

# PARKMAN LAND USE ORDINANCE

ENACTED APRIL 1, 1974

Amendments Revised, 1977  
Amendments Revised 1978  
Amendments Revised 1991  
Amendments Revised 1992  
Amendments Revised 1994  
Amendments Revised 1995  
Amendments Revised 1997  
Amendments Revised 2000  
Amendments Revised 2005  
Amendments Revised 2006

## SECTION 1. EFFECTIVE DATE

The effective date of this ordinance is April 30, 1979. A certified copy of this ordinance shall be filed with the Piscataquis County Registry of Deeds and the State Planning Office, pursuant to State Law.

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

This ordinance may be amended by a majority of vote of the governing body; and said amendments shall be filed with the State Planning Office and the Piscataquis County Register of Deeds.

## SECTION 2. PURPOSE

THE PURPOSES OF THIS ORDINANCE ARE:

To further the maintenance of safe and healthful conditions;

To prevent and control water pollution;

To conserve land and water resources;

To protect wildlife habitat;

To retain our town's rural aspect;

To conserve shore cover, visual as well as actual points of access to inland waters, and natural beauty;

To enhance the environmental quality of our town;

To control building sites, placement of structures, and land use;

To provide for sound economic development and prevent development that might cause an unreasonable tax burden on the people of the town.

## SECTION 3: APPLICABILITY

This ordinance applies to all land areas within the town of Parkman.

These regulations require that an application for a permit must be submitted prior to commencing any of the following land uses or activities.

1. Any residential dwelling whether seasonal or year round.
2. Any subdivision of land.
3. Any commercial or industrial development, (public campgrounds and Public utilities

are considered in this class.)

4. Any private sewage disposal system.
5. Any quarry, gravel pit, sod farm, or other operation which involves Excavation of 10 cubic yards or more of soil or bedrock, including Road construction.
6. Uses which, in the opinion of the Planning Board, are similar to any of the above.
7. Any structure of one hundred (100) square feet of footprint or more, free standing or addition.

Any lawful use existing at the effective date of this Ordinance or amendments hereto may continue and be maintained, repaired, and improved. Should a land use be expanded or changed to another land use, or discontinued for a period of 12 (twelve) calendar months or more; then it shall be subject to these regulations.

## **SECTION 4. ☐☐ LAND USE STANDARDS**

### **A. SOILS**

All land uses shall be located on soils in or upon which the proposed uses or structures can be constructed, maintained, and used without causing severe erosion, mass soil movement, or water pollution. If saidland use or structures are proposed to be located on soils mapped as having severe or very severe limitations by the Soil Conservation Service, the applicant shall provide detailed technical information showing how the limitations are to be overcome.

### **B. LOT REQUIREMENTS**

The minimum lot size shall be two (2) acres or 87,120 square feet.

If more than one residential dwelling unit is constructed on a single parcel, the minimum lot size shall be met for each additional dwelling unit.

All buildings and structures will be set back at least 75 (seventy-five) feet from the center line of any public road or public right of way, except when building on, adding to, or expanding an existing building or structure closer than 75 (seventy five) feet, as long as the new construction is no closer than the original structure from the public road or public right of way and at least 10 (ten) feet away from adjoining property lines.

The minimum front footage of any lot abutting a public or private road, or public or private right-of-way shall be 200 (two hundred) feet. With the exception of owned right of ways, or right of ways, which shall be a minimum of 50 (fifty) feet.

The minimum lot frontage on any shoreline shall be 200 (two hundred) feet. All buildings and structures, except those requiring direct access as an operational necessity, shall be setback at least 100, (one hundred), feet from the normal high water mark of any shore and meet requirements of Shore Land Zoning Ordinance.

Campgrounds. In addition to State requirements, campgrounds shall have at least 5,000 (five thousand), square feet of area for each camping site, roadways excluded. Sites for buildings, vehicles, shelters, or tents shall be at least 100, (one hundred), feet from normal high water levels.

#### C. EROSION AND SEDIMENTATION CONTROL

Filling, grading, lagooning, dredging, earth-moving, and other land use activities shall be conducted in a manner to prevent, to the maximum extent possible, soil erosion. All construction shall be in conformance with the provisions of the "Environmental Quality Handbook for Erosion and Sediment Control", published by the Maine Soil and Water Conservation Commission.

#### D. TIMBER HARVESTING

Timber harvesting shall be conducted in such a manner that soil erosion and water sedimentation shall be kept to a minimum. Between high water levels and anywhere that skid trails, logyards, etc., expose any substantial amount of mineral soil there shall be a belt of unscarred ground of the widths shown below:

| Average slope of land<br>Between exposed<br>mineral ground and<br>normal High water<br>mark.<br>(Percent) | Width of unscarred<br>between exposed Soil<br>and the normal mineral<br>soil High water mark.<br>(Feet along ground<br>surface) |
|---|---|
| 0%  | 25  |
| 10%   | 45  |
| 20%   | 65  |
| 30%   | 85  |

|          |     |
|----------|-----|
| 40%      | 105 |
| 50%      | 125 |
| 60%      | 145 |
| 70%      | 165 |
| over 70% | 250 |

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Harvesting activities shall not create single openings greater than seven thousand five hundred (7,500) square feet in the forest canopy within 250 feet of shoreline.

In any stand, harvesting shall remove not more than forty (40) percent of the volume of trees in any ten, (10), year period within 250 feet of shoreline. For the purpose of these standards, a stand means a continuous group of trees, sufficiently uniform in species, arrangement of age classes, and conditions, to be identifiable as a homogeneous and distinguishable unit.

Campgrounds, logging roads, and all other roads for private use shall be located, constructed, and maintained in conformance with the erosion provisions of "Permanent Logging Roads for Better Woodlot Management, published by U.S.D.A. in 1973 or subsequent revisions ,thereof.

#### E. SIGNS

Billboards and signs relating to goods and services not rendered on the premises are prohibited. There shall be no more than two, (2), signs per premises, they shall not extend above sixteen (16) feet above the ground, and may be illuminated only by shielded, non-flashing lights.

#### F. SANITARY STANDARDS

All subsurface sewage disposal systems shall be located on the soils having characteristics allowing them to be rated as having, "slight", or "moderate" limitations by the Soil Conservation Service, USDA. The minimum set back for underground sewage disposal systems from the normal high water mark of a water body shall be 100, (one hundred) feet, horizontal feet, and if daily sewage flows exceeds 2,000 (two thousand) gallons per day the minimum setback shall be 300, (three hundred), feet. State plumbing code requirements shall be met in full.

No plumbing of any kind shall be discharged in the privy pit. The privy shall be located at a minimum horizontal distance of 100, (one hundred), feet from the normal high water mark of a water body and the bottom of the privy pit shall be at least two, (2) feet above bedrock and the groundwater table at its highest point or have a watertight vault.

#### G. MANURE DISPOSAL

All spreading or disposal of manure shall be accomplished in conformance with the "Maine Guidelines for Manure and Manure

Sludge Disposal on Land", published by the University of Maine and the Maine Soil and Water Conservation Commission, in July 1972 or subsequent revisions thereof.

#### H. SHORELAND USE:

There shall be no construction or development within 100 (one hundred) feet of Bennett Pond due to its use as a municipal water source. There shall be no structures constructed within the floodplain of Kingsbury Stream which is defined as that area mapped as Limerick or Alluvial by the Soil Conservation Service. There shall be no structures or development within 100, (one hundred), feet of any wetlands, swamplands, marshes, or bogs whose area is greater than two, (2) acres: said edge identifiable on the basis of soils and vegetation. A cleared opening or openings not greater than 30, (thirty), feet in width for every 100, (one hundred), feet of shoreline measured along the normal high water mark may be created in the strip extending 50, (fifty), feet inland and parallel to the shoreline, said opening to be planted and maintained in vegetative cover.

No substantial accumulation of slash shall be left within 50, (fifty) horizontal feet of any normal high water mark, and no slash shall be more than 4, (four) feet above ground within 250 (two hundred fifty) feet of any normal high water mark. For further reference see, "State of Maine Guidelines for Municipal Shore Land Zoning Ordinances", published by the Department of Environmental Protection, March 24, 1990 and subsequent revision.

### SECTION 5. ADMINISTRATION

#### A. ADMINISTRATIVE AGENTS AND BOARDS

There is hereby created a Board of Appeals of the Town of Parkman pursuant to the provisions of State Law.

A Code Enforcement Officer shall be appointed by the Municipal Officers. The Code Enforcement Officer will provide information on the State Statutes and regulations involving the following: Site Location Law, Subdivisions, Shore Land Zoning, Forest Land, Farm Open Space Tax Law, Timber Harvesting, Residential Lots, Air Quality Standards, Water Quality Standards, Automobile Graveyards, Junkyards and Dumps, Sewage Systems, and Waste Disposals, Plumbing Inspector and regulations, Signs, Driveways to State Highways, Alterations of Lake Shores or Streambanks, Mineral Exploration, Comprehensive Planning and Planning Boards, Nuisances, Fire Prevention, Pesticides, and Campgrounds.

#### B. PERMITS

##### PERMITS REQUIRED

After the effective date of this Ordinance no person shall engage in any use of land requiring a permit in the district which it would occur, or expand or change an existing non conforming use, without first obtaining a permit.

##### PERMIT APPLICATIONS

These permit applications steps are to insure complete

installation of approval plans before occupancy.  
Acquire a Land Use Zoning Ordinance Application.

2. Site analysis, septic design and lot dimension.
3. Plumbing permit from Local Inspector.
4. Acquire Land Use Zoning Ordinance approval from Code Enforcement Officer.
5. Have septic system installed and inspected by Local Plumbing Inspector.
6. Submit an installation of electric service, if applicable.

#### PLUMBING PERMIT REQUIRED PRIOR TO BUILDING PERMIT

No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a permit for such facilities has been secured by the applicant or his authorized agent, according to the requirements of this Ordinance.

#### APPROVAL OF PERMITS

Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance. All permits shall either be approved or denied within 60, (sixty), days of receipt of a completed application, including all information requested. The Planning Board may delegate authorization to the Code Enforcement Officer to approve or deny any land use permit in conformance with the provisions of this Ordinance; all applications shall be reviewed by the Planning Board. The Planning Board or Code Enforcement Officer may, after submission of a complete application including all information requested, grant a permit if it makes a positive finding based on the information presented to it that, the proposed use:

Will not result in unsafe or unhealthful conditions.

Will not result in erosion or sedimentation. Will not result in water pollution.

Will not result in damage to spawning grounds, fish, aquatic life, bird, and other wildlife habitat.  
Will conserve shore land vegetation.

Will conserve actual points of access to waters as viewed from public facilities.

Will conserve actual points of public access to waters.

Will conserve natural beauty and environmental quality.

Will avoid problems associated with floodplain development USC.

Will not result in an unreasonable tax burden on the people of the town, and

Is in conformance with the Land Use Standards of this Ordinance.

## CONDITIONS

Permits granted under this Section may be subject to reasonable conditions to ensure conformity with the purposes and provision of this Ordinance. If this Ordinance conflicts with any other local or State Ordinance, than the more stringent regulation shall apply.

## C. APPEALS AND VARIANCES

### VARIANCES

The Board of Appeals may, upon written application of the affected landowner, grant a variance from the strict application of the terms of this Ordinance if said terms would result in undue hardship to the applicant or would not be in the best interest of the town; provided that the hardship is not the result of action taken by the applicant or a prior owner, and that clear and convincing evidence shall be presented to the Board of Appeals showing that the proposed use would meet the provisions of Section 5-B, subsection 4, paragraph A-K.

### APPEALS TO BOARD OF APPEALS

The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer in the administration of this Ordinance. Such hearings shall be held in accordance with State Laws. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board or Code Enforcement Officer only upon a finding that the decision is clearly contrary to the specific provisions on this Ordinance.

### APPEAL TO SUPERIOR COURT

An appeal may be taken within 30, (thirty), days after any decision is rendered by the Board of Appeals, by any party to Superior Court in accordance with State Law.

## D. ENFORCEMENT

### 1. NUISANCES

Any violation of this Ordinance shall be deemed to be a nuisance.

### 2. CODE ENFORCEMENT OFFICER

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in ☐ writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land,

buildings, structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

### 3. LEGAL ACTIONS

When the above actions does not result in the correction or abatement of the violations or nuisance condition, the Municipal officers upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violation and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

### 4. FINES

Any person who continues to violate any provisions of this Ordinance after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine of up to \$100.00 for each violation. Each day such a violation is continued is a separate offense.

## SECTION 6. DEFINITIONS

Terms not defined herein shall have the customary dictionary meaning. As used in this Ordinance, the following shall apply:

**Pond:** Any inland body of water which has a surface area in excess of to (ten) acres, except where such body of water is man-made and in addition is completely surrounded by land held by a single owner, and except those privately owned ponds which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.

**Normal High Water mark of Inland Waters:** That line on the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial, (by way of illustration, aquatic vegetation includes, but is not limited to, the following plants and plant groups - water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses).

**Timber Harvesting:** The cutting and removal of trees from their growing site. Timber harvesting does not include the clearing of land for approved construction, creation of an agricultural field, residential lot clearing, or the construction of roads.

**Road:** A route of track for motorized vehicles consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed by earth moving activities such as bulldozing, placement of culverts, and placement of fill.

**Structure:** Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind.

**Residential Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as a permanent, seasonal, or



temporary living quarters for only one family. The term shall include mobile homes.

**Aggrieved Party:** A person whose land is directly or indirectly affected by the grant or denial of a permit or variance under the Ordinance, a person whose land abuts land for which a permit or variance has been granted, or a group of five, (5), or more citizens of the municipality who represent an interest adverse to the grant or denial of such permit or variance.

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