Essential Services</u>
<u>Farm Stands</u>	<u>Home Occupation (Minor)</u>

Accessory Uses and Structures for Principal Uses

Conditional Uses

<u>Campgrounds</u>	<u>Summer Camp Facilities</u>
<u>Government Facilities</u>	<u>Parks and playgrounds</u>
<u>Mineral Extraction</u>	<u>Small Store less than 3000 sf.</u>

Note: Principal and Conditional Uses in the Conservation District shall conform to the applicable performance standards contained in this Section and the Shoreland Zoning Section when development is within 250 ft. of any regulated water body(Lake, Stream, Bog or wetlands) .

(d) Site Plan Application shall consist of the following:

- (1) A signed and dated site review application form and all necessary attachments.
- (2) Copy of the Tax Assessor's map of the site and surrounding area within 500 feet.
- (3) A copy of the U.S.G.S. Topographic map of the area showing the proposed site.
- (4) A copy of the Kennebec County Soil Survey showing the area of the proposed development.
- (5) Name and address of the applicant, applicant's agent, engineer, contractor.
- (6) Proof of Standing: property deed, purchase and sale agreement, contract, or other legal document.
- (7) Description of the site, including; address, map and lot number, book and page reference, copy of the most recent property deed,
- (8) Description of the proposed use, site lot lines, and size and location of any structures.
- (9) Complete application for a Floodplain Management Permit if located within a special flood hazard area.
- (10) Complete application for a Local Shoreland Zoning Permit if located within a Shoreland zoning district.
- (11) A list of all other local, state and federal permits required for the project.
- (12) Erosion control plan prepared by a Maine licensed Engineer.
- (13) Storm-water control, Water-body protection plan prepared by a Maine licensed Engineer.
- (14) Phosphorus control plan prepared by a Maine licensed Engineer.

(15) Wildlife corridors, scenic, historic and archeological protection plan with supporting documentation prepared by a Maine licensed Engineer.

(16) Wastewater disposal plan (HHE- 200 Form).

(17) Sufficient public or private water sources are available to serve the foreseeable needs of the proposal.

(18) Site plan, drawn to a scale by a Maine Registered Land Surveyor of not more than one hundred feet to the inch. The site plan shall show the following:

(a) Standard boundary survey of the parcel giving complete descriptive data by bearings and distances made and certified by a registered land surveyor.

(b) The date the plan was prepared, north arrow, and graphic map scale.

(c) Location of all existing and proposed structures, roads, traffic access points, rights-of-way, public or private easements, buffers, landscaping, rivers, streams, brooks, wetlands, steep slopes over 20%, 10 foot contour lines, drainage structures, subsurface wastewater disposal areas, special flood hazard areas, zoning district boundaries, existing and proposed vegetative cover, well locations, number of acres of the site, significant wildlife habitat, archaeological and historic sites, scenic areas, and outdoor areas used for storage.

(d) The site plan may also show the following features; erosion control measures, storm-water control features, phosphorus control measures, water-body protection features.

(e) Site Plan Review

The purposes of site plan review are to assess the impact of development on surrounding properties, and the natural environment. New development or

expansions of existing uses or structures are subject to a site plan review in order to ensure that they are designed and constructed so as to fit harmoniously with their surroundings.

The site plan process will include a review of environmental, architectural, and landscaping features of the proposal such as: existing natural features of the site, location of water bodies and wetlands, wildlife habitat, unique and scenic features, archeological and historic sites, erosion and storm-water control, traffic, roads, parking, buffers, water supply, wastewater disposal, and landscaping. Site plan review is not designed to establish the right of a use to be located in a zoning district, but rather, to assure that the use is designed and placed on the lot in a manner appropriate to its surrounding, according to the following established review criteria.

- (1) The proposal will not have an undue adverse impact on the scenic or natural beauty of the area, aesthetics, historic sites, archeological sites, significant wildlife habitat, or rare and irreplaceable natural areas.
- (2) The proposal conforms to all the applicable provisions of this Chapter, Performance Standards contained in this Section and other Ordinances and Regulations of the Town of Winslow.
- (3) The proposal will not adversely affect the quality or quantity of ground water.
- (4) The proposal conforms to the Town's Floodplain Management Regulations, if it is located within a special flood hazard area.
- (5) The proposal will provide for adequate storm-water management.
- (6) All rivers, streams, brooks, and wetlands within or abutting the project shall be identified on the site plan. The proposal shall not adversely impact any one of these water-bodies.
- (7) The proposal conforms to the Town's Shoreland Zoning Provisions, if it is located within a Shoreland zone.

(8) The long term cumulative effects of the project will not unreasonably increase Pattee Pond's phosphorus concentration during the construction phase and life of the project.

(9) Buffer strips and on-site landscaping or other measures provide an adequate protection to neighboring properties from storm water runoff.

(f) Performance Standards

The performance standards contained in this section shall apply to all site review proposals.

(1) Historic and Archeological Protection

The following provisions are intended to prevent the disturbance of sites with potential or identified archaeological significance until their importance is documented.

(a) Identified Sites

No activity which disturbs the ground such as trenching, grading, or excavating shall be commenced and no municipal permit or approval shall be issued within any of the following archaeological resource potential areas until the Maine Historic Preservation Commission has been notified of the nature of the proposed activity in writing by the owner of the property, a copy of the notice is provided to the Code Enforcement Officer, and a reconnaissance level archaeological survey is conducted, unless the Maine Historic Preservation Commission notifies the owner in writing that such a survey will not be needed. The survey requirement will be deemed satisfied if the Maine Historic Preservation Commission has not carried out a survey or responded to the owner in writing within six (6) months or if the owner of the property has a reconnaissance level survey completed by a competent professional and provides a copy of the survey to the Maine Historic Preservation Commission and the Code Enforcement Officer.

The archaeological resource potential areas as identified in the Comprehensive Plan are:

- Within two hundred fifty (250) feet of Pattee Pond
- Within two hundred fifty (250) feet of the inlet and outlet streams of Pattee Pond

(b) Other Areas

If an artifact is uncovered during ground-disturbing activities in other areas not identified above as archaeological resource potential areas, the activities shall be halted and not recommenced until the Maine Historic Preservation Commission has been notified in writing of the find by the owner of the property, a copy of the notice provided to the Code Enforcement Officer, and a written response received from the Commission. If no response is received within forty-five (45) days from the date notification was provided to the Commission, the Code Enforcement Officer shall authorize recommencement of the activity.

(2) Erosion Control

- (a) The site shall be developed so as to prevent soil erosion from entering water-bodies, wetlands and adjacent properties. All temporary and permanent erosion measures shall be designed by an Engineer in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 2003(DEPLW 0588).

(3) Storm Water Control

- (a) The storm water control plan shall be submitted to the Town Code Enforcement Officer for review and comment and submit written comments to the applicant which shall be included with the plan.

(4) Subsurface Waste Water Disposal Systems

(a) The applicant shall submit evidence of site suitability for subsurface wastewater disposal system prepared by a Licensed Site Evaluator in full compliance with the Requirements of the State of Maine Subsurface Waste Water Disposal Rules without the use of any variances (variance includes all footnotes). The site evaluator shall certify that all test pits meet the requirements for a new system in accordance with the disposal rules. The subsurface waste water disposal data shall be provided on a completed HHE-200 Form, and the area needed for the disposal field shall be shown on the site plan along with the required reserve areas.

(b) In no instance shall a disposal area for a new structure require a New System variance from the Subsurface Waste Water Disposal Rules. Holding tanks systems shall not be allowed to serve new structures.

(c) Subsurface wastewater disposal systems with a design flow greater than 500 gallons per day as per the State of Maine Subsurface Wastewater Disposal Rules shall contain a reserve area equal in size to the original system to accommodate future replacement. The area reserved for the replacement system shall be shown on the site plan and shall further be protected by a deed restriction which prohibits any development from being placed in this area. The deed restriction must remain in place until such time that the development is served by a public sewer system.

(g) Floodplain Management

(1) The applicant shall submit a complete Floodplain Management Permit Application with the site review application if any development is proposed within the special flood hazard area. All development within the floodplain shall be in compliance with the Town of Winslow Code, Chapter 6, Floodplain Management.

(h) Shoreland Zoning

(1) The applicant shall submit a complete Shoreland Zoning Permit Application with the site review application if any development is

proposed within a Shoreland zoning district. All development within a Shoreland zoning district shall be in compliance with the requirements of the Shoreland Zoning Ordinance.

(i) Water-body Protection

(1) The locations of all rivers, streams, brooks and wetlands shall be identified on the site plan. Wetlands shall be identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, published by the United States Army Corps of Engineers.

(j) Ground Water

(1) Any development proposed within a Sand and Gravel Aquifer as identified in the Town's Comprehensive Plan shall be designed and constructed so as not to cause any pollution or contamination of the aquifer.

(k) Historic and Archeological, Wildlife Habitat, Scenic Areas and Rare and Natural Areas

(1) The site plan shall indicate the locations of any historic and archeological sites, wildlife habitat and corridors, scenic areas, and rare natural areas. If any of the above listed areas are located on the site, a protection plan shall be developed in accordance with the following:

(2) If any portion of the site is designated as a significant archeological or historic site by the Maine Historic Commission, Comprehensive Plan or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations.

(3) If any portion of the site is located within an area designated as a scenic area or a unique natural area by the Maine Natural Areas Program, or the Comprehensive Plan, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designations.

(4) If any portion of the site is within a wildlife habitat or wildlife corridor area, the applicant shall consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and develop measures to protect these areas from environmental damage and habitat loss.

Wildlife habitat and corridor areas shall include the following:

- a. Habitat or endangered species appearing on the official State or Federal list of endangered or threatened species.
- b. High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.
- c. Deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.
- d. Significant Wildlife corridors necessary for wildlife to pass from one habitat area to another.

(l) Phosphorus Control

(1) Any site within the direct watershed of a great pond shall develop a phosphorus control plan in accordance with the design criteria contained in the Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, revised January 2008 Vol. 2 DEPLW 0738.

(2) The phosphorus control plan shall be designed by a registered engineer or hydrologist. The Maine Department of Environmental Protection shall be consulted for the appropriate phosphorus loading data for the watershed.

(m) Road Construction

(1) All new roads shall be designed and constructed in accordance with the Town of Winslow Code, Chapter 11, and Street Construction.

(2) All existing private roads shall be designed and constructed in accordance with the Town of Winslow Code, Chapter 11, and

Street Construction before any further expansion will be allowed.

(n) Buffer Standards

(1) The purpose of the buffer standards are: to provide a vegetated barrier between properties to reduce the negative impact of water and silt runoff.

Proposals with large lots could satisfy buffer requirements by using existing vegetation. Developments on small lots will require more extensive landscaping in order to meet the buffer requirements.

a. The width of the buffer area and species selection shall be determined by the applicants Engineer. The Applicant shall maintain the vegetation as necessary to satisfy this standard. Applicants are encouraged to design wide buffers that require less intensive planting and future maintenance.

(2) Buffers shall be provided by using one or more of the following methods:

(a) Existing or proposed vegetation

(b) Structures such as earthen berms

(c) Land distance between property lines and the development

(3) On existing non-conforming uses and lots the vegetated buffer shall be placed along the side and rear property lines of the proposed site.

The following types of land uses shall also provide extensive visual buffering along the front property line: existing junkyards and auto graveyards, outside storage of goods and materials, and outside processing of materials.

Vegetation shall consist of native species that provide a year-round visual barrier sufficient to screen the proposed use from the property line to a minimum height of 8 feet. The vegetative buffer shall be installed to the minimum barrier height prior to the occupancy of the proposed use.

(4) Land Distance

- (a) A strip of land that exceeds 150 feet in width between the side and rear property line and the edge of the developed area of the site may be considered a buffer. The land area shall at a minimum consist of a grass lawn or other pervious landscape and shall not contain any structures, parking lots or impervious surfaces. The following land uses shall not use this buffer method: junkyards, auto graveyards, outside storage of goods and materials and outside processing of materials.
- (b) The land area shall be maintained as a buffer strip and any future placement of structures or impervious surfaces within this area shall require the installation of a vegetative buffer.

(o) Mineral Extraction

- (1) The site review permit shall include the following additional information: a description of the operation; a list of the equipment, machinery and structures to be used; the source, quantity, and disposition of water to be used; existing and proposed access roads; the depth of all existing and proposed excavations; restoration plan; estimated productive life span of the operation; and list of all other local, state and federal permits required for the project.
- (2) A restoration plan shall include the following: proposed contours after filling; depth of the restored topsoil; type of fill; reforestation and/or planting description, restoration commencement; and completion date.
- (3) The Planning Board use permit issued for a mineral extraction operation shall be valid for a 2 year period and may be renewed according to the following:
- (4) The applicant shall submit an application for a revision to site plan no later than 30 days before the permit expires. The Planning Board shall renew the permit for another 2 year period if the operation continues to meet the applicable standards contained in this Chapter.

(5) If the applicant fails to renew the permit the operation shall be discontinued.