



TOWN OF READFIELD

8 OLD KENTS HILL RD. • READFIELD, MAINE 04355
TEL. (207) 685-4939 • FAX (207) 685-3420

Notice of Public Hearing Continuation

Wednesday, March 4, 2020

Readfield Planning Board will hold a continuation of the public hearing from Wednesday, February 26, 2020 at the Town Office, 8 Old Kents Hill Road beginning at 6:30 PM. The purpose is to receive comments regarding changes to the Land Use Ordinances (LUO). The LUO is reviewed yearly and any changes will be reflected in better definitions, wording, and tables to conform to other Town policies, State Statutes and others like the Maine Plumbing Code. A complete list of the proposed changes can be reviewed any time at the Readfield Town Office. Please contact the Code Officer with questions at 685-3290 or www.readfieldmaine.org.

**TABLE 1 /
TABLE OF USES**

	<i>LAND USE DISTRICTS</i>									<i>Overlay District</i>
	V	VR	AD ⁹	R	RR	SR	RP	SP	CID	MH
OUTDOOR, RESOURCE-BASED USES										
Accessory Structure	C	C	C	C	C	C	P	P ¹	N	U
Agriculture ^{12, 13}	Y	Y	Y	Y	Y	Y ¹	P	Y ¹	Y	U
Agriculture–Light Industry ¹⁴	P	P	P	P	P	P	P	N	P	<u>UP</u>
<u>Agriculture–Intensive ¹⁵</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>U</u>
Individual Campsites	Y	Y	C	Y	Y	C	C	C	N	U
Campground	N	N	N	P ⁴	N	P	N ⁴	N	N	U
Natural Resource-Based Industries	N	N	N	P	P	N	N	N	P	U
Natural Resource-Based Recreation	P	N	P	P	P	P	P	P	N	U
Kennels	N	N	N	P	N	N	N	N	N	N
Parks/Recreation	P	P	P	P	P	P	P	P	N	U
Piers and Docks										
- Temporary	NA	NA	C	NA	NA	Y	Y	Y	N	NA
- Permanent	NA	NA	N	NA	NA	N	N	N	N	NA
Common Shoreland Accesses	NA	NA	NA	NA	NA	PB	PB	PB	N	NA
Mining & Mineral Extracting ¹	N	N	N	P	P	P	P	N	N	N
Filling or Other Earth Moving										
- Less than 10 cy ¹	Y	Y	Y	Y	Y	Y	C	C	Y	U
- More than 10 cy ¹	Y	Y	C	Y	Y	C	P	P	Y	U
Forest management & Timber Harvesting	Y	Y	Y	Y	Y	Y ¹	C	Y	Y	U

Legend

<i>Land Use Districts</i>	<i>Overlay District</i>		
V = Village District	R = Rural District	RP = Resource Protection	MH = Mobile Home
VR = Village Residential	RR = Rural Residential	SP = Stream Protection	
AD = Academic District	SR = Shoreland Residential	CID = Commercial Industrial	

Key to Table of Uses

Y =	Allowed Use (no permit required, but the use must comply with all applicable federal, state and local standards and regulations, including but not limited to this Ordinance).
C =	Use requires review and permit from Code Enforcement Officer (CEO) and/or Local Plumbing Inspector (LPI).
P =	Use requires site review from Planning Board, and requires a permit from the CEO and LPI upon Planning Board approval.
N =	Prohibited Use
U =	Use shall comply with underlying District requirements.
N/A =	Not Applicable to the district

12. "Agriculture" that also meets the definition of "Agriculture – Light Industry" shall be subject to the provisions of the LUO applicable to "Agriculture – Light Industry".
13. "Agriculture" that also meets the definition of "Agriculture – Intensive" shall be subject to the provisions of the LUO applicable to "Agriculture – Intensive".
14. "Agriculture – Light Industry" that also meets the definition of "Agriculture - Intensive" shall be subject to the provisions of the LUO applicable to "Agriculture – Intensive".
15. Planning Board approval is required for a newly established Agriculture – Intensive use, for expansions of use meeting the definition of "agriculture – intensive", and for expansions of existing agricultural use that cause the use to meet the definition of "agriculture – intensive".

SECTION 26. AGRICULTURE

- A. All agricultural activities located within the Shoreland District shall comply with the standards set forth in Article 8, section 19.L in addition to any applicable standards otherwise set forth in this Section.
- B. Animal Husbandry:
1. All livestock shall be contained within fences or barriers adequately constructed and maintained to prevent such livestock from escaping the confined area or otherwise damaging abutting property.
 - a) Except in the Rural District, new livestock fencing on lots of less than 80,000 square feet in area is subject to the same side and rear setbacks as for structures.
 2. Commercial confinement feeding operations are subject to Site Review of Article 6, Section 3 of this ordinance.
- C. **Marijuana Cultivation** – In addition to any requirements that the Planning Board may impose as part of any required Site Review, all marijuana cultivation (“cultivation”) must, at a minimum, meet all applicable requirements of state law and regulations, and must meet the performance standards of this subsection. All marijuana cultivation in an area that is greater than 250 square feet must take place in a fully enclosed, weathertight structure.
1. Indoor and/or outdoor combined cultivation area of less than 250 square feet:
 - a. Cultivation may not take place within 20 feet of any lot line, unless the abutting lot is under common ownership; and,
 - b. Signage may not be posted either on or off the premises that may identify the site to the public as a marijuana cultivation location.
 2. Indoor cultivation area of 250 square feet or greater:
 - a. Cultivation may not take place within 75 feet of any lot line;
 - b. Sites used for cultivation must be effectively buffered and/or screened from view;
 - c. Unauthorized entry to cultivation sites must be discouraged through the use of fences, barriers, or other means;
 - d. Signage may not be posted either on or off the premises that may identify the site to the public as a marijuana cultivation location;
 - e. Cultivation must comply with all other applicable provisions of the Readfield Land Use Ordinance (e.g. stormwater runoff, erosion control, etc.);
 - f. Cultivation sites/facilities shall be operated in a manner that ensures that odor is not detected off-site, i.e. off the premises at locations that are not under the custody or control of the cultivation facility;
 - g. For cultivation facilities subject to Site Review, unless otherwise determined by the Planning Board, an odor control plan must be submitted for review and approval as part of the Site Review application. The plan shall, at a minimum:

- Identify the locations of all potentially odor-emitting activities and sources, the locations of structural features such as doors, windows, vents, HVAC systems, etc.;
- List specific potentially odor-emitting activities and sources, and describe the processes that will take place at the facility (e.g. vegetative flowering, processing, storage);
- Describe administrative controls proposed to control odors (e.g. standard operating procedures, employee training, regular equipment maintenance, inspections, etc.);
- Describe engineering controls proposed to control odors (e.g. building design features, specific equipment and technology; and
- Provide evidence and documentation that the proposed odor control plan is appropriate and adequate to effectively control odors and that it is consistent with marijuana industry best practices for odor control.
- Any design or installation of specific odor control technologies must be conducted by individuals whose training, experience and/or professional certification is appropriate to satisfactorily accomplish the work.

D.

Notes:

- All stockpiling, spreading or disposal of manure in all districts shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, or as amended; and,
- A person who owns or operates a farm that meets the criteria in the Nutrient Management Law, Title 7 MRSA, Section 4204, sub-section 2, shall have and implement an approved nutrient management plan as required in Section 4204.
- Deceased livestock shall be disposed of only in compliance with Chapter 211 of the Maine Dept. of Agriculture Rules for the Disposal of Animal Carcasses, or the rules as amended.

greenhouses when the products of the greenhouses are sold commercially. Agriculture is essentially synonymous with farming. Agriculture does not include forest management and timber harvesting or livestock confinement feeding operations.

Agriculture, Intensive: Agricultural uses/activities on a site which meet one or more of the following criteria:

- In person sales, retail and /or wholesale, of agricultural products are conducted at farm or site that produces those products; and
- Ten or more people at any one time may perform work activities at the site; and
- The site includes structures associated with the agricultural use(s) of more than 3000 square feet of floor area in the aggregate, excluding any residential structures.

Agriculture at Light Industry: a low impact commercial activity which results in a product or service primarily derived from the crops or livestock located or raised on the property. The business is conducted in whole or in part on the same premises where the owner of the business resides. Agricultural light industry is small in scale, is carried on primarily in a dwelling unit or structure accessory to a dwelling unit by a member of the family residing there, is in keeping with the character of the district, and the activity is, and remains, clearly incidental and secondary to the primary use of the premises as a residence. Examples of Agricultural Light Industry include, but are not limited to: wreath making, and maple syrup and honey production, which may be sold directly from the home or through mail order. Agricultural light industry does not include commercial activities such as meat processing and slaughter operations.

Aggrieved Party: A person whose land is directly or indirectly affected by the grant 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 a group of five or more citizens of the municipality who represent an interest adverse to the grant or denial of such permit or variance.

Alteration: Any change, or modification in construction, or change in the structural members of a building or structure, such as bearing walls, columns, beams or girders, or in the use of a building. The alteration shall also include change, modification, or addition of a deck, dormer, staircase, or roof of the building.

Amusement Facility: Any private, commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

Applicant: The person(s) applying for approval under this Ordinance.

Authorized Agent: An individual or a firm having written authorization to act on behalf of a property owner.

Automotive Body Shop: A business establishment engaged in body, frame, or fender straightening and repair, or painting and undercoating.

Automobile Graveyard: See Article 8, Section 25 on Junkyards, Automobile Graveyards and Automobile Recycling.

Automobile Repair Shop: A business establishment engaged in general repair, engine rebuilding, and/or parts replacement of motor vehicles.

4. Records of the inspections;
 5. Preparation of the notice and layout by the Select Board filed with the Town Clerk;
 6. Notice of public hearing (copy filed with Town Clerk);
 7. The public hearing record filed with the Town Clerk;
 8. Article in Town Warrant to accept **road** as a Town way;
 9. Notice of decision filed with the Town Clerk and a copy to owner or **applicant**.
- C. If an applicant to the Planning Board proposes to construct a new private **road** as part of a subdivision or other development project, and if the **applicant** proposes said **road** never be eligible for acceptance as a Town **Road**, the **applicant** shall so stipulate in said application and on the plan to be recorded at Registry of Deeds, thereupon the road may be constructed to Private Road Standards.

SECTION 5. CONSTRUCTION SPECIFICATIONS

A. General Specifications: The following specifications shall apply to all new **roads** construction:

1. The excavated areas between ditches shall be cleared of all debris including large rocks, trees, stumps, roots, bushes, and other organic material.
2. All **developed areas** of the **road** section shall be located within the road right-of-way and in no case shall the edge of the shoulder be less than 8 feet from either edge of the right-of-way.
3. All construction activity involving soil disturbance shall **conforming** with Maine Department of Transportation Best Management Practices for Erosion & Sediment Control (February 2008).
4. An applicant must demonstrate that provisions for stormwater from the road(s) complies with Maine Department of Environmental Protection standards adopted pursuant to the Maine Stormwater Management Law or Site Location of Development Law.
5. Culverts within a road right-of-way shall be constructed of High-Density Polyethylene or recognized equivalents accepted by the Maine Department of Transportation (MDOT). **Roadway** culverts shall not be less than 18 inches in diameter for **road** crossing and ~~15~~ 12 inches in diameter for **driveways**, recreational trails, skid trails, or other uses requiring entrance from the roadway. Culverts, and stormwater basins and ponds shall be designed with principal spillways to control flows from a 24-hour storm of a 25-year frequency and may be required to be designed by a licensed professional engineer registered in the State of Maine.
6. Any proposed **bridge** construction shall be designed by a licensed professional engineer with regard to suitability and safety for the intended application. The licensed professional engineer's written recommendations or comments shall be submitted with the design.
7. The design standard for turnarounds shall be of the "T" Turnaround type as depicted in Appendix A-1.
8. No trees, shrubs, fill, fences, or other structures shall be installed or placed within a public **right-of-way** without prior written approval from the Road Commissioner.

Land Management Road: A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Licensed Forester: A forester licensed under 32 M.R.S.A. Chapter 76.

Livestock: Farm animals kept for use or profit such as, but not limited to, horses, cattle, goats, sheep or swine.

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

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

Lot, Minimum Area: The minimum required lot area within a district for a single use.

Lot, Corner: A lot with at least two contiguous sides abutting a street or right-of-way.

Lot, Coverage: The percentage of a lot covered by all non-vegetated surfaces, including but not limited to the total footprint area of all structures, paved or unpaved driveways and parking areas, and other non-vegetated surfaces including land previously developed.

Lot of Record: A parcel of land, a legal description of which, or the dimensions of which, are recorded on a document or map on file with the County Register of Deeds.

Lot, Shorefront: Any lot abutting a body of water.

Lot, Through: Any interior lot having frontages on two more or less parallel streets or rights-of-way or between a street and a body of water, or a right-of-way and a body of water, or between two bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights-of-way, and bodies of water shall be considered frontage.

Lot Width: The distance between the side boundaries of the lot measured at the front setback line.

Marijuana Cultivation: The planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. “Cultivation” or cultivate” does not include marijuana manufacturing, testing or extraction.

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 as determined by the Town Assessor or a qualified real estate appraiser.

Medium Borrow Pit: A borrow pit that has a total reclaimed and un-reclaimed area from 5 to 30 acres.

Mining and Mineral Extraction: Any area of excavation which removes soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location for the purpose of transporting the product or material being removed away from the extraction site. Mining and

the most recent edition of a United States Geological Survey 7.5 minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland.

Structure: This term shall be defined by 38 MRSA section 436A, to mean anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, or anything constructed or erected with a fixed location on or in the ground. To the extent not inconsistent therewith, the term includes “structures” includes anything that is:

- ~~Structures~~ temporarily or permanently constructed or erected on ~~or~~ in or above the ground or waterbody, or ~~is an attachedment~~ to something having a fixed location on the ground, including, but not limited to buildings, patios, carports, storage sheds, outdoor wood boilers, and other building features; docks, swimming pools, ponds in excess of 10,000 square feet; exterior satellite dishes, ~~and~~ exterior antennas, and other exterior utility services, including, but not limited to, fuel tanks, generators, heat pumps, solar panels or other heating/cooling or electrical services; and semi-trailers and truck-boxes or other similar containers in a fixed location for more than thirty (30) consecutive days.
- The term “structure” does not include: ~~but not including~~ Sidewalks, ~~fences~~, steps or stairways of no more than four feet in width, driveways, parking lots, utility hook ups, utility poles and ~~poles~~ and metering services; ~~towers of small wind systems~~, subsurface wastewater disposal system components; stormwater treatment ~~Article 11 Definitions 129 construction~~; and field garden walls or embankment retaining walls, fences except as subject to right of ways or waterbody setback requirements pursuant to Title 38 M.R.S.A Sections 435-449 (Shoreland Zoning); and ~~For purposes of this definition~~, legally established signs ~~are not considered a structure~~

Subdivision: Subdivision means subdivision (1) as defined in Title 30-A M.R.S.A., 4401, as amended, i.e., generally a division of a tract or parcel of land into three (3) or more lots within a five year period (see statute for full definition).

Subdivision, Major: Any subdivision containing more than three lots or dwelling units that are wholly within the boundaries of the Town of Readfield or that extends across the Town of Readfield’s boundary into a neighboring municipality; or any campground with fifty or more sites; or any subdivision having one or more lots to be used for three or more principal buildings or uses on the same lot.

Subdivision, Minor: Any subdivision containing not more than three lots or dwelling units that are wholly within the boundaries of the Town of Readfield or that extends across the Town of Readfield’s boundary into a neighboring municipality, or not otherwise qualifying for classification as a major subdivision.

Substantial Construction Start: Improvements to a site or building for which development approval has been granted, in accordance with this Ordinance, which constitutes the completion of at least 30% of the proposed improvements.

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; grand-fathered 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.