

Palmyra Planning Board Meeting Minutes

Date: 10/28/2025

I. Call to order and flag salute - *The meeting was called to order by the Chair at 6:00 p.m.—flag salute*

II. Roll call

*Planning Board Members present: Chair David Leavitt, Vice-Chair Corey Dow, Kathryn Burrill, Gail Jones, Bill MacLaren, Alternates Michael LePage and Bill Freudenberger
Diane White, Secretary*

III. Correspondence – *Dave drafted a letter to Travis on behalf of the Planning Board (attached). He would like members to review before he sends it to Travis. Members reviewed and approve. To be given to the Select Board and Code Enforcement.*

IV. Process Land Use Permit Application - *none*

V. Announcements

- a) *Veteran's Day – Tuesday, November 11th (meeting night) – motion made by Corey and second by Gail to cancel this meeting. Later in the meeting it was decided to hold the meeting on November 11th and cancel the November 25 meeting. Ordinances will be discussed and Dave will not be able to attend the November 25th meeting.*

Bill M proposed to move the December 23rd meeting to the 16th or 30th. To revisit at the November meeting.

- b) *State Referendum and Town Official Election - November 4*

VI. Reports

- a) *Secretary's Report (10/14) – Corey made a motion to accept as written—second by Bill M. Passed unanimously. After the vote, Gail noticed that on page 2 "shoreland" should have been changed to "subdivision". Diane will make the change.*
- b) *CEO Report – not present.*
- c) *Select Board Meeting Minutes (10/8) – submitted.*

VII. Old Business

- a) *Zoning Ordinance revisions review – Bill M had submitted a draft of suggested revisions to the zoning and subdivision ordinances (attached). The drafts include comments from the other members of the board. Comments and discussion:*

Zoning Ordinance:

- Clarify what is and is not allowed in each zone. Bill said that he will create a table that and will include footnotes. This will be emailed to the group.*
- Section 3-8 (table) – Bill explained the proposed changes. He added a definition for dwelling (pulled from the state ordinance). He explained that a dwelling can have multiple dwelling units.*
- Discussion on minimum land area per structure. Bill explained that high density growth has the potential to affect the acquirer. If the lot size is increased, it would reduce*

density. It was suggested that if a change is made to increase the land area required per structure, existing lots that do not meet the required size be grandfathered. Bill will do more research on this.

- Definition of building height—change low side to high side and exclude farm buildings and cell towers from maximum height allowance.
- Discussion on water supply. Several towns require 90 gallon per day capacity. To be discussed at a later date.
- Bill M inquired about an occupancy permit process.

Subdivision Ordinance subjects:

- Mobile home parks
- Minimum lot size
- Check for terms that are defined elsewhere and use those definitions.

Dave suggested a schedule: Have a public hearing; present to the select board, KVCOG, and the Code Enforcement Officer. He suggested that the subdivision ordinance be submitted first because Greg Lovley is planning to build multiple housing units.

Revisit on November 11th.

- b) Planning Board to do list (attached)
- c) After the fact permit fine - No consensus. This is now between the ~~CEP~~ CEO and Select Board.

VIII. New Business

IX. Adjournment – 7:57 p.m. – motion to adjourn—second. All in Favor

*Respectfully Submitted
Diane White*

NEXT MEETING – 11/11/2025

To: Travis Gould, Palmyra Code Enforcement Officer
From: Palmyra Planning Board
Subject: Solar Array Permit Condition Concerns
Date: October 28, 2025
CC: Town of Palmyra, Brian Barrows, Herb Bates, Michael Cray, Charlie Fields,

Reference Documents: Drawing C-102, Revision 8- dated November 19, 2020
Palmyra Non-Residential (Commercial) Land Use Ordinance-
Revision as of July ,9, 2020

Here are some discussion points that you may want to document in your next interaction with the current solar array owner:

1. **TREES**-(See above referenced documents for details)

- a. Replace dead trees
- b. Replace the missing trees previously removed but not replaced.
There are now gaps in excess of 20' in each row.
- c. There is a minimum required height of 8' for all replacement trees.
- d. Dead trees shall be replaced in one growing season.

2. **ANNUALLY UPDATED DETAILED DECOMMISSIONING COST ESTIMATE-**

(see above referenced documents for details)

- a. Quotes must be compiled by a Professional Engineer approved by the Planning Board.
- b. Detailed Estimate must be provided annually by December 31st of each year.
- c. Must be in strict conformance with Section 7 of the above referenced ordinance. Estimates to include (but not limited to) the following:
 1. copies of Contractor quotes
 2. trucking quotes
 3. itemized quantities of all work, materials and other cost elements
 4. scrap metal quotes
 5. salvage yard quotes
 6. other cost elements as applicableSee Ordinances for more specifics)
- d. The resale value of the photovoltaic panels is NOT to be included.
You should ask the solar array owner to begin providing, but not including, salvage value quotes for the photovoltaic panels in order for the town to monitor their declining resale value over time as their efficiency declines and their net value becomes a net financial liability.

3. **PLEDGE AND DISBURSEMENT AGREEMENT**

- a. To be funded and updated annually, after the updated Decommission Quote

4. **VISUAL SCREEN**- (see above referenced documents for details)

- a. The green visual screen is to be replaced as required, reinstalled and refastened top and bottom in accordance with manufacturer's recommendations.

5. **GROUND WATER MONITORING**- (see above referenced documents for details)
- a. Monitoring must be completed annually each fall and in accordance with
The above documents and CES ground Monitoring Program- dated Nov. 19, 2020.

2 of 2

6. **PRIOR TO CHANGES IN OWNERSHIP, THE EXISTING SOLAR FARM OWNER**

WILL : (See Drawing C-102 revision 8, dated Nov. 19, 2020)

- a. Notify the town as to who is the new owner.
- b. Notify the town of the name and contact information for the new individual(s) responsible for public inquiries (throughout the life of the project).
- c. Notify the town of the name and contact information of the new company or individual responsible for the annual decommissioning updates.
- d. Provide an updated Certificate of insurance for the new owner.

7. **FINES AND PENALTIES FOR NON-COMPLIANCE** (see above referenced documents for details.)

- a. See Article 4, Section 2, pages 4 & 5 of the ordinance for fines and penalties:
“Not less than \$100/day or more than \$2,500/day per violation PER DAY that the violation continues.”
- b. For post approval fines and penalties see Article 7, Sections 1 & 2, page 14 of the ordinance.
- c. Also see the current Palmyra fee schedule.

Travis, we encourage you to fact-check the above, look for errors and/or omissions and consult with the Select Board about your path forward. As always, we are willing and able to help as required.

Town of Palmyra Zoning Ordinance

Adopted at Town Meeting March 11, 1989. Attached at the end of the ordinance is a list of amendments and the dates adopted.

Article I - Title

Article II - Purpose

Article III - Establishment of Districts and District Regulations

Article IV - Mobile Home Parks

Article V - Home Occupation

Article VI - Variance and Appeal

Article VII - Enforcement

Article VIII - Legal Provisions

Article IX - Amendments

Article X - Non-Conformance

Article XI - Other Construction

Article XII - Pole Permits

Article XIII - Definitions

ZONING ORDINANCE FOR PALMYRA, MAINE

ARTICLE I TITLE

This ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Palmyra, Maine."

ARTICLE II PURPOSE

This ordinance is adopted in accordance with the Provisions of Title 30, M.R.S.A. as amended, and is designed to:

1. Promote the health, safety, convenience, and welfare of the inhabitants of the Town of Palmyra.

ARTICLE III ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 3-1 The Zoning Map - A map officially entitled "Zoning Map - Town of Palmyra, Maine" is incorporated as part of this ordinance. The Town of Palmyra Zoning Map shows the town divided into the following districts:

- Agricultural/Residential District
- Commercial District
- Industrial District
- Resource Protection District

Section 3-2 Copies of Zoning Map - The official zoning map (certified and dated by the Town Clerk) shall be located in the Selectmen's Office and shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the town.

Section 3-4: Intent and Purposes of District - The purpose of each of the districts is as follows:

- ### Section 3-5 Permitted and Allowed Uses and Activities in Zones

AGRICULTURAL/RESIDENTIAL DISTRICT

- Farming
- Single-Family Dwellings [CEO]
- Additions to existing buildings: Residential [CEO], Non-residential [Planning Board]
- Outbuildings in excess of 100 square feet [CEO]
- Veterinary Hospitals
- Mining-Gravel Pits
- Commercial activity *in the form of home occupation, retail sales and service establishments* (including professional offices and banks) provided the gross floor area devoted to such use on a single lot is not more than 5,000 square feet
- Schools
- Government Offices
- Churches
- Playgrounds
- Fire Stations
- Parking Lots
- Multiple-Family Dwellings
- Mobile Home Parks

_____ of Items listed under Commercial Disposal and/or Industrial Disposal and/or other manufacturing and/or business use

- o Manufacturing
- o Warehousing and Wholesaling
- o Motels and Hotels
- o Repair Shops
- o Automobile graveyards
- o Automobile recycling
- o Junk yards

COMMERCIAL DISTRICT

ALLOWED WITH PLANNING BOARD PERMIT

All uses allowed in the Agricultural/Residential District, and in addition:

- o Warehousing and Wholesaling
- o ~~Auto Salvage Operations~~ Automobile graveyards
- o Automobile recycling
- o Hotels and Motels
- o Funeral Homes
- o Retail Sales and Service Establishment without restriction as to floor size
- o Eating and Drinking Establishments including places offering dancing and entertainment
- o Repair Shops
- o Manufacture of products where the manufacture does not require on-site waste disposal facilities other than on-site sewage disposal facilities for sewage generated by employees and which is not injurious or noxious by reason of noise, smoke, vibration, electronic radiation, gas, fumes, odor, dust, fire, or explosion hazard, and which meet State and Federal Pollution Standards.

INDUSTRIAL DISTRICT

ALLOWED WITH PLANNING BOARD PERMIT

- o All uses permitted in the Commercial District.
- o Processing, manufacture, or other industrial use which is not injurious or noxious by reason of noise, smoke, vibration, electronic radiation, gas, fumes, odor, dust, fire, or explosion hazard, and which meet State and Federal Pollution Standards.
- o Wrecking, junk, demolition, and scrap yards shall be surrounded by a solid fence or evergreen screen completely preventing a view from any other property or public right-of-way and shall be at least five hundred (500) feet from Agricultural/Residential districts. Planning Board permit only needed to address the required screening.

RESOURCE PROTECTION DISTRICT

As existing in the Shoreland Zoning Ordinance already adopted.

Section 3-8 Dimensional Requirements

A) The following dimensional standards shall apply throughout the entire Town of Palmyra:

Districts:	Agricultural/Residential	Commercial	Industrial
1. Minimum Lot Size			
(a) (a) Single Family Dwelling Unit 1- & 2-Family Residential Use	2+ Acre	3+ Acre	2+ Acre
(b) Two Family (Duplex) Dwelling Unit	4 Acre	4 Acre	4 Acre
(c) Multi-Family Dwelling Unit	2 Acre plus 1 Acre per dwelling Unit	2 Acre plus 1 Acre per dwelling unit	2 Acre plus 1 Acre per dwelling Unit
(d) (b) Commercial Use	2 Acre	1 Acre	2 Acres
(e) Industrial Use	N/A	N/A	2 Acres
2. Minimum Lot Frontage			
(a) (a) 1 & 2 Family (Duplex) Residential Dwelling Units/Use	200 feet	200 feet	200 feet
(b) Multi-Family Dwelling Units	200 Feet	200 Feet	2 Feet
(c) (b) Commercial Use	200 Feet/N/A	100 feet	200 feet
(d) Industrial Use	N/A	N/A	200 Feet
3. Minimum Structure Setbacks			
(a) (a) 1- & 2 Single Family, Two-Family, and Multi-Family Dwellings-Residential Use			
Front Setback	75 feet	75 feet	75 feet
Side Setback	25 feet	25 feet	50 feet
Rear Setback	25 feet	25 feet	50 feet
Structure Separation	50 feet/25 feet	25 feet	25/50 feet
(b) (b) Commercial Use			
Front Setback	75 feet/N/A	50 feet	75 feet
Side Setback	50 feet/N/A	25 feet	50 feet
Rear Setback	50 feet/N/A	25 feet	50 feet
Structure Separation	N/A/50 feet	25 feet	25/50 feet
(c) Industrial Use			
Front Setback	N/A	N/A	75 feet
Side Setback	N/A	N/A	50 feet
Rear Setback	N/A	N/A	50 feet
Structure Separation	N/A	N/A	25 feet
4. Minimum Land Area Per Structure			
(a) 1 & 2 Family Residential Use	0.5 Acre	0.5 Acre	1 Acre
(b) Multi-Family Residential Use	1 Acre	1 Acre	1 Acre
(c) Commercial Use	0.5 Acre	0.5 Acre	0.5 Acre
(d) Industrial Use	0.5 Acre	0.5 Acre	0.5 Acre
5. Maximum Structure Height			
(a) 1 and 2 Family (duplex) dwelling	-35 Feet	-35 Feet	-35 Feet
(b) Multi-Family Dwelling	35 Feet	35 Feet	35 Feet
(b) Commercial Use*	2-Story N/A	3-Story N/A	3-Story-35 Feet
(c) see Shoreland Zoning per 15.B2 for max. height of 35 feet			
6. Sheds 100 sq. ft. - 200 sq. ft.	10 feet	10 Feet	-10 Feet

*Except communication towers

Commented [W142]: Proposal by Katie to reduce this to a single line for 'Dwelling Unit'

Commented [W143]: Do we need to maintain 50 ft for fire separation?

Commented [W144]: Do we need to leave a 50 ft for fire special purposes - per Katie's notes. Maybe add a note that temporary buildings under 100 sq feet are ok?

Commented [W145]: Should we change this to a percentage of lot must remain clear (i.e. 50% of a 2 acre lot could be built on)

Commented [W146]: Per Dave and Katie's comments. Definition of 'Height of Structure' added to definitions

Section 3-6 Industrial Zone (added in 1998)

- Industrial Zone #1 will be identified as the south side of Rt. 100 from I-95 South 3500 feet with maximum setback to the Central Maine Power Company right-of-way.
- Industrial Zone #2 will be identified as the north side of Rt. 2 (Main Street) from the Sebasticook River to Rt. 152 (Estes Avenue) with 1200-foot maximum setback.
- Industrial Zone #3 will be identified as the south side of Rt. 2 from the Sebasticook River to Rt. 152 (Ell Hill Road) with 1200-foot maximum setback.
- Minimum Lot Size – Two acres
Setbacks – 50-foot setback from abutting landowners
– 50-foot setback from edge of road right-of-way

Section 3-7 Commercial Zone (added in 1999)

- Commercial Zone #1 will be identified as the north side of Rt. 2 (Main Street) from the Newport line to the Gray Road with a maximum setback of 1200 feet.
- Commercial Zone #2 will be identified as the south side of Rt. 2 (Main Street) from the Newport line to the abandoned Smith Road back to Interstate 95.
- Commercial Zone #3 will be identified as the north side of Rt. 2 (Main Street) from the Lang Hill Road through the Village to the Gee Road with maximum setback of 1200 feet.
- Commercial Zone #4 will be identified as the south side of Rt. 2 (Main Street) from South Ridge Road through the Village to the Madawaska Road with maximum setback of 1200 feet.
- Commercial Zone #5 will be identified as the north side of Rt. 100 (Oxbow Road) from Interstate 95 (I-95) south 3500 feet with maximum setback to I-95.

B) The following definitions shall apply to the dimensional standards found in section 3-6.A.

1. **Required Frontage** – All lots hereinafter created after the effective date of this Ordinance shall possess a minimum frontage (1) on a road, or (2) on a deeded private right-of-way, which meets the specifications for road construction contained in the Town's *Road Standards For Subdivisions*; provided, however, that for backlots not part of a subdivision, this road frontage requirement shall not apply if a minimum 25-foot wide access from a road to the backlot is provided by a deeded private right-of-way.
2. **Cul-de-Sac Frontage** – New building lots located at the end of cul-de-sacs shall be designed so that they have a minimum of 100 feet of street frontage along the front lot line in the Agricultural Residential district or a minimum of 50 feet of street frontage in all other districts; and all other dimensional requirements shall apply.
3. **Side and Rear Setback Measurements** – All setbacks shall be measured from the property line to the nearest part of the structure. Accessory structures up to 200 square feet, one story, non-permanent, can be 10 ft. from property line.
4. **Front Setback** – The front setback shall be measured from the center of the town road, right-of-way, or applicable subdivision road (public or private).
5. **Driveways, Parking Areas** – Driveways and parking areas may be located within any required setback area but shall not be located within six (6) feet of the side or rear lot lines.
6. **Structure Separations** – All structures shall be separated according to the above requirements. Separation distances shall be measured from the nearest part of each principal structure. Accessory ~~buildings and structures~~ *structures* do not require a 50-foot separation. An unattached garage for residential use is considered an accessory ~~building or structure~~ *structure*.
7. **Minimum Lot Size** – These areas shall be calculated without including area added by any right-of-way. The depth of the lot shall not exceed four times the width. For oddly shaped (non-rectangular) lots, the maximum perpendicular axis shall be used to compute this ratio. For flag lots, the right-of-way to the lot shall not be included in this computation. All acreage required for multi-family dwellings must be classified as buildable. Easement areas, freshwater wetlands and other unusable areas shall not be classified as buildable.
8. **Minimum Land Area per structure** is used to determine the maximum number of structures that can be built on a lot that meets the minimum lot size for the desired type of construction.
9. There must be adequate water supply available for each dwelling unit. Adequate water supply is considered 5 gallons per minute flow rate for each dwelling unit and 90 GPD (gallons per day) for each bedroom.

Section 3-9 Application Procedure for CEO/Planning Board Permits

Applications for CEO/Planning Board Permits shall be submitted in writing to the Town Office in the form as required in the applicable zoning ordinance along with the required application fee per the current fee schedule. The Town Office shall notify the applicant in writing when they may present their case before the Planning Board. If the CEO has the required approval, the Town Office will provide the phone number of the CEO for the applicant to contact to schedule a meeting.

The CEO shall be the primary approval authority for all Residential permits, to include those that are to be reviewed under the FLOODPLAIN MANAGEMENT ORDINANCE. If the CEO is not available for application review, the Planning Board shall have the authority to review for approval. If the Planning Board starts a review of an application, they shall be responsible for completion.

Section 3-10 CEO/Planning Board Procedure

Applicant shall first demonstrate to the satisfaction of the CEO/Planning Board that they have adequate right, title, and interest to the property before the application shall be acted upon. During the review process, the CEO/Planning Board shall next determine if the application is complete. If the application is not complete, the applicant shall provide the required information. The CEO/Planning Board shall have the option to continue the review for compliance of the particular ordinance while waiting for submission of incomplete items. The CEO/Planning Board shall review the application for compliance with the particular ordinance. The CEO/Planning Board shall approve, deny, or approve with conditions. All written decisions of the CEO/Planning Board shall determine Findings of Fact and Conclusions of Law. If the application is for a Residential Land Use Permit, the CEO/Planning Board shall render a written decision within thirty (30) days. Dates for approval of all Non-residential permits shall be as described in that particular ordinance.

All decisions of the CEO/Planning Board may be appealed to the Board of Appeals.

Section 3-11 Planning Board Discretionary Requirements for Applications

The Planning Board may waive the following requirements depending upon the circumstances and type of application and information the Planning Board needs to arrive at a decision.

1. General location information items
2. Erosion Control Plan
3. Stormwater Control Plan
4. Phosphorus Control Plan
5. Traffic and Parking Plan
6. Roadway Plans and Specifications

ARTICLE IV MOBILE HOME PARKS

Mobile Home Parks shall meet minimum state guidelines as defined by the Maine Department of Human Services.

ARTICLE V HOME OCCUPATION

Section 5-1 Purpose

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

Section 5-2 Permitted Uses

Any home occupation or profession which is accessory to and compatible with a residential use may be permitted if:

1. It is carried out in a dwelling unit or in a structure customarily accessory to a dwelling unit.
2. It is conducted only by a member or members of the family residing in the dwelling unit.
3. It does not materially injure the usefulness of the dwelling unit or accessory structure for normal residential purposes.

Section 5-3 Conditions

All home occupations shall conform with the following conditions:

1. The home occupation shall be carried on wholly within the dwelling or accessory structure.
2. The home occupation shall be conducted only by a member or members of the family residing in the dwelling unit.
3. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours, shall not be permitted.
4. 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.
5. In addition to the off-street (off-road) parking provided to meet the normal requirements of the dwelling, adequate off-street (off-road) parking shall be provided for the vehicles of the maximum number of users the home occupation may attract during peak operating hours.
6. The home occupation may utilize:
 - a) Not more than twenty percent (20%) of the dwelling unit floor area provided that for the purpose of this calculation (unfinished basement and attic spaces not included).
 - b) Unfinished attic and basement spaces.One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty percent (50%) of the total floor area of the dwelling unit.
7. Home occupations which involve use or storage of hazardous or leachable materials more than normal residential use are not permitted.

ARTICLE VI. VARIANCE AND APPEAL

Section 6-1 Powers and duties of the Board of Appeals

The Board of Appeals shall have the following powers:

- a. **Administrative Appeals:** To hear and decide 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 of this Ordinance.
- b. **Variance appeals:** To authorize variances upon appeal, within the limitations set forth in the Ordinance.

Section 6-2 Variance Appeals

Variances may be permitted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including but not limited to lot width, structure height, 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:
 - 1) The proposed structure or use would meet the provisions of this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought; and
 - 2) The strict application of the terms of this Ordinance would result in undue hardship.The term "undue hardship" shall mean:
 - i. That the land in question cannot yield a reasonable return unless a variance is granted
 - ii. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood
 - iii. That the granting of a variance will not alter the essential character of the locality, and
 - iv. That the hardship is not the result of action taken by the applicant or a prior owner.
- d. The Board of Appeals shall limit any variances granted as strictly as possible to ensure conformance with the purpose 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.

Section 6-3 Appeal Procedure

- a. **Making an Appeal**
 - 1) 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. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
 - 2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - i. A concise written statement indicating what relief is requested and why it should be granted.
 - ii. 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.
 - 3) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all the papers constituting the record of the decision appealed from.
 - 4) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.
- b. **Decision of Board of Appeals**
 - 1) A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
 - 2) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The Board may reverse the decision, or failure to act, of the

- Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
- 3) The person filing the appeal shall have the burden of proof.
 - 4) The Board shall decide all appeals within thirty-five (35) days after the close of the hearing and shall issue a written decision on all appeals.
 - 5) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief, or denial thereof.

Section 6-4 Appeal to Superior Court

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.

Section 6-5 Reconsideration

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

ARTICLE VII ENFORCEMENT

Section 7-1 Code Enforcement Officer This ordinance shall be enforced by the Code Enforcement Officer who shall be appointed annually by the Selectmen.

Section 7-2 Permits

- a) A CEO [when specified]/Planning Board Permit is required for land uses or activities as set forth under this Ordinance. Failure to obtain a permit when required by this Ordinance shall be a violation of this Ordinance punishable under Section 8-3.
- b) Permits are valid for two (2) years from date of issue. If no construction has begun within six (6) months of date of issue, the permit shall be void. If a permit has expired, the applicant must reapply. A permit is transferable to subsequent owners of the property. With Planning Board approval, a six (6) month extension may be applied to a permit due to extenuating circumstances.

ARTICLE VIII LEGAL PROVISIONS

Section 8-1 Relation to Other Ordinances The provisions of the Shoreland Zoning Ordinance shall take precedence over any provisions of this ordinance.

Section 8-2 Severability The invalidity or unconstitutionality of any section or provision of this ordinance shall not be held to invalidate any other section or provision of this ordinance.

Section 8-3 Violations

- a) The Planning Board is hereby authorized to institute or cause to be instituted by the Town Attorney, in the name of the Town of Palmyra, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this Ordinance, provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this Ordinance.
- b) Any person, including but not limited to a landowner, a landowner's agent, or a contractor who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Section 4452.
- c)
 1. Any person, including but not limited to a landowner, a landowner's agent or a contractor who orders or conducts any activity without first having obtained the required permit shall be deemed to have violated the provisions of this Ordinance and shall be subject to the penalties outlined under Section 8-3(b).
 2. Any person, including but not limited to a landowner, a landowner's agent or a contractor who, after notification by the Planning Board or the Code Enforcement Officer that he/she has begun work without a permit, voluntarily complies with requirement of Section 7-2 by applying for a permit "After the Fact", may be issued a permit by the Board following payment of twice the required permit fee or a penalty of fifty dollars (\$50.00), whichever amount is greater. This will resolve the violation without further need of enforcement action.

ARTICLE IX AMENDMENTS

Upon a recommendation of the Planning Board received in writing by the Selectmen and/or upon receipt of a petition by the Selectmen (said petition signed by 10% of the legal voters of the town who voted in the last gubernatorial election), the Selectmen shall call a special town meeting within 50 days to consider proposed amendment to this ordinance. An amendment to this ordinance may be enacted only with majority vote at a regular or special town meeting. No amendment to the map shall become effective until any required change on the official map has been made and attested to by the Town Clerk.

ARTICLE X NON-CONFORMANCE

Section 10-1 Purpose

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

Section 10-2 General Requirements

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 pursuant to this Ordinance, the normal upkeep and maintenance of non-conforming uses and structures.

Section 10-3 Non-Conforming Structures

1. Expansions:
 - (a) A non-conforming structure may be added to or expanded after obtaining a permit from the permitting authority.
 - (b) Said addition or expansion shall not increase the non-conformity of the structure with respect to minimum lot sizes and property setbacks.
 - (c) Structures shall not be enlarged in a manner that violates or worsens the standard regarding the minimum lot area per dwelling unit (e.g., expansion of a single-family dwelling to a non-conforming lot to create a multi-family dwelling).
 - (d) The installation or construction of accessory structures, such as garage or shed outbuildings, shall be deemed an expansion or addition of a non-conforming structure.
2. Relocation
 - (a) A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located.
 - (b) The site of relocation shall conform to all setback or other dimensional requirements to the greatest practical extent as determined by the permitting authority.
 - (c) The applicant shall demonstrate, if necessary, that the present subsurface sewage disposal system meets the requirements of State Law and the State of Maine Subsurface Wastewater Disposal Rules or that a new system can be installed in compliance with the law and said rules.
 - (d) To determine compliance, the permitting authority shall base its decision on the size of the lot, the slope of the land, the potential for soil erosion, 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.
3. Construction or Replacement
 - (a) Any non-conforming structure may be reconstructed or replaced provided that a permit is obtained from the permitting authority within five (5) years from the date of the event or occurrence causing the need to replace or reconstruct such structure.
 - (b) Such reconstruction or replacement shall comply with the setback or other dimensional requirements to the greatest practical extent as determined by the permitting authority.
 - (c) The applicant shall demonstrate that the present subsurface sewage disposal system meets the requirements of State Law and the State of Maine Subsurface Wastewater Disposal Rule, or that a new system can be installed in compliance with the law and said rules.

Section 10-4 Non-Conforming Uses

1. Expansion:

An existing non-conforming use may be expanded, after obtaining a permit from the permitting authority, unless it is found that the plan does not meet the intent of this Ordinance.
2. Change of Use:

- (a) An existing non-conforming use may be changed to another non-conforming use after obtaining a permit.
 - (b) The permitting authority shall approve a change of use unless it is found that the proposed use is not equally or more appropriate to the district than the existing non-conforming use.
 - (c) The proposed use shall have no greater adverse impact on adjacent properties than the former existing non-conforming use.
 - (d) A permitted or conforming use shall not be changed to create a non-conforming use.
3. Discontinuance
- (a) A non-conforming use that has been discontinued or abandoned for five (5) or more years shall not be resumed, and such non-conforming use shall be deemed extinguished.
 - (b) The removal or demolition of a non-conforming structure, for whatever reason, shall not constitute an abandonment of a non-conforming structure or use, provided that the required permit for such replacement structure is obtained from the permitting authority within five (5) years from the date of removal of such non-conforming structure using the criteria found in subsection C.2.d.
4. Succession
- Where a non-conforming use is succeeded by a permitted use, the property shall thereafter conform to the permitted uses, and such non-conforming use shall not thereafter be resumed.

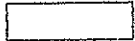
Section 10-5 Non-Conforming Lots

1. Vacant Lots:
- (a) A vacant, non-conforming lot of record legally existing on the effective date of this Ordinance may be built upon without the need for a variance.
 - (b) Said lot must be held in separate ownership and not contiguous with any other lot in the same ownership.
 - (c) All provisions of this Ordinance except lot size and frontage must be met.
 - (d) Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.
 - (e) If more than one residential dwelling unit or other use is built, located, or created on a non-conforming lot of record, the minimum lot size shall be met for each residential dwelling unit, and the frontage and all setback requirements of the district shall be met.
2. Contiguous Lots – Built Upon:
- (a) If two or more contiguous lots or parcels are in the same ownership of record at the time of the adoption or amendment of the 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.
 - (b) All such lots shall meet the requirement of the Subsurface Wastewater Disposal Rules.
 - (c) When such lots are divided, each lot thus created must conform to the dimensional requirements of this Ordinance, to the greatest practicable extent.
3. Contiguous Lots – Vacant or Partially Built Upon:
- (a) If two or more contiguous lots or parcels are in the same ownership of record at the time of the adoption or amendment of this Ordinance, and
 - (b) they do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and
 - (c) if one or more of the lots are vacant or contain no principal structure, then
 - (d) the lots shall be combined to the extent necessary to meet the dimensional requirements.
4. Single Lot with Multiple Principal Structures – Division:
- (a) 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 as/on a separate lot.
 - (b) All resulting lots shall meet the requirements of the State Subsurface Wastewater Disposal Rules.
 - (c) A permit shall be required prior to the creation of a non-conforming lot through the division of a lot of record with multiple, principal structures or uses thereon.
 - (d) The permitting authority shall issue the required permit upon its findings that each lot created by the division conforms, to the greatest practicable extent, to the setback and dimensional requirements of this Ordinance, other than lot area.

ARTICLE XI OTHER CONSTRUCTION

The Planning Board shall have the authority to promulgate such spacing requirements, as it may deem appropriate for all other construction.

LEGEND FOR ZONING MAP



—Agricultural/Residential Zone



—Commercial Zone



Industrial Zone

Resource Protection Zone as exists in Shoreland Zoning already adopted.

ARTICLE XII POLE PERMITS

The CEO or Select Board or their designee may refuse to sign Electric and Telephone Permits if a valid Residential or Nonresidential Land Use Permit has not been obtained.

ARTICLE XIII DEFINITIONS

All definitions found in Article 8 of the Subdivision Ordinance are equally applicable in this Zoning Ordinance.

I certify that the foregoing ordinance entitled TOWN OF PALMYRA ZONING ORDINANCE was adopted at Town Meeting, March 11, 1989.

Diane White, Town Clerk

I certify that the following is a list of amendments to the foregoing ordinance and dates adopted.

Diane White, Town Clerk

March 9, 1991 - Art. III, Sec. 3-8 - Changes in dimensional requirement
- Art. III, Sec. 3-9 - Application procedures, form and fee
- Art. III, Sec. 7-2 - Permit regulations
- Art. III, Sec. 8-3 - Violation regulations

March 8, 1997 - Added Art. XII - Electrical and telephone permits requirements
- Agricultural/residential district - added requirement for permit for additions and outbuildings and fees for same.

March 13, 1998 - Art. III, Sec. 3-6 - Identified Industrial Zones

Zoning Ordinance/Rev. 03/12/2022

- March 13, 1999 - Art. III, Sec. 3-6 -- Clarification of zones and Commercial Zones identified
- March 8, 2000 - Art. III, Sec. 3-5 -- Definition and fee for Home Occupation
- October 25, 2000 -- Industrial Zone -- "except residences" deleted
- March 10, 2001 - Art. III, Sec. 3-8 -- Dimensional requirements changed
 - Definition section added
 - Art. VI -- Variance and appeal amended
 - Art. VIII, Sec. 8-3 -- Violation and penalty for after-the-fact permits
- March 9, 2002 - Art. III, Sec. 3-7 -- Dimensional requirements changed in Industrial Zone
 - Art. III, Sec. 3-8 -- Dimensional requirements changed in all Zones
 - Art. III, Sec. 3-8 -- Roads defined
 - Art. X -- Non-conforming section expanded
- October 9, 2002 - Changed one zone from Industrial to Commercial; better defined the zones
 - Art. III, Sec. 3-8 -- Changed some dimensional requirements
- March 14, 2009 -- Art. III, Sect. 3-8 - Front setbacks increase by 25 feet (to be measured from the center of the town road instead of right-of-way).
- March 14, 2015 -- Article III, Section 3-8 Agricultural/Residential District.
 Agricultural/Residential -- add the following:
 - Allowed without a permit: Shed/building 10' x 10' or 100 square foot, one story, non-permanent structure 10 feet from property line.
 - C. Setback Measurements: Accessory structures up to 200 square feet, one story, non-permanent can be 10 feet from property line.
 - F. Structure Separation: Accessory buildings do not require a 50-foot set-back.
- June 13, 2017 -- Amended the Zoning Ordinance to create a "Fee Schedule" by removing any and all fees, fines or charges from within each individual ordinance and placing all said fees, fines or charges onto a single document call e "Fee Schedule".
 -Amendment to Zoning Ordinance to amend Article III, Section 3-7 and Article IV #8 to read "Short Form Business Renewal Permit required annually for all businesses in the Town of Palmyra".
- March 12, 2022 -- revisions in Sections 3-3, 3-5, 3-8, 3-9, 3-10, 3-11, 5-3, 7-2, and other revisions. Changed Section numbering in Section 3.

Subdivision

- e. Upon completion of an intended public street and prior to a vote by the Select Board to submit a proposed town way to a town meeting, the Planning Board may require a written certification signed by a professional engineer registered in the State of Maine, certifying that the proposed street meets or exceeds the design and construction requirements. The certification shall be at the expense of the subdivider.

Section 5. Enforcement of Violations:

- a. Any person, firm, corporation, or other legal entity who conveys, offers, or agrees to convey any land in a subdivision that has not been approved as required by this Ordinance shall be subject to enforcement and penalty provisions as stated in Title 30-A MRSA, section 4452. The town may institute proceedings to enjoin the violation of this Ordinance and may collect attorney's fees and court costs if it is the prevailing party.
- b. No public utility company of any kind shall serve any lot in the subdivision for which the Planning Board has not approved a final plan.

Article 7. Performance Standards

Section 1. Intent and application of performance standards:

The performance standards contained in this section are intended to demonstrate compliance with the review criteria of Article 2. Compliance is evidence of meeting the review criteria. An applicant may apply for a waiver from performance standards (unless otherwise prohibited) from the Planning Board at the time of review. The Planning Board may grant a waiver only under one of the following conditions:

- A particular standard is not practicable due to unique features of the site or development.
- An alternate design or approach will provide a more effective way to meet the review criteria or achieve the objective of the performance standard.

The Planning Board may only consider a waiver request when the applicant has submitted a written waiver request as part of the application. The Planning Board shall act on any waiver requests prior to consideration of the full application. If the Planning Board finds that the request does not meet the waiver criteria, the applicant shall amend the application as required. The Planning Board may vote to suspend the review of the application until such time that the applicant provides any information or design changes necessary as a result of not obtaining a waiver.

Section 2. Requirements for Lot Design:

- a. The following general lot requirements shall not be waived:
- | | |
|--|---------------------|
| Minimum Lot Size (per family dwelling) | 2+ acre |
| Minimum Street Frontage | 240 continuous feet |
| Minimum Lot Depth to Width Ratio | 2 to 1 |
| Maximum Lot Depth to Width Ratio | 5 to 1 |
| Side Property Line Setback | 25 feet |
| Rear Property Line Setback | 25 feet |
| Front Property Line Setback | 7550 feet |
- b. Mobile Home Parks shall meet the general requirements of Article 7 Section 2 (a) except that the minimum lot size shall meet the following standards. These standards shall only be waived if their application violates 30-A MRSA Section 4358.
- The minimum lot size is 20,000 square feet, if each mobile home is provided with individual subsurface wastewater treatment systems;
 - The minimum lot size is 12,000 square feet if the mobile home park lot is served by a central on-site subsurface waste water disposal system approved by the Department of Health and Human Services, provided that the overall density of the mobile home park may be no more than one home for every 20,000 square feet; and
 - The minimum lot size is 6,500 square feet if the lot is served by a Public Water and Sewer system.
- c. All lots within a subdivision shall have at least two hundred (200) feet of frontage on a public or private road, or one hundred (100) feet fronting mobile home park roads.
- d. Flagpole-like extrusions ("flag lots") designed to provide access to roads or shoreline are prohibited.

Commented [W11]: Question by Dave on what this is. These are the minimum lot size in the current 30-A MRSA section 4358. Planning for changes?

Section 3. Monuments:

- a. A permanent marker shall be set at each corner of every lot sold or conveyed. The term "permanent marker" shall mean: 1) a granite monument or 2) a concrete monument or 3) an iron pin, or 4) a drilled hole in ledge.
- b. All other subdivision boundary corners and angle points as well as lot boundary corners and angle points shall be marked by suitable monumentation as required by the Maine Board of Registration of Land Surveyors.

Section 4. Water Supply:

- a. Individual wells shall be sited and constructed to prevent infiltration of surface water and contamination from subsurface disposal systems and other sources of pollution. The lot design shall permit the placement of wells, subsurface disposal systems and reserve areas in compliance with the Maine Subsurface Wastewater Disposal Rules.
- b. The water supply for the subdivision and each lot shall be adequate to supply all the potable and other water requirements of the development. At a minimum, water supply should be 5 GPM (gallons per minute) per dwelling unit and 90 GPD (gallons per day) for each bedroom. The applicant shall submit documentation from a hydrologist or a well driller familiar with the area, stating that adequate water is available to supply the

Article 3: Definitions

Construction of language:

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have their ordinarily accepted meaning, except to the extent that another meaning is clearly implied by the context of this Ordinance. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustrations, or table, the text shall control.

The word "person" included firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity. The words "he", "she", or "they" when used shall refer to the person or persons so designated regardless of gender.

The words "shall" or "will" are mandatory, the word "may" is permissive. The word "lot" includes "plot" or "parcel". The words "used" or "occupied", as applied to any land or building, shall be construed to include "intended, arranged, or designed" to be used or occupied.

Abutter: The owner of any property with one or more common boundaries or points, as well as property owners of any parcel located directly across any road, railroad or body of water along the road, from the parcel involved in application or appeal. Property owner shall mean all parties listed by the Town Tax Assessor as those against whom taxes are assessed and include any Qualified Conservator Holder of an easement in any of the parcels described herein, or across the road or stream, from the property involved in an application.

Accessory Dwelling Unit (ADU): Means a self-contained, single-family dwelling unit for human habitation with each unit containing cooking, sleeping, and toilet facilities, located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet, and cannot exceed the size, nor number of floors of the principal dwelling unit on the property.

Accessory Use or Structure: 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.

Commented [WMZ]: Modified to match the definition already existing in Shoreland Zoning.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting of, denial of a permit under this Ordinance; a person whose land abuts land for which a permit has been granted; or any other person or group of persons who had suffered particularized injury as a result of the granting or denial of a permit.

Agriculture: The production, keeping, or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental

and green house products.

Applicant: The person applying for subdivision approval under this Ordinance.

Archeological or Historic Resource Areas: Areas identified by the Maine Historic Preservation Commission as having significant value as an historic or archeological resource and areas listed on the National Register of Historic Places.

As-Built-Plans: A supplemental subdivision plan that shows any changes, modifications, or revisions in the actual placement of construction of public improvements installed within the subdivision when it differs from the design submitted in the Final Plan.

Attached: Means connected by a shared wall to the principal structure or having physically connected finished spaces.

Automobile graveyard: "Automobile graveyard" means 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.

"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: "Automobile recycling business" means the business premise, 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.

Building: Any structure having a roof supported by columns, walls, or other framework intended for the housing or enclosure of persons, animals, or personal property (see Structure).

Building Height: The vertical distance measured between the average finished grade of the ground at the front of a building and the highest point of the roof, not including chimneys.

spires, towers or similar auxiliary attachments. Or

The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antenna, and similar appendances which have no floor area.

Commented [WM3]: Option B is consistent with the Height of Building definition and eliminates the question of what is the front?

Complete Application: An application which has been accepted by the Planning Board to have included submission of the required fee, all submission materials required by this Ordinance or a waiver request form.

Commercial Driveway: A driveway that has been designed for commercial use, or which is anticipated to have more than 20 trips per day on average.

Commercial Establishment: Establishments that render goods and/or services primarily on a retail basis are customarily carried on in a building specifically for that purpose, such as retail stores, service stations, restaurants, etc.

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 product of income from buying and selling of goods and/or services, exclusive of rental or residential buildings and/or dwelling units.

Direct Watershed of a Great Pond: That portion of the watershed which drains directly to the pond through sheet or concentrated flow without first passing through an upstream pond or river.

Dwelling: Any building or structure or portion thereof designed or used for residential purposes and any structure no matter of size or dimensions, with or without wheels, which is used as a habitation containing any of the following items for independent living: heating, cooking, sleeping, bathing, or sanitary facilities

Dwelling Unit: A structure or portion of a structure containing one or more rooms or groups of rooms designed, built, and used for permanent or seasonal human habitation, with each unit containing cooking, sleeping, and toilet facilities. "Dwelling Unit" included manufactured homes (including mobile homes and modular homes), as defined in M.R.S.A. 30-A §1358, but does not include motel units, hotel units, boarding houses, recreational vehicles, or other residential units intended primarily for transient occupancy. The rental of a dwelling unit is considered a usual and normal use associated with a dwelling unit.

1. Single-Family Dwelling: A building containing only one (1) dwelling unit for occupation by not more than one (1) family.

2. Two-Family (Duplex) Dwelling: A building containing only two (2) dwelling units, for occupation by not more than two (2) households living independently from one another.

3. Multi-Family Dwelling: A building containing three (3) or more dwelling units.

such buildings being designed for residential use and occupancy by three (3) or more households living independently of one another, with the number of household not exceeding the number of dwelling units.

~~Any part of a structure through sale or lease is intended for human habitation, including single-family and multi-family housing, condominiums, apartments and time-share units.~~

Easement: The duly designated privilege or right of use which one party may have in the land of another.

Engineer: The duly designated registered professional engineer of the subdivider.

Farming: Means engaging in farming in all its branches and the cultivation and tillage of the soil as a livelihood and includes dairying; raising livestock, freshwater fish, fur-bearing animals or poultry; producing, cultivating, growing and harvesting fruit, produce or floricultural or horticultural commodities; or any practices on a farm that are incident to or in conjunction with these farming operations. For the purposes of this Title, "farming" does not include forestry, the growing of timber or the operation of a farm for recreational activity.

Farmland: As defined in 30-A MRSA, section 4401.2-B.

Flag Lot: Any lot which conforms in all other respects to setback, size, and length to width ratios for a building lot, but is only accessible by means of a private way. For the purposes of this Ordinance, that private way must be owned or held in the same interest as the lot to which it serves. The private way must conform to the requirements of this Ordinance.

Commented [WWM4]: Added per Dave's request

Freshwater Wetland: Freshwater swamps, marshes, bogs, and similar areas which are:

- a. 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 wetland vegetation typically adapted for life in saturated soils; and
- b. Not considered part of a great pond, river, stream, or brook. These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection.

Gravel Pit: An excavation for removal, processing, or storage of borrow, topsoil, loam, gravel, rock, sand, clay, silt, or other similar non-metallic earth materials, whether alone or in combination, and which does not require the use of explosives.

Height of Structure: The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antenna, and similar appurtenances which have no floor area.

Home Occupation: An occupation or a profession which is customarily conducted on or in a residential structure or on a residential use property and which is clearly incidental to and compatible with the residential use of the property and surrounding residential uses and which employs no more than two (2) persons other than family members residing in the home.

Industrial: Connected with the assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of natural resource products.

Junkyard: "Junkyard" means 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: [PL 2003, c. 312, §5 (AMD).]

B. Discarded, scrap and junked lumber; and [PL 2003, c. 312, §5 (AMD).]

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.

Lot: A parcel of land capable of being occupied by one principal structure and its accessories, or used for one particular purpose and designated as such on a plat.

Person: Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

Plat: A map, plan, drawing, or chart on which a subdivision of land is shown.

Pre-application: Conceptual maps, renderings and supportive data describing the project proposed by the applicant for initial inquiry and review prior to submitting an application for subdivision approval.

Prime Farm Soils: Soils identified as such by the US Department of Agriculture in the Soil Survey of Somerset County.

Principal Structure: Any building or structure in which the main use of the premises takes place.

Property Owner: The owner of land shall be determined to be that person listed as the current owner of record on the Town of Palmyra property tax assessment.

Public Improvements: The term shall include, but are not limited to: all roads, parking lots, fire protection structures and ponds; any structure or land proposed to be used in common by occupants of the subdivision or the community; water distribution and sewer facilities and equipment and storm drainage structures.

Public Road: A road maintained and owned by the State of Maine, Somerset County, or the Town of Palmyra. It shall not include any road or way that has been discontinued or abandoned.

Right-of-Way: Means a strip of land used or intended to be used for a street, pedestrian way, water main, sanitary or storm sewer main, or for other special use. In these Ordinances, every right-of-way established shall be shown on the plat separate and distinct from the lots and parcels adjoining such right-of-way, and not be included within the dimensions or areas of such other

lots or parcels.

River, stream, or brook: Does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

Sight Distance: The distance of unobstructed vision experienced by a motorist entering a street from an access point. Sight distance is measured from an entry point ten (10) feet from the edge of the travelled way and three-and-one-half (3 ½) feet above the surface, to a point four-and-one-quarter (4 ¼) feet above street level in each direction.

Significant Wildlife Habitat: Areas identified by the Department of Inland Fisheries and Wildlife or by the Town of Palmyra (see above in Section 2) as having significant value as habitat for animals.

Setback: The distance between a legal boundary (right-of-way, lot line, or property line) and any part of a structure.

Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, either permanently or temporarily, including buildings, commercial park rides and games, satellite receiving dishes, carports, porches, and other building features, intended for the support, shelter or enclosure of persons, animals or property as defined in 38 M.R.S. 436-A(12). But not including sidewalks, fences, driveways, parking lots, poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors.

Subdivision: As defined in Title 30-A MRSA Section 4401.

Tract or Parcel of Land: All continuous land in the same ownership, provided that lands located on the opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.

Trail: A recreational access identified on the Town of Palmyra Master Trail Plan or a path or way created by easement, agreement or use by the public for some form of recreation including walking, hiking, biking, skiing, horse riding, or snowmobiling.

Unique Natural Area: Areas identified by the Maine Department of Agriculture, Conservation, and Forestry Natural Areas Program as having significant value as a natural area.

Waterbody: Any great pond, river, stream, brook, or wetland.

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, river, stream, or brook. Wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

