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- C. Appeals Board Application
- D. Conditional Use Permit Application
- E. Conditional Use Permit Checklist
- F. Zoning Map

Town of Hollis Zoning Ordinance

1. GENERAL

1.1. Short Title

This Ordinance shall be known and cited as the “Zoning Ordinance of the Town of Hollis, Maine,” and will be referred to herein as “The Ordinance.”

1.2. Purpose

This Ordinance is designed for all the purposes of zoning embraced in the Maine Revised Statutes, and has been drafted as pursuant to and consistent with a Comprehensive Plan for the Town of Hollis, Maine, to promote the health, safety, and general welfare of its residents. Among other things, it is designed to encourage the most appropriate use of land throughout the Town; to promote traffic safety; to provide safety from fire and other hazards; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsuitable areas; to provide an adequate street system; to provide an allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources and to maintain the aesthetic values in keeping with a rural community; and to provide for adequate public services. This Ordinance does not grant any property rights; it does not authorize any person to trespass, infringe upon or injure the property of another; it does not excuse any person from the necessity of complying with other applicable laws and regulations.

1.3. Basic Requirements

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved and uses of premises in the Town of Hollis shall be in conformity with the provisions of this Ordinance. No building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the district in which such building, structure, land or water is located.

1.3.1. Building Permit

Building permits shall be required in accordance with the Building Code of the Town of Hollis.

1.3.2. Plumbing Permit

No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid plumbing permit has been secured by the applicant, or his authorized agent, in conformance with the sanitary provisions of this Ordinance and the State Plumbing Code.

1.3.3. Electrical Permit

No building permit shall be issued for any structure or use involving the construction, installation or alteration of electrical facilities unless a valid electrical permit has been secured by the applicant, or his authorized agent, in conformance with the provisions of this Ordinance and the National Electric Code.

1.3.4. Other Permits

Any other permits that may be required by the Town of Hollis.

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1.4. Non-Conforming Uses and Structures

1.4.1. Continuance of Non-Conforming Uses

1. The use of land, building or structure, lawful at the time of adoption or subsequent amendments of this Ordinance, may continue although such does not conform to the provisions of this Ordinance.
2. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure.

1.4.2. Further limitations:

1. If any portion of a structure is less than the required setback, that portion of the structure shall not be expanded in floor area or volume by more than 30% during the lifetime of the structure.
2. Construction or enlargement for a foundation beneath the existing structure shall not be considered an expansion of the structure provided that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board.
3. No structure which is less than the required setback shall be expanded toward that setback.

Relocation:

A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State Of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming. In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

Town of Hollis Zoning Ordinance

4. Any non-conforming structure which is located less than the required setback and which is removed, or damaged or destroyed by more than fifty (50) percent of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one (1) year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the physical condition and type of foundation present, if any.

1.4.3. Discontinuance of Non-Conforming Uses

With the exception of the provisions set forth in Section 1.4.5, a non-conforming use which is discontinued for a period of one year may not be resumed. The uses of the land, building or structure shall thereafter conform to the provisions of this Ordinance.

1.4.4. Rule of Precedence

Whenever a non-conforming use is superseded by a permitted use of a structure, or structure and land in combination, such structure or combination of land and structure shall thereafter conform to the provisions of this Ordinance and the non-conforming use shall not thereafter be resumed.

1.4.5. Transfer of Ownership

Ownership of land and structures, which remain lawful but become non-conforming by the adoption or amendment of this Ordinance, may be transferred as an entity and the new owner may continue the non-conforming uses subject to the provisions of this Ordinance.

Town of Hollis Zoning Ordinance

1.4.6. Non-Conforming Lots of Record

1. A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area or width requirements, or both, of the district in which it is located, may be built upon, provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership, and that all other provisions of this Ordinance shall be met. Variance of yard or other requirements not involving area or width shall be obtained only by action of the Board of Appeals.
2. If two (2) or more contiguous lots or parcels except those approved by the Planning Board as a Subdivision are in single ownership of record at the time of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the dimensional requirements of this Ordinance, the lands involved shall be considered to be a single parcel for the purposes of this Ordinance and no portion of said parcel shall be built upon or sold which does not meet dimensional requirements of this Ordinance nor shall any division of the parcel be made which creates any dimension or area below the requirements of this Ordinance.

1.4.7. Restoration of Unsafe Property

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Code Enforcement Officer.

1.4.8. Pending Application for Building Permits

Nothing in this Ordinance shall require any change in the plans, construction, size or designated use of any building, structure, or part thereof, for which application for a building permit has been made or a building permit has been issued or upon which construction commenced prior to the adoption or amendment of this Ordinance, provided construction has started within sixty (60) days after the issuance of such permit.

1.4.9. Validity and Severability

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

1.4.10. Conflict with Other Ordinances

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, Ordinance, permit or provision of law. Where an Ordinance imposes a greater restriction upon the use of land, buildings or structures, the provisions of that Ordinance shall prevail.

Town of Hollis Zoning Ordinance

1.5. Amendment

This Ordinance may be amended as follows:

1. By a majority vote of ballots cast at a Town Meeting if the proposed amendment is recommended by the Planning Board, or
2. By 2/3 majority vote of the ballots cast at a Town Meeting if the proposed amendment is not recommended by the Planning Board.

In either case, the Planning Board shall hold at least two public hearings within sixty (60) and thirty (30) days prior to the meeting of the governing body. Notice of the public hearings for the proposed changes will be

- A. Posted in the Municipal Office 14 days prior to the hearing
- and**
- B. Published at least 2 times in a newspaper of general circulation in the area. The date of the first publication must be at least 14 days prior to the public hearing and the date of the second publication must be at least 7 days prior to the public hearing.

For zoning changes involving clerical errors the Planning Board has the authority to make only non-substance clerical corrections that do not alter the meaning to ordinances that are administered by Planning Board of the Town of Hollis.

For zoning changes involving prohibiting or permitting industrial, commercial or retail uses in a specific area, notification will be in accordance to MRSA Title 30-A Section 4352, paragraph 10 of the Planning & Land Use Laws.

1.6. Effective Date

The effective date of this Ordinance or its amendments is immediately upon acceptance at the Town Meeting, held on June 18, 2005.

Town of Hollis Zoning Ordinance

1.7. Additional Town Ordinances

Additional Town Ordinances that may apply include:

Automobile Graveyard and Junkyard Ordinance

Communications Structures Ordinance

Coin Operated Amusement Device Ordinance

Parking Ordinance

Flea Market Ordinance Shoreland

Zoning Ordinance Floodplain

Management Ordinance Solid

Waste Disposal Ordinance Growth
Ordinance

Special Amusement Ordinance

Obscenity Ordinance

Subdivision Regulations

Ordinance for Naming of Roads and Numbering of Properties

Town of Hollis Building Code

Town of Hollis Zoning Ordinance

ARTICLE 2. CONSTRUCTION OF LANGUAGE AND DEFINITIONS

2.1. Construction of Language

In this Ordinance, certain terms or words shall be interpreted as follows:

The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word “shall” is mandatory, and the word “may” is permissive; the words “used” or “occupied,” include the words “intended,” or “arranged to be used or occupied,” the word “building” includes the word “structure,” and the word “dwelling” includes the word “residence,” the word “lot” includes the words “plot” or “parcel.” In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall prevail.

Terms not defined shall have the customary dictionary meaning.

2.2. Definitions

In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specially prescribed.

Abutter: One whose property is contiguous to the perimeter of the tract developed or proposed for development. A private or public road shall not prevent the abutting property from bordering upon and being contiguous with the tract being developed or proposed for development.

Acre: builder’s acre, forty thousand (40,000) sq. ft.

Accessory Dwelling Unit: a room or suite of rooms used by a one, two or three member family which is separated from other existing suites or rooms which comprise the principal living space or the home, and which contains independent living, cooking, sleeping, bathing, and sanitary facilities.

Accessory Structure: a structure, which is incidental and subordinate to the principal structure. 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.

Accessory Use: a use, which is incidental and subordinate to the principal use.

Agent of the Planning Board: the municipality planner(s) or other persons designated by the Town to perform administrative functions for the Planning Board

Town of Hollis Zoning Ordinance

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

Agricultural Activities: 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 greenhouse products. Agriculture does not include forest management and timber harvesting activities.

Alteration: any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams or girders.

Aquaculture: the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Aquifer: an underground body of earth, sand, gravel, or rock that contains sufficient saturated permeable material to yield groundwater to wells and springs.

Aquifer-Dependent Industry: a commercial or industrial use involving the extraction of ground water or the use of surface water in an amount greater than 1000 gallons in any day. This use includes but is not limited to accessory uses such as wells, springs, water storage tanks, water treatment, packaging, and shipping and all structures and utilities needed to house or accommodate the accessory uses.

Auto Sales: a place in which automobile sales is the primary use, this does not include the accessory sale of vehicle not to exceed three vehicles.

Auto Service Garage: a place where general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles occurs. To include the sale of minor accessories, servicing and minor repair of automobiles, not including storage of unlicensed vehicles and not including body, frame or fender straightening and repair or the dispensing of fuel.

Auto Service Station: > two (2) Service Islands: a major business selling gasoline, diesel or propane fuel, with more than two (2) pump islands or with a capacity to fuel more than six (6) vehicles simultaneously and/or providing repair services including, but not limited to, tune-ups, engine repair, brake work, muffler replacement, tire repair or similar activities.

Auto Service Station: one (1) Service Island: a minor business selling gasoline, diesel or propane fuel with not more than one (1) pump island, provided that no more than a total of six (6) vehicles may be fueled simultaneously. Repair services including but not limited to tune-ups, engine repair, brake work, muffler replacement, tire repair, or similar activities shall be permitted provided that there shall be no more than two (2) service bays.

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Auto Washing Facility: a place which offers automobile washing stalls, bays or areas for the washing of more than one vehicle by the general public.

Automobile Graveyard: a yard, field or other area used as a place of storage for three (3) or more unregistered, discarded, worn-out or junked motor vehicles. (See Automobile Graveyard Ordinance)

Back Office Use: an office-related use providing support services to a primary or headquarters use, with minimal public visitation and no direct in-person sales or services to the general public.

Back office uses may include data processing, or other clerical uses relying heavily on a telecommunications infrastructure and may also include support services to educational institutions or social service agencies as long as no direct in-person services to the general public are provided.

Basement: the part of a building that is wholly or partly below ground level.

Bed and Breakfast: a building in which one (1) or more guestrooms is used to provide or offer overnight accommodations for transient guests. An owner, manager, or operator shall live in the building as a permanent resident. No cooking facilities shall be permitted in any of the guestrooms. The only meal, which may be offered, is breakfast, which shall be offered only to overnight guests. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the Town, unless such a facility is authorized, under the applicable provisions of Hollis' Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

Boat Launching Facility: a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Boathouse: a non-residential structure designed for the purposes of protecting or storing boats for non-commercial purposes.

Buffer: vegetation, fences, and other means used to form a visual separation of one use from another, or to shield or block noise, lights, or other nuisances. Buffer strips may be required to include, but are not limited to, berms, fences, trees, shrubs or other material, as required by the governing section of these standards, by the board, or by the zoning ordinance.

Building: a structure built for the support, shelter, or enclosure of persons, animals, goods or property of any kind.

Town of Hollis Zoning Ordinance

Building Height: the vertical distance between the highest point of the roof and the average grade of the ground adjoining the building.

Business: any income producing enterprise.

Business service: establishments primarily engaged in rendering services to other business establishments on a fee or contract basis such as advertising, mailing services, building maintenance services, employment services, management and consulting services, protective services, personnel services and similar businesses.

Campground: any premises, area, or tract of land established for overnight use for the purpose of temporary lodging for which a fee is charged, to accommodate two (2) or more parties in temporary living quarters, including but not limited to tents, recreational vehicles or other shelters.

Channel: a natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water.

Channel flow: is water flowing within the limits of the defined channel.

Clinics: Any establishment where patients are admitted for examination and treatment by one (1) or more professionals such as, but not limited to, physicians, dentists, psychologists, or social workers, etc.

Club: Any association of persons organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests, including fraternities, sororities, and social organizations

Cluster Subdivision: a subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in, in return for provision of open space owned in common by lot/unit owners, The Town, or a land conservation organization.

Code Enforcement Officer (CEO): the Code Enforcement Officer of the Town of Hollis.

Commercial Recreation: any commercial enterprise which receives a fee in return for the provision of some recreational activity including, but not limited to, racquet clubs, health facilities, and amusement parks, but no including amusement centers.

Commercial Use: The use of lands, buildings or structures, other than a “home occupation,” defined elsewhere, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Town of Hollis Zoning Ordinance

Common areas: portions of a lodging house, which are available for use by of the lodging house. Common areas shall include, but are not limited to, one (1) or more of the following: kitchens, living rooms, recreation rooms, improved basements, and finished porches. Bathrooms, stairways, hallways and storage areas shall not be counted as common areas.

Complete Application: an application shall be considered complete upon the Planning Board's decision that all information required by these regulations has been submitted and the required fee under the town's cost recovery ordinance has been submitted. When the Planning Board votes that the application is complete, if the required fee has been submitted, the Board shall issue a receipt to the applicant.

Community Center: a building used for inside and/or outside mixed recreational, social, educational, health, culture, or similar activities, and services.

Community Hall: a building or portion of a building, used for social, recreational, artistic, civic, or educational community functions. Such a facility would be open to the public for such functions, which, for example, could include but not be limited to performances, dance, exhibitions, cultural exchange, training programs and workshops, neighborhood meetings or gatherings. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances.

Community Septic System: a subsurface septic system which is not administered by the Town of Hollis, and which serves more than two dwelling units

Comprehensive Plan or Policy Statement: any part or element of the over-all plan or policy for development of the municipality as defined in Title 30 M.R.S.A.

Conditional Use: a use allowed by permit only after review and approval by the Planning Board. A conditional use is a use that would not be appropriate without restriction but which, if controlled under the provisions of this Ordinance, would promote the purposes of this Ordinance. Such uses may be allowed if specific provision for such conditional use is made in this Ordinance.

Conditional Use Permit: a permit issued by the Planning Board for a conditional use. A conditional use permit may be issued only after the applicant has followed the procedures of this Ordinance (Section 3.7.4.).

Conforming Use: a use of buildings, structures or land, which complies, with all applicable provisions of this Ordinance.

Constructed: includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises, which are required for construction. Excavation, fill, drainage, and the like shall be considered a part of construction.

Convenience Store: a store intended to service the convenience of a residential neighborhood with such items as, but not limited to, basic foods, newspapers, emergency home repair articles, other household items, and/or fuel products.

Town of Hollis Zoning Ordinance

Day Care Center: an establishment, including a private residence, where three or more individuals are cared for in return for compensation.

Developed Area: any area on which a site improvement or change is made, including, but not limited to, buildings, landscaping, parking areas, and streets

Dimensional Requirements: numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability Variance: The Appeals Board may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The Appeals Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability with the exception of Hollis Zoning Ordinance Section 6.21. Wheelchair Ramps. The Appeals Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5, Section 4553 and the term “structures necessary for access to or egress from the property” is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

District: a specified portion of the Town of Hollis, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Disturbed Area: all land areas that are stripped, graded, or grubbed at any time during the site preparation for, or construction of, a project unless the areas are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. Both planting conducted to restore the previous cover type and restoration of any altered drainage patterns must occur within one year of disturbance

Drive-Through and Take-Out Facilities: a commercial facility which provides a service directly to a motor vehicle occupant and where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served with or without exiting the vehicle. Drive-throughs do not include major or minor auto service stations. Features associated with drive-throughs including but not limited to designated travel or stacking lanes, intercom systems, menu boards, service windows, kiosks, mechanical

Driveway: a vehicular access-way serving two dwelling units or less.

Dwelling: a fixed structure, containing at least one (1) but not more than two (2) dwelling units.

Dwelling Unit: a room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles.

Town of Hollis Zoning Ordinance

Earth: topsoil, sand, gravel, clay, peat, rock, or other minerals.

Economic Development Overlay Zone (EDZ): this zone provides areas within the Town of Hollis for manufacturing as well as wholesale and retail distribution of products and services and to provide standards for these uses which will produce a healthy, safe environment for the economic well-being of the municipality. This includes land, which abuts major arterial highways in the Town of Hollis. Care is taken within the Economic Development Overlay Zone to prevent over development that might create unsafe traffic, septic conditions or endanger fresh water supplies.

Elderly Housing: a building or buildings containing dwelling units constructed or reconstructed specifically for occupancy by families, without children, in which at least one member is 55 years of age or older. This includes assisted living, ADA requirements, and physically challenged family members.

Emergency Operations: operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential Services: the construction, alteration, or maintenance of gas, electrical communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

Eutrophication: the process of nutrient enrichment of water bodies.

Excavation: any removal of earth or earth material from its original position.

Expansion of a Structure: an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached decks, garages, porches, and greenhouses.

Expansion of Existing Use(s): the addition of weeks or months to an existing use(s) operating season, additional hours of operation, or the use of more floor area or ground area devoted to an existing use(s) or similar in character to these.

Fabrication: manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects requiring some assembly.

Family: one (1) or more persons occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel. Such unit shall not exceed five (5) persons not related by blood or marriage.

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Filling: depositing or dumping any matter on or into the ground or water.

Final Plan: the final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

Flea Market: any recurring use or activity of the sale of miscellaneous items commonly known as garage sales, yard sales, porch sales, flea markets, tag sales, etc. Exceptions: said activity is not classified as a flea market if the following conditions are met - Activity does not exceed three (3) consecutive days and does not occur on more than three (3) occasions per year on the same site.

Flood: a temporary rise in stream flow or tidal surge that results in water overstepping its banks and inundating adjacent areas.

Flood Plain: the lands adjacent to a water body, which have been or may be covered by the regional flood.

Flood Proofing: a combination of structural provisions, changes, or adjustments to properties subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings.

Flood, Regional: the maximum known flood on a water body; either the one hundred (100) year frequency flood, where calculated, or the flood of record.

Floodway: the channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood flows of any river or stream.

Floor Area, Gross: The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from exterior walls.

Food Service Establishment, Restaurant, Lounges, Cafes, etc.: an establishment where food, beverages and meals are prepared and served to the public for consumption on the premises entirely within and enclosed building.

Food Service Establishment, Take Out/Drive In: an establishment where food, beverages and meals are prepared and served directly to the public from an exterior service opening or counter (or any combination). The public is encouraged by the design of the physical facilities, advertising, packaging, etc. to consume the food outside the building.

Forest Management Activities: Activities in the forest include cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar or associated activities, but not the construction, creation, or maintenance of land management roads.

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Foundation: the supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frost walls.

Freshwater Wetland: freshwater swamps, marshes, bogs, open or closed canopied areas (wooded) which display at least two (2) of the three (3) identification criteria -soils, vegetation, or hydrology—and similar areas, which are:

1. Of one (1) or more contiguous acres; or of less than one (1) contiguous acre and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of one (1) acre; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Front Setback: fifty (50) feet from the right-of-way or seventy-five (75) feet from the center line of a three rod road or eighty-three (83) feet from the center line of a four rod road. Front setbacks shall be met for all abutting streets.

Frontage: the linear distance of the line separating a lot from a publicly or privately maintained thoroughfare open to the public, but not including private driveways.

Frontage, Lot: the horizontal distance between the intersections of the side lot lines. (See Frontage, Street)

Frontage, Shore: the horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreland at normal high water elevation.

Frontage, Street: the horizontal distance between the intersections of the side lot lines with the front lot line.

Garage and Yard Sale: all general sales, open to the public, conducted on a residential premises, typically on a week-end, and not more than four (4) times per year, for the purpose of disposing of personal property.

Grade: in relation to buildings, the average of the finished ground level at the center of all walls of a building.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

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Ground Water: the supply of fresh water under the earth's surface in as aquifer or soil that forms natural reservoir for potable water.

Ground Water Yield: water recharge rate.

High Intensity Soil Survey: a map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that point. Single soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.

Home Occupation: an occupation or profession, which is customarily carried on in a dwelling unit or accessory building by a member of the family residing in the dwelling unit. Clearly incidental and secondary to the use of the dwelling unit for residential purposes, including realtors, surveyors, tradesmen and other professions that carry their business outside the home are permitted as a home occupation, as long as the business complies with the above definition and the performance standards as outlined in this Ordinance.

Industrial Activities: the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Impervious Area: the area that is or will be covered by: 1) buildings and associated constructed facilities, 2) a low-permeability material such as asphalt or concrete, and/or 3) gravel roads and parking areas that will be compacted through use or design so as to reduce their permeability. Common impervious areas include, by way of example, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, compacted gravel, packed earthen materials, macadam, and other surfaces that impede the natural infiltration of stormwater.

Industrial Park or Commercial Development: an area zoned and planned for varied industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Junkyard: a yard, field or other area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
2. Discarded, scrap and junked lumber;
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous material; and
4. Garage dumps, waste dumps and sanitary fills.

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Kennel: a location where animals are bred or boarded for commercial purposes.

Lagoon: an artificial enlargement of a water body, primarily by means of dredging and excavation.

Land Locked: a parcel of land without street frontage.

Lot: a parcel of land as described on a deed, plot or similar legal document.

Lot Area: the total surface area within the lot lines.

Lot, Corner: a lot with at least two (2) contiguous sides, each abutting upon a street.

Lot, Coverage: the percentage of the plot or lot covered by all buildings and impervious surfaces.

Lot, Interior: any lot other than a corner lot or rear lot.

Lot Lines: the lines bounding a lot as defined below:

Front Lot Line: On an interior lot, the line separating the lot from the public way, on a corner or through lot, the line separating the lot from either public way. On a rear lot, the lot line closest and most parallel to a public way.

Rear Lot Line: the lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

Side Lot Line: any lot line other than the front lot line or rear lot line.

Lot Length: starting at the mid-point of the front lot line, the longest straight line wholly within the property.

Lot Width: the horizontal distance between the side lot lines, measured at the setback line.

Lot of Record: a parcel of land, the dimensions of which are shown on a document or map on file with the county Registry of Deeds or in common use by the Town of Hollis or county officials.

Lot, Rear: a lot without frontage on a street.

Lot, Shorefront: any lot abutting a water body.

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Lot, Through: any interior lot having frontages on two (2) more or less parallel streets, or between a street and a water body, or between two water bodies, as distinguished from a corner lot. All sides of through lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Manufactured Housing: Manufactured Housing - a Structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. Two types of manufactured housing are included. Those two types are “newer mobile homes” and “modular homes”.

1. **New Mobile Homes:** are units constructed after June 15, 1976, that the manufacturer certifies are constructed in compliance with the U.S. Dept. of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.
2. **Modular Homes:** are units that the manufacturer certifies are constructed in compliance with Title 10, Chapter 951 (Section 9001 et seq.), and rules adopted under that chapter, meaning structures transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning, or electrical systems contained in the unit.

Marina: a shorefront commercial facility with provisions for one (1) or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.

Mineral Exploration: hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral Extraction: any operation within any twelve (12) month period which removes more than ten (10) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed away from the extraction site. It does not include ground water or surface water extraction.

Mixed Commercial Use: two or more of the following commercial uses combined under one ownership or management, planned and developed as a whole according to comprehensive and detailed site, business and building plans. (1) Retail Business (2) Professional Business and General Offices (3) Food Service Establishment, Restaurant, Lounges, Cafes, etc., (4) Personal Service Business (5). Rental and (6) Food Service Establishments, Take Out/Drive In (7) Tradesman activities and (8) General Store.

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Mobile Home: a structure designed as a dwelling unit containing sleeping accommodations, a toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels. A mobile home shall contain not less than four hundred and eighty (480) square feet of gross floor space.

Mobile Home Park: a plot of land laid out to accommodate at least two (2) mobile homes.

Multi-Family Dwelling: a fixed structure containing three (3) or more dwelling units.

Net Residential Area: the buildable area of a parcel determined by subtracting unusable area from total acreage.

Net Residential Acreage: the gross acreage available for development, excluding the area for streets or access.

Net Residential Density: the number of dwelling units allowed per net residential acre.

Non-Conforming Building or Use: a building, structure, use of land, or portion thereof, existing at the effective date of adoption or amendment of this Ordinance, which does not conform to all applicable provisions of this Ordinance or which is made so by public easement or taken by eminent domain.

Normal High-Water Elevation of Inland Waters: the line on the shores or banks of non-tidal waters, which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is the line where the vegetation changes from predominantly terrestrial to predominantly aquatic (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; and terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms, and maples.) In places where a shore or bank is of such character that the high water mark cannot be easily determined, (rockslides, ledges, rapidly eroding or slumping banks) the normal high water elevation shall be estimated from places where it can be determined by the above method.

Normal High-Water Line: that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

Nursing Home: any dwelling in which three or more aged, ill, chronically ill or incurably ill persons are housed and furnished with meals and nursing care for compensation.

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100 Year Flood: the highest level of flood that, on the average, is likely to occur once every 100 years (i.e. that has a one percent chance of occurring in any year).

Official Submittal Date: the date upon which the Board issues a receipt indicating that a complete application has been submitted

Open Space Use: a use not involving a structure, earth-moving activity, or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

Parking Space: a minimum area of two hundred (200) square feet, exclusive of drives, aisles or entrances, fully accessible for the storage or parking of vehicles.

Performance Guarantee: a guarantee provided by an applicant to cover any costs to meet the requirements of the approved plan.

Person: an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

Personal Service Business: a retail business which predominately provides services and the sale of goods is clearly incidental to the service(s) provided, such as consulting, stock brokerage, barbers, realty, insurance, hairdressers, training, shoe repair, tanning, fitness facility, etc.

Piers, Docks, Wharves, Bridges: structures which extend over or beyond the normal high-water line or within a wetland.

Planned Unit Development (PUD): a development under common control and developed as a whole for a mix of residential, commercial, and industrial uses according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans and design principles for all building intended to be located, constructed, used and related to each other, and for other uses and improvements on the land. A PUD is undertaken in a manner that treats the developed area in its entirety to promote the best use of land, including the creation of open space, a reduction in the length of road and utility systems, and the retention of the natural characteristics of the land.

Planning Board: the Planning Board of the Town of Hollis. (alternatively referred to as “the Board”)

Preapplication: the period before a formal subdivision application is filed. A sketch plan may be submitted for staff and Planning Board comments during this period.

Preliminary Subdivision Plan: the preliminary drawings indicating the proposed layout of the subdivision to be submitted in accordance with the Subdivision Regulations

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Premises: one or more lots, which are in the same ownership and are contiguous or separated only by a road or water body, including all buildings, structures and improvements.

Principal Structure: the building in which the primary use of the lot is conducted.

Principal Use: the primary use to which the premises are devoted, and the main purpose for which the premises exist.

Profession: a vocation or occupation requiring specialized education, study or training and often requiring licensing, accreditation, certification, testing, etc.

Professional, Business and General Offices: a place of business for one or more of the following:

1. Doctors, lawyers, accountants, financial advisors, architects, engineers, surveyors, real estate brokers, psychiatrists, counselors, etc.
2. Banking, stock brokerage, realty, insurance and the like.
3. General business of conducting administrative, financial or clerical, support operations but specifically excluding retail sales, manufacturing, fabrication, industrial activities, etc., as part of the Office Operations.

Professional Office: the office of a doctor, dentist, optometrist, psychologist, accountant, lawyer, architect, engineer or similar professional.

Public Facility: any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Public Notice: The publication of the time, date, and place of all non-scheduled emergency meetings to be placed in a weekly newspaper one week prior to such meetings in order to reach most of the people in the community far enough in advance of the meeting to allow the public to make plans to attend.

Public Utility: any person, firm, corporation, municipal department, board, or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

Public Way: a state or town way existing on the effective date of this definition

Recording Plan: a copy of the Final Plan recorded at the Registry of Deeds and which needs not show information not relevant to the transfer of interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

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Recreational Facility: a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat-launching facilities.

Recreational Vehicle: a vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer and motor home.

Resource Protection Zone: see Shoreland Zoning.

Restaurants: shall be divided into four categories:

1. Establishment in a permanent building in which preparation and serving of meals for consumption on the premises, requiring moderate amounts of time between the period of ordering and serving of the food;
2. Establishments in mobile units, either towed or self propelled, preparing and serving food products on a particular site; and
3. Establishments in mobile units, either towed or self propelled, serving prepared food products, and traveling to selected locations on a daily basis, and remaining on –site for limited time periods i.e., during lunch breaks, etc. Such units are often referred to as catering services or food services.
4. Establishments involving the preparation and serving of meals for consumption on the premises in a motor vehicle or off the premises, normally requiring a short amount of time between the period of ordering and serving of the food, which is served in edible or disposable containers.

Retail Business: a business establishment engaged in the sale, rental, or lease of goods to the end consumer for direct use or consumption and not for resale.

Riprap: rocks, crushed stone, etc., that is irregularly shaped, and is used for erosion control and soil stabilization typically used on ground slopes.

River: a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Road: a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material, constructed for or created by, the repeated passage of vehicles.

Rooming unit: a room or suite of rooms in a house, building or portion thereof rented as living and sleeping quarters, but without full kitchens or bathrooms. In a suite of rooms, each room that provides sleeping accommodations shall be counted as one (1) rooming unit for the purpose of this article. Each rooming unit in a lodging house shall have kitchen privileges unless all meals are provided on a daily basis. There shall be no more than two (2) persons residing in each rooming unit.

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Satellite Receiving Dish: an antenna designed to receive signals from satellites.

Self-storage facility: fully enclosed buildings with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials.

Setback: the minimum horizontal distance from a lot line to the nearest part of a structure.

Setback from Water: the minimum horizontal distance from the normal high water elevation to the nearest part of a structure.

Shoreland Zone: see Shoreland Zoning.

Sign: a name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises.

Sketch Plan: a conceptual plan for a subdivision prepared and submitted as part of the pre-application process.

Solar Collector: a device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a building's energy supply.

Solar Energy System: a complete design or assembly consisting of solar energy collector, an energy storage facility (when used), and components for a distribution of transformed energy

Spring water: ground water that comes to the surface under natural hydraulic pressures.

Stream: a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5-minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river.

Street: public or private ways such as, but not limited to, alleys, avenues, boulevards, highways, roads and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way.

Street Classification: (See Subdivision Review Standards for details)

Stormwater Best Management Practices (BMP'S): methods, techniques, designs, practices, and other means to control the quality and quantity of stormwater that are approved by the Maine Department of Environmental Protection. Stormwater BMP'S are identified in "Stormwater Management in Maine: Best management Practices" which is published periodically by the Maine Department of Environmental Protection.

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Structure: anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground.

Subdivision: subdivision means the division of a tract or parcel of land into 3 or more lots within any 5-year period, which period begins after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

Subdivision, Major: any subdivision containing five (5) or more lots or dwelling units, or any subdivision containing a new public street extension.

Subdivision, Minor: any subdivision containing (4) four or less lots or dwelling units or less.

Subdivision Revision: any administrative change to an approved plan.

Sub-Standard Lot: one that does not meet zoning standards.

Subsidized Housing: a housing project that is subsidized by a Federal or State Funding Program.

Substantial Completion: completion of eighty (80) percent of a permitted structure or use measured as either a percentage of estimated total cost or as determined by the Assessor's "Completion Percentage Chart."

Substantial Damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- or**
2. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Board of Appeals.

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Substantial Start: Completion of thirty (30) percent of a permitted structure or use measured as either a percentage of estimated total cost or as determined by the Assessor's "Completion Percentage Chart."

Subsurface Sewage Disposal System: as defined by the Maine State Plumbing Code.

Swimming Pool:

- a. Permanent: an in-ground swimming pool, regardless of size, or an aboveground swimming pool of one thousand two hundred (1,200) gallons or greater capacity.
- b. Portable: an aboveground swimming pool with a side height of thirty (30) inches or more and less than one thousand two hundred (1,200) gallons capacity.

Timber Harvesting: the cutting or removal of timber for the primary purpose of selling or processing forest products. Timber harvesting does not include the clearing of land for approved construction or incidental access to the water.

Timber Harvesting Activities: means timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Tract or Parcel of Land: for the purposes of these regulations, a tract or parcel of land is defined as all contiguous land in the same ownership, whether or not the tract is separated at any point by: (1) intermittent or non-navigable stream, (2) tidal waters where there is no flow at low tide, or (3) a private road established by the abutting land owners.

Trailer, Utility: a vehicle without motive power, designed to be towed by a passenger automobile but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

Tributary Stream: a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland Edge: the boundary between upland and wetland.

Use: a purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied. See Section 3.7.4.7, factors to consider, in determining principal and accessory uses.

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Variance: a relaxation to the terms of this Ordinance where such variance would not be contrary to the public interest. Except as provided in the definitions for Disability Variance and Set-back Variance for Single-family Dwellings, the Appeals Board may grant a variance only when strict application of the Ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

1. The land in question cannot yield a reasonable return unless a variance is granted;
2. The need for a variance is due to the unique circumstances of the property and not to the general condition in the neighborhood;
3. The granting of a variance will not alter the essential character of the locality; and
4. The hardship is not the result of action taken by the applicant or a prior owner.

Vegetation: all live trees, shrubs, ground cover, and other plants without limitation.

Volume of a Structure: the volume of all portions of a structure enclosed by a roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water Crossing: any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

Water body: any pond, great pond, river, or stream.

Water Table: the surface of the top of the ground water in the uppermost aquifer of ground water body and the surface at which the pressure is equal to that of the atmosphere. The water table position changes throughout the year in response to precipitation recharge and the level of nearby surface water bodies.

Wetland: a freshwater or coastal wetland specifically identified on the U.S. Interior, Dept. of Fish & Wildlife map as well as any other wetlands identified by the Town of Hollis.

Wetlands: are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have all of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

Wetlands Associated with Great Ponds and Rivers: wetlands contiguous with or adjacent to a great pond or river, and which during normal high water are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than one hundred (100) feet in width, and which have a surface elevation at or below the normal high-water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

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Wholesale: sale for resale, not for direct consumption.

Yard: the area of land on a lot not occupied by the principal building.

Yard, Front: the area of land between the front lot line and the nearest part of the principal building.

Yard, Rear: the area of land between the rear lot line and the nearest part of the principal building.

ARTICLE 3. ADMINISTRATION

3.1. Enforcement

This Ordinance shall be enforced by the Municipal Officers and the Code Enforcement Officer who is appointed by the Municipal Officers.

3.2. Building or Use Permit

1. All applications for building or use permits shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose.
2. Within fourteen (14) days of the filing of an application for a building or use permit, the Code Enforcement Officer shall approve, deny or refer to the Planning Board for conditional use, all such applications. His decision shall be in writing on a form designed for the purpose, and communicated directly to the applicant. One copy of the Code Enforcement Officer's decision shall be filed in the municipal office. In cases where the Code Enforcement Officer deems that a conditional use permit is required, he shall also provide a copy of his decision to the Planning Board.
3. No building permit for a building or structure on any lot shall be issued to the owner of record thereof, or his authorized agent, until the proposed construction or alteration of a building or structure shall comply in all respects with the provisions of this Ordinance or with a decision rendered by the Board of Appeals or the Planning Board. Any application for such a permit shall be accompanied by a plan, accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, an on-site soils survey in accord with the Maine State Plumbing Code, Part II, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and structures are to be constructed, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this Ordinance.
4. Applications for permits, with their accompanying plans and building permits, shall be maintained as a permanent record by the Municipal Officers or the Code Enforcement Officer.
5. A building permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one (1) year of the date on which the permit is granted, and if the work or change is not substantially completed within two (2) years of the date on which the permit is granted.

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3.3. Fees

No building permit shall be issued without payment of a fee, according to the schedule, to be established each calendar year by the Hollis Board of Selectmen.

3.4. 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. He shall order discontinuance of illegal use of land, buildings, structures, additions, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

3.5. Legal Action and Violations

When any violation of any provision of this Ordinance shall be found to exist, the Municipal Attorney, as designated by the Code Enforcement Officer or the Municipal Officers and upon their authorization may institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

3.6. Fines

Any person, firm or corporation being the owner of or having control or use of any building or premises who violates any of the provisions of this Ordinance, shall be guilty of a misdemeanor and on conviction shall be fined not less than \$50.00 nor more than \$100.00. Each day such a violation is permitted to exist after notification shall constitute a separate offense.

3.7. Appeals & Conditional Uses

3.7.1. Fees

All applications shall be accompanied by a fee, which, aside from Subdivision Review, will be set by the Selectmen annually, after public notice.

3.7.2. Appeals

3.7.2.1. Appeals shall be based upon a written decision of the Code Enforcement Officer (Reference: Section 3.2.2.)

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3.7.2.2. Administrative appeals and variance appeals shall be heard and decided upon by the Board of Appeals in accordance with the provisions of this Ordinance.

3.7.2.3 Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeals and from the Board of Appeals to the Superior Court according to State law.

3.7.3. Board of Appeals

3.7.3.1. Board of Appeals is hereby established in accordance with State law and the provisions of this Ordinance.

a. Appointment and Composition

The Board of Appeals shall be appointed by the Municipal Officers and shall consist of seven (7) members, all of whom shall be legal residents of the municipality, serving staggered terms of at least three (3) years and not more than five (5) years. The Board shall elect annually a chairman and a vice-chairman and a secretary from its membership. The secretary shall keep the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board shall be public record. A quorum shall consist of four (4) members.

A Municipal Officer or Planning Board member may not serve as a member.

Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

A member of the Board may be dismissed for cause by the Municipal Officers upon written charges and after public hearing.

3.7.3.2. Powers and Duties

a. Administrative Appeals: to hear and decide where it is alleged there is an error in any order, requirement, decision or determination made by the Code Enforcement Officer in the enforcement of this Ordinance. The action of the Code Enforcement Officer may be modified, reversed or upheld by the Board of Appeals, by concurring vote of at least five (5) members of the Board.

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- b. Variance Appeals: to hear and decide, upon appeal, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

Except as provided in subsections i, ii, and iii, the board may grant a variance only when strict application of the ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

1. The land in question can not yield a reasonable return unless a variance is granted;
2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
3. The granting of a variance will not alter the essential character of the locality; and
4. The hardship is not the result of action taken by the applicant or a prior owner.

i. Disability variance; vehicle storage.

A disability variance may be granted pursuant to this subsection.

A. The board may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this paragraph solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability.

The board may impose conditions on the variance granted pursuant to this paragraph, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this paragraph, the term "structures necessary for access to or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

B. If authorized by the zoning ordinance establishing the board, the board may grant a variance to an owner of a dwelling who resides in the dwelling and who is a person with a permanent disability for the construction of a place of storage and parking for a noncommercial vehicle owned by that person and no other purpose. The width and length of the structure may not be larger than 2 times the width and length of the noncommercial vehicle. The owner shall submit proposed

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plans for the structure with the request for the variance pursuant to this paragraph to the board.

The person with the permanent disability shall prove by a preponderance of the evidence that the person's disability is permanent.

ii. Set-back variance for single-family dwellings.

A municipality may adopt an ordinance that permits the board to grant a set-back variance for a single-family dwelling. An ordinance adopted under this subsection may permit a variance from a set-back requirement only when strict application of the zoning ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- A. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- B. The granting of a variance will not alter the essential character of the locality;
- C. The hardship is not the result of action taken by the applicant or a prior owner;
- D. The granting of the variance will not substantially reduce or impair the use of abutting property; and
- E. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

iii. Variance from dimensional standards.

A municipality may adopt an ordinance that permits the board to grant a variance from the dimensional standards of a zoning ordinance when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:

- A. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
- B. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
- C. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
- D. No other feasible alternative to a variance is available to the petitioner;
- E. The granting of a variance will not unreasonably adversely affect the natural environment; and
- F. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

b. Variance recorded.

If the board grants a variance under this section, a certificate

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indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the local registry of deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval shall be the date stated on the written approval.

3.7.3.3. Appeal Procedure

- a. In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his appeal within thirty (30) days after a decision is made by the Code Enforcement Officer. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.
- b. Before taking action on any appeal, the Board of Appeals shall hold a public hearing. In the case of appeals involving space and bulk regulations or interpretation, the Board of Appeals shall notify by certified mail the owner, applicant and only the owners of property abutting the property for which an appeal is taken, at least ten (10) days in advance of the hearing, of the nature of the appeal and of the time and place of the public hearing thereon. For the purpose of this section, abutting properties shall include properties directly across a street or water body from the property for which the appeal is made.
- c.
 - i. A setback variance is strictly limited to permitting a variance from a set-back requirement for a single-family dwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a setback requirement and, if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage, shall not be granted. This Ordinance will allow for a variance under this subsection to exceed 20% of a set-back requirement, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to Title 38, Chapter 3 Subchapter I, Article 2-B (Sections 435 through 449), and shall not reduce the setback from an existing structure on affected abutter's property to more than one half the combined required setbacks, but no less than 20 feet, due to existing nonconformance, if the petitioner has obtained the written consent of all affected abutting landowners.
- c. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall

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not necessitate another hearing or invalidate any action by the Board of Appeals.

- d. Following the filing of an appeal, the Board of Appeals shall hold a public hearing on the appeal within forty (40) days, the Board of Appeals shall notify the Code Enforcement Officer and the Planning Board at least ten (10) days in advance of the time and place of the hearing, and shall publish notice of the hearing at least ten (10) days in advance in a newspaper of general circulation in the area.
- e. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.
- f. The Planning Board shall forward its recommendation to the Board of Appeals prior to the hearing.
- g. The Code Enforcement Officer or his designated assistant shall attend all hearings and shall present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.

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- h. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
- i. Within thirty (30) days of the public hearing, the Board of Appeals shall reach a decision on an appeal and shall inform, in writing, the appellant, the Code Enforcement Officer, and the Municipal Officers of its decision.
- j. Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately issue a building permit in accordance with the conditions of the approval.
- k. A variance under the provisions of this Ordinance secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within one (1) year of the date on which the appeal is granted, and if the work or change is not substantially completed within two (2) years of the date on which the appeal is granted.

3.7.4. Conditional Use Permits

1. Conditional Use Permit

- a. Applications for conditional use permits shall be heard and decided upon by the Planning Board in accordance with the provisions of this Ordinance.
- b. Conditional Use Appeals shall lie from the decision of the Code Enforcement Officer to the Planning Board and from the Planning Board to the Superior Court according to State law.

2. Authorization

The Planning Board is hereby authorized to hear and decide upon applications for conditional use permits in accordance with State law and the provisions of this Ordinance.

3. Powers and Duties

The Planning Board shall approve, deny, or approve with conditions all applications for a conditional use permit. The applicant shall have the burden of proving that his/her application is in compliance with the requirements of this Ordinance. After the submission of a complete application, the Planning Board shall approve an application or approve it with conditions if the Board makes a positive finding based on the information presented. No conditional use permit shall be granted unless specific provision for such conditional use is made in this Ordinance.

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4. Policies and Procedures for Conditional Use Permit Applications

1. Policies

- a. Before taking action on any application, the Planning Board shall hold a public hearing. The Board shall notify by certified mail, the owner, applicant and the owners of all property within five hundred (500) feet of the property involved, at least seven (7) days in advance of the hearing, of the application and of the time and place of the public hearing.
- b. The owners of the property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Planning Board.
- c. Following the filing of a complete application, the Planning Board shall hold a public hearing on the application within thirty (30) days. The Planning Board shall notify the Code Enforcement Officer, Municipal Officers and the Board of Appeals, at least twenty (20) days in advance, of the time and place of the hearing, and shall publish notice of the hearing at least ten (10) days in advance in a newspaper of general circulation.
- d. At any hearing, a party may be represented by an agent or attorney, but not the Code Enforcement Officer. Hearings shall not be continued to other times except for good cause.
- e. The Planning Board contracts outside sources areas requiring peer review, as they deem appropriate. The cost of these reviews will be billed against the applicant's account and the account settled before approval of the application.
- f. Within twenty (20) days of the public hearing, the Planning Board shall reach a decision on the conditional use and shall inform, in writing, the applicant, the Code Enforcement and Municipal Officers of its decision.
- g. Upon notification of the decision of the Planning Board the Code Enforcement Officer, as instructed, shall immediately issue, issue with conditions prescribed by the Planning Board, or deny a permit.

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- h. A conditional use permit secured under the provisions of this Ordinance by vote of the Planning Board shall expire if the work or change involved is not commenced within one (1) year of the date on which the conditional use is granted, and if the work or change is not substantially completed within two (2) years of the date on which the conditional use is granted.
- i. Any meaningful departures from these goals resulting from changes desired by the application or as a result of necessary information not made available to the Board at any level of application may return the application to the previous level or delay the process. This decision is at the discretion of the Board. The Board shall neither unreasonably delay this process, nor remand the application without good cause.

2. Procedures

Below are the goals of each level of application, and are presented as an overview of the application and review process for Conditional Uses. The goals are to be achieved through cooperation of the applicant, and are set out as a guide to both the applicant and the Board through the review process. They are not necessarily binding or complete, and the Board may depart from them at their own discretion, and in conformance with these regulations.

a. Code Enforcement Officer Contact

- i. The applicant submits a Use Application to the Code Enforcement Officer.
- ii. The applicant presents the CEO with a sketch of the site layout, the proposed building, and/or proposed use. This may be a pencil sketch drawn to scale.
- iii. The Code Enforcement Officer reviews the Pre-Application procedure with the applicant and identifies any obvious needs.
- iv. The Code Enforcement Officer denies the use application, and refers the applicant to the Planning Board for a conditional use permit.

b. Planning Board Pre-Application

- i. The applicant will present the Board with a sketch of the site layout, the proposed building, and/or proposed use. This may be a pencil sketch drawn to scale.
- ii. The Board will discuss whether the use is permitted in the zone.
- iii. The Board will identify any major impacts that affect the planning, layout, and development of the project.
- iv. The Board will identify special submittals that may be required for the next level of application.

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- v. The Board will identify levels of review that may be required for the next level of application.
- vi. The Board may advise the applicant to prepare alternative development scenarios before proceeding to submit an application.

c. Planning Board Application Procedure

- i. The applicant shall file an application for a conditional use permit with the Planning Board.
- ii. The Board shall confirm that the application and submittals are complete and timely.
- iii. The Board shall schedule a public hearing.
- iv. The Board shall notify the public, including abutters, that an application is under review and that a public hearing is scheduled.
- v. The Board shall notify the appropriate officers and committees of the Town that the application is under review and that their comments are invited.
- vi. The Board may engage third party reviewers commissioned by the Board, including but not limited to planners, attorneys, engineers and State agencies.
- vii. The Board shall receive and review comments from a public hearing.
- viii. The Board may receive and review comments by individual members of the Board.
- ix. The Board may receive and review comments from the officers and committees of the Town.
- x. The Board may receive and review comments from third party reviewers commissioned by the Board.
- xi. The Board shall receive from the Treasurer a statement of accounting confirming that all third party reviewers have been paid and the applicant has reimbursed the Town.
- xii. The Board shall review and confirm that the information the applicant has provided is accurate, complete and conforms to the Town ordinances and regulations, and any other law applicable to the application and the review process.
- xiii. The Board shall present the application with conditions required upon approval.
- xiv. The Board shall approve or deny the plan, with a written finding of fact supporting the Board's decision.

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5. Factors Applicable to Conditional Use

- a. In considering a Conditional Use Permit the Board shall evaluate the immediate and long-range effects of the proposed use. The applicant shall present adequate evidence, where appropriate, in order for the Board to make findings of fact on the proposed use. The Board shall approve a conditional use provided that the Board finds that the applicant meets the following criteria:
- b. The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.
- c. The use will conserve shore cover and visual, as well as actual, access to water bodies.
- d. The use is consistent with the Comprehensive Plan.
- e. Access to the site from existing and proposed roads is safe and adequate. The proposed use will not aggravate or cause undue traffic congestion.
- f. The site design is in conformance with all flood hazard protection regulations, and any proposed construction, excavation, or fill will not affect a water body's ability to store floodwater.
- g. Adequate provision for the disposal of all wastewater and solid waste has been made.
- h. Adequate provision for the transportation, storage and disposal of any hazardous materials has been made.
- i. A storm water drainage system capable of handling a 25-year storm without adverse impact on adjacent properties has been designed.
- j. Adequate provisions to control soil erosion and sedimentation have been made.
- k. There is adequate water supply to meet the demands of the proposed use.
- l. The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odor and the like.
- m. All performance standards in this Ordinance, applicable to the proposed use, will be met.
- n. The use will not deplete or degrade adjacent water bodies or supplies.
- o. The use will not adversely burden existing municipal infrastructure.
- p. Adequate provisions for fire protection for the intended use.
- q. The Planning Board should consider the advice of the Conservation Commission where applicable.

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6. Conditions Attached to Conditional Uses

- a. Upon consideration of the factors listed above, the Planning Board may attach such conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to further the purposes of this Ordinance. Violation of any of these conditions shall be a violation of this Ordinance. Such conditions may include, but not be limited to, specifications for: type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational controls; professional inspection and maintenance sureties; deed restrictions; restrictive covenants; locations of piers, docks, parking, and signs; type of construction; or any other conditions necessary to fulfill the purposes of this Ordinance.
- b. In order to secure information upon which to base its determination, the Planning Board shall require the applicant to furnish, in addition to the information required for a conditional use permit, the following information prepared by the appropriate Licensed Maine Professional:
 - i. A plan of the area showing contours at intervals to be determined by the Planning Board and referred to Mean Sea level, high water elevation, groundwater conditions, bedrock, slope and vegetative cover.
 - ii. A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with Maine State Plumbing Code, Part II.
 - iii. Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and landscaping.
 - iv. Plans of buildings, sewage disposal facilities, and water supply systems.
 - v. Other pertinent information necessary to determine if the proposed use meets the provisions of this Ordinance. In evaluating each application the Planning Board may request the assistance of the Regional Planning Commission, County Soil and Water Conservation District and any other State or Federal agency, which can provide technical assistance.

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7. Performance Standards

Factors to consider in determining principal and accessory uses. In distinguishing between a principal use and an accessory use, the Code Enforcement Officer and/or the Board shall consider the following:

- a. Does each use require a separate lease or sub-lease?
- b. Do the uses have separate site impacts, such as waste disposal, traffic concerns or environmental issues that require separate planning concerns?
- c. Are the uses customarily incidental elsewhere, or is it uncommon for them to be in the same location?
- d. Can each use stand by itself or does one require the other to function?
- e. Are the uses in separate buildings or divided by a demising wall or are they commingled in the same structure?
- f. Do the uses have separate proprietors or business owners?
- g. Is there an aggregate of accessory uses that when considered together could be considered a principal use?

The above list is not all inclusive and other factors may be considered.

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ARTICLE 4. ESTABLISHMENT OF ZONES

4.1. Zones

For the purpose of this Ordinance the Town of Hollis is divided into the following zones:

Hollis Center Village	(HCV)
North Hollis Village	(NHV)
West Buxton Village	(WBV)
Rural Residential Two-Acre	(RR2)
Rural Residential Three-Acre	(RR3)
North Hollis Resource Conservation Zone	(NHRCZ)
Historic Zone	(HZ)
Resource Protection	(RP)
Shoreland Zone	(SZ)
Flood Hazard Zone	(FHZ)
Economic Overlay Zone	(EOZ)

4.2. Zoning Map

The boundaries of these zones are established by enactment of this Ordinance and are as shown on the official Zoning Map of the Town of Hollis. The Zoning Map is an integral part of this Ordinance, which shall accompany the text as a single integrated document. A certified copy of the Zoning Ordinance (map and text) shall be available to the public at all times at the Town Clerk’s office.

4.3. Zoning Boundaries

Zoning boundaries shall be construed to follow:

1. Corporate (Town) lines;
2. U.S. or State public survey lines;
3. Centerlines of streets, roads, highways, easements, railroad rights-of-way, or such lines extended;
4. Lot or property lines as shown on town maps in existence as of the date of enactment of this Ordinance;
5. The thread of streams or other water bodies; and

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6. Federal Emergency Management Agency (FEMA) maps under the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Community 230150 (Town of Hollis, Maine, York County), Panel Numbers 0001-0013, effective date: July 19, 1982; and the DEP Town of Hollis Freshwater Wetlands Map.

Where physical or cultural features existing on the ground are at variance with those on the zoning map, or in other such circumstances are not covered by this section, the Board of Appeals shall interpret the zoning boundaries.

4.4 Division of Lots by Zones

- 4.4.1. Where a zoning line divides a lot or parcel of land of the same ownership of record at the time of enactment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended, as a conditional use, not more than fifty (50) feet into the more restricted portion of the lot, subject to approval of the Planning Board. Such conditional use shall be in accordance with criteria set forth in Paragraph 3.7.4.5., Factors Applicable to Conditional Uses.

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ARTICLE 5. LAND USE REQUIREMENTS

The principal use of a lot shall meet the space and bulk requirements as applies in the specific zone in which it is found. Additional specific uses, either permitted or conditional within that zone, shall have space and bulk requirements for each separate use (excepting Home Occupations and Accessory Dwelling Units) without counting the land in common of the principal use or other additional uses.

Auto washing facilities, auto or other vehicle service and/or repair operations including body shops, chemical and bacteriological laboratories, storage of chemicals including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms, commercial painting, wood preserving, and furniture stripping, dry cleaning establishments, electronic circuit assembly, Laundromats, metal plating, finishing or polishing, petroleum or petroleum product storage and/or sale, except storage on same property as use occurs and except for storage and sales associated with marinas, photographic processing, printing, and uses similar in character to those listed, temporary uses, and accessory uses and structures shall not be permitted within 500 feet of any water body or wetland.

Lot Coverage: Any activity that would disturb twenty-five (25%) percent or more of the land, and not re-vegetate it, in an eighty thousand (80,000) square foot lot or more shall require a Conditional Use Permit.

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5.1. Hollis Center Village Zone (HCV)

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

5.1.1. Purpose

The Hollis Center Village Zone includes land that is the most highly developed in the Town. The range of development activities is broad and includes commercial, industrial, and residential land uses as well as supporting municipal services. This Ordinance recognizes that this heterogeneous mix has a valid historical basis and makes no effort to change the existing character of village life. No areas in the town have greater proximity to primary highways or are better served by utilities and all-weather roads. At the same time, soils in this zone have moderate capacities for sub-surface sewage disposal systems. Care is taken within the Hollis Center Village Zone to prevent over development that might create unsafe septic conditions or endanger fresh water supplies.

5.1.2. Space and Bulk Requirements

Lots within the Hollis Center Village Zone shall conform to the following space and bulk requirements depending upon whether the minimum lot size for a given use is forty thousand (40,000) sq. ft. or eighty thousand (80,000) sq. ft.:

SPACE AND BULK REQUIREMENT	MINIMUM SIZE LOT	
	40,000 sq. ft.	80,000 sq. ft.
Lot frontage	100 ft.	200 ft.
Setback of structures from:		
Front lot line (See Definition for Front Setback)	50 ft.	50 ft.
Side and rear lot lines	35 ft.	35 ft.
High water mark of water body	100 ft.	100 ft.
Maximum building height	35 ft.	35 ft.
Maximum lot coverage	50 %	25 %

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5.2 North Hollis Village Zone (NHV)

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

5.2.1 Purpose

The North Hollis Village Zone includes land in the vicinity of the intersection of Routes 117 and the Plains Road (also known as the Waterboro Road) that has recently been highly developed for residential purposes. Commercial development in this area has been in the form of a gas station, restaurant and general store. Because this area includes a major secondary highway intersection surrounded by residential development in Hollis and the adjoining towns it has a high growth potential. At the same time, the area consists of sand and gravelly soils underlain by geologic deposit with high potential groundwater yields (up to one thousand (1000) gallons per minute). The risk of contaminating this groundwater resource is high should over development occur. This Ordinance establishes large lot sizes for this village zone to avoid the potential of groundwater contamination.

5.2.2 Space and Bulk Requirements

Lots within the North Hollis Village Zone shall conform to the following Space and bulk requirements depending upon whether the minimum lot size for a given use is forty thousand (40,000) sq. ft. or one hundred and sixty thousand (160,000) sq. ft.:

SPACE AND BULK REQUIREMENT	MINIMUM LOT SIZE	
	40,000 sq. ft.	160,000 sq. ft.
Lot frontage	100 ft	300 ft
Setback of Structures:		
Front lot line	50 ft	50 ft
Side and rear lot line	35 ft	35 ft
High water mark of water body	100 ft	100 ft
Maximum building height	35 ft	35 ft
Maximum lot coverage	50%	

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5.3. West Buxton Village Zone (WBV)

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

5.3.1. Purpose

The West Buxton Village Zone includes land in the vicinity of Route 35 and the Plains Road that is highly developed for residential purposes. There is some commercial development, also municipal services consisting of a fire station. The area consists of sandy and gravely soils underlain by geologic deposit with high potential groundwater yields. The risk of contaminating this groundwater resource is high should over development occur. This ordinance establishes a minimum lot size of eighty thousand (80,000) square feet for this village zone to avoid the potential of groundwater contamination.

5.3.2. Space and Bulk Requirements

Lots within the West Buxton Village Zone shall conform to the following space and bulk requirements:

SPACE & BULK REQUIREMENT	MINIMUM LOT SIZE
	80,000 sq. ft.
Lot frontage	200 ft.
Setback of structures from:	
Front lot line (See Definition for Front Setback)	50 ft.
Side and rear lot lines	35 ft.
High water mark of water body	100 ft.
Maximum building height	35 ft.
Maximum lot coverage	25 %

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5.4. Rural Residential Two-Acre Zone (RR2)

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

5.4.1. Purpose

To promote medium density residential development and limited commercial development in areas of town with good transportation access and soils suitable for septic disposal.

Description:

The area located to the northwest of the Hollis Center Growth Area that contains a substantial inventory of soils suitable for septic disposal. As of August 2005, there are about 3,300 acres of undeveloped land in this district. This district can therefore accommodate up to 1,650 additional housing units at the proposed two-acre zoning.

Use Provisions:

This area is located along the Route 117 and Deerwander Road corridors and has soils that can handle a moderate level of future residential development. It is recommended that all types of residential uses be permitted in this district, including single-family housing, multi-family housing, mobile home parks, senior/assisted housing and other diverse housing types. Clustering will be encouraged for residential development in this district. General Business and industrial uses will be limited in this district.

5.4.2. Space and Bulk Requirements

Standards:

- a. Minimum lot size of 80,000 sq. ft. for single-family housing
- b. With clustering and community water and septic systems, single-family residential lots may be as small as 20,000 sq. ft.
- c. Smaller lot sizes allowed for multi-family and special needs housing
- d. Frontage, setback and coverage standards for full-size subdivisions and single-lot development:
 - 200-foot minimum street frontage
 - 50-foot front setback
 - 35-foot side and rear setbacks
 - 20% maximum lot coverage
 - High water mark of waterbody is 100 ft.
 - Maximum building height is 35 ft.

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Frontage, setback and coverage standards for Cluster Housing Subdivision review standards:

- 20,000 sq ft individual lot size
- Overall density not to exceed one lot or dwelling unit per 60,000 sq ft of net land area
- Preservation of at least 50% of the gross land area as open space
- All lots must have either direct access of deeded rights-of-way to open space
- ~ 100-foot minimum lot width at the actual house setback
- ~ 80-foot minimum lot frontage
- ~ 25-foot minimum front setback
- ~ 20-foot side and rear setbacks
- ~ 25% maximum lot coverage
- ~ High water mark of waterbody is 100 ft.
- ~ Maximum building height is 35 ft.

NOTE: In accordance with the Hollis Comprehensive Plan for cluster developments, Planning Board will be given discretion in the preapplication phase to direct the location of developed areas and open space based on the particular lot to be developed.

Town of Hollis Zoning Ordinance

5.5. Rural Residential Three-Acre (RR3)

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

5.5.1. Purpose

To allow for low-intensity residential uses and limited commercial development in areas that are either sparsely developed or have soils that are not ideal for septic disposal.

Description

All areas of Hollis not included in the other four future land-use districts. This includes a number of distinct parts of Town:

1. The Clark’s Mills area south of Route 202. This area contains a substantial aquifer but no other significant natural resources. Existing subdivision regulations already limit the export of nitrates from residential septic systems, so no additional protection is necessary.
2. The Route 35 corridor between Salmon Falls and West Buxton
3. The east side of Route 117 between Hollis Center and North Hollis
4. The route 117 corridor north of the North Hollis area
5. The Sand Pond Road corridor

Use Provisions

The primary type of development in this area will be single-family housing. Other types of housing will be discouraged. Strong incentives for clustering will be offered in this district (see Standards below). General Business and industrial uses will be limited in this district.

5.5.2. Space and Bulk Requirements

Standards

Frontage, setback and coverage standards for non-cluster development (single-lot and subdivision)

- 250-foot minimum street frontage
- 50-foot front setback
- 35-foot side and rear setbacks
- 15% maximum lot coverage
- High water mark of waterbody is 100 ft.
- Maximum building height is 35 ft.

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Frontage, setback and coverage standards for cluster development:

1. 100-foot minimum lot width at the actual house setback
2. 80-foot minimum lot frontage
3. 25-foot minimum front setbacks
4. 20-foot side and rear setbacks
5. 25% maximum lot coverage
6. High water mark of waterbody is 100 feet
7. Maximum building height is 35 feet

Maximum density of development is divided into three categories: single-lot (non-subdivision) development, non-clustered subdivision development and clustered subdivision development. See Hollis comprehensive Plan for diagrams and text.

1. For single-lot, non-subdivision development: 120,000 sq. ft.
2. For non-clustered subdivision development: 160,000 sq. ft.
3. For cluster development:
 - 40,000 sq. ft. individual lot size
 - Overall density not to exceed one lot or dwelling unit per 100,000 sq. ft. of net land area
 - Preservation of at least 50% of the gross land area as open space
 - All lots must have either direct access or deeded rights-of-way to open space.

NOTE: In accordance with Hollis Comprehensive Plan for cluster developments, Planning Board will be given discretion in the preapplication phase to direct the location of developed areas and open space based on the particular lot to be developed.

5.6. THIS SECTION REPEALED, JUNE 2006, PER TOWN MEETING VOTE.

5.7. North Hollis Resource Conservation Zone (NHRCZ)

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

5.7.1. Purpose

To limit development in the area surrounding the Town’s two great ponds, the recharge areas of the North Hollis aquifer and significant wildlife and plant habitat in the vicinity of Killick Pond.

Description:

The area of North Hollis that includes Killick Pond, Deer Pond and the Aquifer Recharge areas as shown on Figure 17. This area also includes large concentration of wetlands, animal habitat and other critical natural resources. It includes much of the North Hollis area, which has seen substantial residential development in recent years.

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Use Provisions:

Only single-family residential development and home occupation businesses will be allowed in this district. No intensive development of any type will be permitted.

5.7.2. Space and Bulk Requirements

- Minimum lot size of 200,000 sq. ft.
- Clustering will not be allowed in order to limit the spacing of housing units in this area
- Frontage, setback and coverage standards:
 - 400-foot minimum street frontage
 - 50-foot front setback
 - 35-foot side and rear setbacks
 - 10% maximum lot coverage
 - High water mark of water body is 100 ft.
 - Maximum building height is 35 ft.

5.8. Resource Protection Zone (RP)

Please refer to Chapter 15 of the “Town of Hollis Shoreland Zoning Ordinance” for Resource protection information.

5.9. Flood Hazard Zone (FHZ)

The Flood Hazard Zone (FHZ) will be administrated in accordance with the Floodplain Management Ordinance of the Town of Hollis Maine.

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

5.10. Historic Zone (HZ)

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

Uses within this zone shall be the same as the underlying rural zone in which it is situated.

ONLY USES SIMILAR IN CHARACTER TO THOSE LISTED ABOVE, TEMPORARY USES, AND ACCESSORY USES AND STRUCTURES SHALL BE PERMITTED.

5.11. Shoreland Zone (SZ)

Refer to the Hollis Shoreland Zoning Ordinance.

Town of Hollis Zoning Ordinance

5.12. Economic Overlay Zone (EOZ)

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

5.12.1. Purpose

The Economic Overlay Zone (EOZ) includes land, which abuts major arterial Highways, in the Town of Hollis. The range of development activities contained within this zone is broad and presently absorbs the core of the commercial and business activity and traffic within Hollis. The EOZ will foster the Commercial/ Business activity along the corridors within this zone to preserve and protect the rural residential character, lifestyle and natural resources outside of this zone. To this end, the EOZ will have site development and buildings that retain the natural rural character with the use of natural materials and products that are customary to a rural setting as contrasted to an urban city environment development. The EOZ will also provide the opportunity for basic services and economic benefit to Hollis residents. The intent is to encourage commercial/ business activities that will both offer the Hollis residents the services required of a growing community as well as business and job opportunities. Care is taken within the EOZ to create commercial and development activity that will (1) have traffic that meets road construction capability and design, (2) ensure that environmental and /or septic design standards are followed for the activity proposed and (3) not endanger fresh water supplies.

5.12.2 Space and Bulk Requirements

The Economic Overlay Zone extends to a maximum of five hundred (500) feet back from the lot line. Lots within the Economic Overlay Zone shall conform to the following space and bulk requirements per use:

Economic Overlay Zone	Lot frontage	Space & Bulk per Use (Sq. Ft.)
RR2 Zone	150 ft	60,000
RR3 Zone	150 ft	100,000
NHRCZ Zone	400 ft	200,000

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5.12.3 Zone Boundaries

The Economic Overlay Zone will include those lots with Frontage, as required by the underlying zone, on the following roads:

Rt-117	Cape Road
Rt-202	Hollis Road
Rt-35	River Rd/Bonny Eagle Rd/New Rd Little Falls Rd
Rt-4A	Bar Mills Rd

**Only those lots with frontage that does not front on the NHRCZ
Waterboro Road
Killick Pond Road (Paved Section only and not in the NHRCZ)**

5.12.4 Land Uses and Structures (EOZ)

The Economic Overlay Zone will include those uses and structures as listed in the Land Use Summary Chart and similar in character to those listed.

ARTICLE 6. PERFORMANCE STANDARDS

6.A Net Density Calculations for development of;

1. Standard Subdivisions
2. Cluster Subdivisions
3. Multi Family Dwelling Units greater than two units
4. Planned Unit Developments

Net Density will be determined by subtracting from the gross area the following:
Acreage designated for roads and parking.

Land which is cut off from the main parcel by a road, existing land uses, or where no means of access has been provided, so that it is isolated and unavailable for building purposes or for common use.

Land shown to be in the flood way on the Flood Boundary of Flood Insurance Rate Maps of the Town of Hollis.

Other land which is unsuitable for development in its natural state because of topography, drainage, or subsoil conditions. Specific conditions include but are not limited to:

1. Areas having sustained slopes in excess of twenty-five (25%) percent or unstable soils subject to slumping, mass movement, or accelerated erosion.
2. Areas classified as wetlands by state or federal law.
3. Areas shown on the Town of Hollis National Wetland Inventory Maps and the Town of Hollis Shoreland Zoning Map

Land in:

1. Rights-of-ways or easements.
2. Resource Protection Districts
3. Public and private common Roads

6.1. General Performance Standards and Requirements for Non-Residential Uses

- 6.1.1. Non-residential uses abutting or facing a residential use or property shall be conducted in a manner that is respectful of the residential area by use of buffering and activities that are customary in Hollis.

Town of Hollis Zoning Ordinance

- 6.1.2. Front yards shall be continuously maintained in lawn or other landscaping. All other yards abutting or across a street from a residential use shall be continuously maintained in lawn or other landscaping as approved.
- 6.1.3. Access points from a public road to industrial operations shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.
- 6.1.4. All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.
- 6.1.5. Prior to the issuance of building permits, the applicant shall demonstrate to the Code Enforcement Officer that all applicable State and Federal Standards have been met.
- 6.1.6. Off-street parking requirements must be met.
- 6.1.7. Engineering and architectural plans for the treatment and disposal of sewage and industrial wastes and any on-site disposal of wastes shall be submitted for review.
- 6.1.8. Designation of the fuel proposed to be used and any necessary plans for controlling the emission of smoke or particulate matter.
- 6.1.9. The proposed number of shifts to be worked and the maximum number of employees of each shift.
- 6.1.10. A site plan indicating the property lines, buildings, driveways and parking areas, sewage disposal, water supply, water bodies and other significant natural features and any other improvements planned to the property.
- 6.1.11. A list of all hazardous materials to be transported, stored, used, generated or disposed of on the site and any pertinent state or federal permits required.

6.2 Accessory Structures

All structures shall be set back fifty (50) feet from the front lot line. All accessory structures shall be twenty (20) feet from the side and rear lot lines. All structures, other than a boathouse, shall be set back at least one hundred (100) feet from the normal high-water elevation of a water body.

Accessory Dwelling Unit

No such accessory dwelling unit shall contain more than 500 square feet of living space. The use is confined to expanding or altering existing residential dwellings or garage. Accessory dwelling units are permitted in all zones and shall be limited to one per lot.

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6.3. Agriculture

- 6.3.1. All spreading or disposal of manure shall be accomplished in conformance with the “Maine Department of Agriculture, Food & Rural Resources Nutrient Management Act dated March 25, 1998, Chapter 565.
- 6.3.2. The use of Industrial, Municipal, or human waste shall not be allowed.
- 6.3.3. Where soil is tilled, an untilled filter strip of natural vegetation shall be retained between the tilled ground and the normal high water elevation of surface areas protected by these districts. The width of this strip shall vary according to the average slope of the land as follows:

Average Slope of Land Between Tilled Land & Normal High Water Elevation	Width of Strip Between Tilled Land & Normal High Water Elevation
(percent)	(feet along surface of ground)
0 - 4	50
5 - 9	70
10 – 14	90
15 and over	110

- 6.3.4. Agricultural practices shall be conducted to minimize soil erosion, sedimentation, contamination, and nutrient enrichments of ground and surface waters.
- 6.3.5. Agricultural practices not in conformance with these standards may be allowed by conditional use permit.
- 6.3.6. Storage of manure shall be a minimum of one hundred (100) feet from any well on any adjacent or abutting property. Storage of manure shall be a minimum of one hundred (100) feet from any water body.

6.4. Aquifer-Dependent Industry

- 6.4.1. Permit Required: Aquifer-dependent industry is subject to the approval of the Planning Board as a conditional use. The Planning Board shall grant approval if it finds that the proposed use will conform to the requirements of the Town Zoning or Shoreland ordinances.
- 6.4.2. Submission Requirements: The application together with site plan shall include the following information:

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- a. A statement of the quantity of ground water anticipated to be extracted, expressed as the annual total. A copy of the DEP Site Location of Development permit application. An accurate map, to scale, showing the location of the springs, wells or surface water intake locations from which the water will be drawn.
- b. Copies of all correspondence to and from Maine State agencies under whose jurisdiction a permit or license are required for the proposed activity.
- c. A written report of a hydro-geologic investigation conducted by a certified professional geologist or registered professional engineer. This report shall include the following information if determined applicable by the Planning Board:
 - i. A map of the aquifer showing the spring(s), well(s) or excavation(s) from which water is to be extracted. Interaction with wetlands (amount of water table lowering in wetlands of over 1 acre in size); lowering of pond or lake levels; reduction of base flow in streams; and prediction of any potential temperature changes in surface water bodies due to the proposed use.
 - ii. The aquifer characteristics, the rates of drawdown and rebound, the sustainable yearly extraction rates, the cone of depression which may develop about the proposed facility, and other impacts on the water table and private or public wells within 1,000 feet of the proposed extraction facilities shall be assessed.

6.4.3. Performance Standards:

- a. The quantity of water to be taken from ground water source will not substantially lower the Water Table beyond the property lines, cause salt water intrusion cause undesirable changes in ground water flow patterns, or cause unacceptable ground subsidence.
- b. Any proposed use shall not cause unreasonable adverse diminution in water quality or quantity of the aquifer or surrounding surface/groundwater. This includes any impacts to the upwelling of a natural spring, groundwater source, aquifer recharge area, or wetland area.
- c. Safe and healthful conditions shall be maintained at all times within and about the proposed use and structures.
- d. The proposed use shall require preparation of a storm water management plan prepared and stamped by a professional engineer registered in the State of Maine detailing with both construction and long-term controls.

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- e. The proposed facility is not within the ground water recharge area of contribution (not the cone of influence) of a public water supply, well or spring, unless notice is given to the operator thereof and the Board has considered any information supplied by the operator and finds that no adverse effect on a public water supply will result.
 - f. The operator shall make operating records of the quantity water extracted, stored, and removed from the site available to the Code Enforcement Officer or a designee upon request.
 - g. Nothing in this procedure, and no decision by the Planning Board shall be deemed to create groundwater rights other than those rights, which the applicant may have under Maine law.
 - h. The Planning Board may assess reasonable impact fees at any time during the permitting process or during the term of the permit to recover the costs associated with contracting professional assistance to evaluate compliance. The Planning Board will obtain a proposal from at least one qualified peer reviewer of its choice and notify the applicant or permittee of the expected charge prior to incurring the charge or charges. (Note: this is intended to cover costs associated with contracting any outside resources the Town may require, i.e. site evaluator during construction, hydro-geologists to interpret data, etc.)
 - i. Notwithstanding the building height limit in Section 5.7.2, the maximum building height for structures associated with an aquifer-dependent industry shall be 45 feet for the principal building and 65 feet for associated structures such as silos. No living or working areas above the thirty-five (35) foot height.
- 6.4.4. Existing Operations:

- a. Any operation involving the extraction of ground water or spring water in lawful operation at the time this Section becomes effective and which meet the criteria for requiring a Conditional Use Permit, may operate for a period of five years from the effective date without Planning Board approval. Existing operation, however, must submit to the Planning Board within ninety (90) days of the effective date of this section, a map indicating the property from which ground water is being extracted, showing the location of the extraction in relation to neighboring wells, surface water bodies, and property lines. Failure to submit the above map within ninety days shall result in the loss of grandfathered status for that operation.

Within fifteen (15) days of the effective date of this Section, the Code Enforcement Office shall notify, by certified mail, return receipt requested, the owners of all property which, to the best of his knowledge, contain existing operations, informing them of the requirements of this section.

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- b. Discontinuation of any existing operation for a period of more than one year shall result in the loss of grandfathered status for that operation.

6.5. Boathouses

Boathouses may be located within a shore lot, but shall be set back a minimum of ten (10) feet from the ordinary high water elevation of a lake, pond, river or stream, or ten (10) feet from the ordinary high tide mark; shall not exceed one (1) boathouse on the premises for each shore lot; shall not exceed a height of fifteen (15) feet; shall not exceed two hundred and fifty (250) square feet in horizontal area covered; and shall be at least fifteen (15) feet from any side lot line. All distances shall be measured along the ground.

6.6. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

- 6.6.1. Recreational vehicle and tenting areas containing approved water-carried sewage facilities shall meet the following criteria:
 - a. Each recreational vehicle, tent, or shelter site shall contain a minimum of five thousand (5000) square feet, not including roads and driveways.
 - b. A minimum of two hundred (200) square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site.
 - c. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table, trash receptacle and fireplace.
- 6.6.2. Wilderness recreational areas without water-carried sewage facilities shall contain a minimum of twenty thousand (20,000) square feet, not including roads and driveways, for each tent or shelter site.
- 6.6.3. The area intended for placement of the recreational vehicle, tent or shelter and utility and service buildings, shall be set back a minimum of one hundred (100) feet from the exterior lot lines of the camping area and one hundred (100) feet from the normal high water elevation of any water body.
- 6.6.4. All campgrounds shall be screened from adjacent land areas.

6.7. Deck

- 6.7.1. The required side and rear setback for a deck attached to a principal structure may be reduced to twenty (20) feet.

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6.7.2. A deck, which has less than thirty-five (35) feet setback from the side or rear lot lines may not be covered with a permanent roof or enclosed.

6.8. Elevation of Buildings Above Flood Level

All buildings shall have their lowest floor and their heating, electrical, septic tank, filter field and other vital utility facilities constructed at an elevation not less than two (2) feet above the level of the Regional Flood or, if this is unknown or cannot be reasonably determined, twenty (20) feet above the normal high water elevation. In addition, the ground level surrounding buildings shall be raised to an elevation not less than one (1) foot above the Regional Flood, or nineteen (19) feet above the normal high water elevation of a water body. Such fill shall extend for a minimum horizontal distance of fifteen (15) feet from the outer surface of the building walls. Maximum depth of fill shall not exceed three (3) feet.

6.9. Garage

6.9.1. The required side and rear setback for a garage attached to the principal structure may be reduced to twenty (20) feet.

6.9.2. A garage which has less than thirty-five (35) feet setback from the side or rear lot lines, may not have access to any overhead area from the primary structure and may not be remodeled to include additional living space for the principal structure.

6.10. Filling, Grading, Lagooning, Dredging or Other Earth-Moving Activity

6.10.1. General

The Department of Environmental Protection (DEP) requires that an application be filed with said department when any gravel pit is 5 acres or more.

The following provisions shall apply to filling, grading, lagooning, dredging, excavation, processing and storage of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling, grading, lagooning, dredging, and other earth-moving activity which would result in erosion, sedimentation, or impairment of water quality or fish and aquatic life is prohibited.

6.10.2. Earth-Moving not requiring a Conditional Use Permit

The following earth-moving activity shall be allowed without a conditional use permit from the Planning Board.

- a. The removal or filling of less than two hundred (200) cubic yards of material or disturbance of less than one half (1/2) acre lot in any one (1) year.
- b. The removal or filling of material incidental to construction, alteration, or repair of a building or in the grading and landscaping incidental thereto; and

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- c. The removal or filling, or transfer of material incidental to construction, alteration or repair of a public or private way or essential services.

All other earth moving, processing and storage shall require a public hearing and finding of facts by the Planning Board to determine if a conditional use permit is required.

6.10.3. Application for a Conditional Use Permit

Application for a conditional use permit from the Planning Board for excavation, processing and storage of soil, loam, sand, gravel, rock and other mineral deposits shall be accompanied by a plan prepared by a Registered Land Surveyor or Registered Professional Engineer which shall show:

- a. The name and current address of the owner of the property involved.
- b. The location and boundaries of the lot or lots for which the permit is requested.
- c. The existing contours of the land within and extending beyond the above boundaries for two hundred (200) feet at intervals not to exceed five (5) feet referred to as Mean Sea Level.
- d. The contours as proposed following completion of the operation at intervals not to exceed five (5) feet referred to as Mean Sea Level.
- e. The location of all proposed access roads and temporary structures.
- f. The proposed provisions for drainage and erosion control, including drainage calculations.
- g. Other information necessary to indicate the physical characteristics of the proposed operation.

6.10.4. Conditions of Permit

The Planning Board may issue a permit providing the following conditions, as determined applicable by the Planning Board are met:

- a. The smallest amount of bare ground shall be exposed for the shortest time feasible. The Planning Board shall set a specific date after which bare ground shall not be exposed.
- b. Temporary ground cover, such as mulch, shall be used. The Planning Board shall set a specific date by which permanent ground cover shall be planted.
- c. Diversions, silting basins, terraces and other methods to trap sediment shall be used.

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- d. Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. The applicant shall submit written approval from the Department of Inland Fish and Game prior to consideration by the Planning Board.
- e. The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.
- f. Fill shall not restrict a floodway, channel, or drainage way in any way.
- g. The sides and bottom of cuts, fills, channels, and artificial watercourses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to the Maine Soil and Water Conservation Commission, Technical Guide, Standards and Specifications.
- h. No below-grade excavation except for drainage ways shall be allowed within fifty (50) feet of any lot line or public road.
- i. Topsoil or loam shall be restored to a depth of not less than four (4) inches.
- j. Applicant shall submit written approval from the appropriate soil and water conservation district.

6.10.5. Optional Conditions of Permit

The Planning Board may impose other reasonable conditions to safeguard the neighborhood and the Municipality which may include those relating to:

- a. Methods of removal or processing;
- b. Hours of operation;
- c. Type and location of temporary structures;
- d. Routes for transporting material;
- e. Area and depth of excavations;
- f. Provision of temporary or permanent drainage;
- g. Disposition of stumps, brush and boulders; and
- h. Cleaning, repair and/or resurfacing of streets used in removal activity which has been adversely affected by said activity.

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6.10.6. Surety and Terms of Permit

No permit shall be issued without a bond or other security to insure compliance with such conditions as the Planning Board may impose. No permit shall be issued for a period to exceed three (3) years, although such permit may be renewed for additional periods in the same manner.

6.10.7. Existing Operations

Any operation involving the excavation, processing or storage of soil, earth, loam, sand, gravel, rock or other mineral deposits in lawful operation at the time this Ordinance becomes effective may operate for a period of three (3) years from the effective date. Discontinuance of any existing operation for a period of more than one (1) year shall require application for a new permit. Continuation of any existing operation for more than three (3) years shall require a permit from the Planning Board.

6.11. Home Occupations

1. Home occupations shall be carried on wholly within the principal building or within a building or other structure accessory to it.
2. Not more than two (2) persons outside the family shall be employed in the home occupation.
3. There shall be no exterior display, no exterior sign (except as permitted by the provisions of this Ordinance), and no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
4. No nuisances, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, or radiation shall be generated.
5. The operators of Home Occupations shall register with the CEO before commencing with business. Information shall include nature and extent of the business and # of employees.

6.12. Manufactured Housing and Mobile Home Parks

Definitions as used in this section, unless the context otherwise indicates, is located in the definition section.

6.12.1. General

No manufactured housing unit which does not meet the construction standards set down in the State of Maine Manufacturing Board and any accompanying sections relating to manufactured housing in conjunction with applicable codes shall be placed within the Town of Hollis.

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Any non-conforming manufactured housing unit already within the Town of Hollis may be placed on another lot within the Town of Hollis as long as it still meets construction and health standards sufficient for a dwelling unit, meeting the necessary codes.

6.12.2. Manufactured Housing Not In A Mobile Home Park

- a. Manufactured housing units not in a mobile home park shall meet all the requirements of this ordinance for a single-family dwelling.
- b. Manufactured housing units shall be placed with a minimum clearance of two (2) feet on a suitable support, i.e. full foundation, slab, sonar tubes, etc., as appropriate and all shall comply with the requirements of the Town of Hollis Building Codes for residential structures unless exempt from this requirement under Section 6.8.3.6.
- c. Any addition to the manufactured housing unit shall be placed on a foundation (Reference: Section 6.8.3.2.), which shall comply with the Building Codes.
- d. Any manufactured housing unit already on site, which does not meet requirements set down in the international residential code specifically regarding manufactured housing units shall be considered non-conforming. Such structures may be maintained, repaired, improved, and expanded in compliance with the Building Code. A non-conforming manufactured housing unit may only be replaced by a structure which conforms to the requirements set down in this ordinance.
- e. The area from the bottom of the mobile home to the ground shall be fully enclosed with a durable skirting if not a full foundation. Two (2), one-foot square vents shall be located, one at each end, in the foundation or skirting.
- f. Exceptions: Any person who intends to use a manufactured housing unit while building a permanent home on the proposed site may apply to the Code Enforcement Officer for an exemption from the requirements for a foundation for the manufactured housing unit. The Code Enforcement Officer, upon finding sufficient evidence of the person's intentions to build a permanent home, may issue an exemption for one (1) year. If the applicant commences construction of the permanent home within the year but does not complete the home, the Code Enforcement Officer may extend the exemption for a second year. Failure to commence construction within one (1) year shall constitute a violation of the ordinance. Failure to remove the manufactured housing unit from the lot within sixty (60) days of the issuance of any occupancy permit for the new permanent dwelling shall constitute a violation of this ordinance.

6.12.3. Mobile Home Parks

Mobile home parks within the Town of Hollis shall meet the State requirements for mobile home parks and all of the following:

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- a. Mobile home parks are subdivisions and shall meet the criteria of the State Subdivision Law (30-A MRSA Section 4404) and the Hollis Planning Subdivision Regulations.
- b. The minimum area of land within the park shall be ten (10) acres.
- c. Individual lots within a mobile home park shall either meet the minimum dimensional requirements for the district in which the park is located or may be reduced in size in accordance with the Cluster Development standards contained in Section 6.13.1.3. Regardless of the provisions on reduction of lot sizes in Section 6.13.1.3., individual lots within a mobile home park may be reduced in size to no less than twenty thousand (20,000) square feet in area and no less than one hundred (100) feet wide. The number of individual lots permitted shall be calculated by dividing the net residential acreage of the parcel by the minimum lot area required in the district in which it is located.
- d. Each mobile home lot located either wholly or in part within a shoreland district shall meet the minimum lot size requirements for the shoreland district.
- e. Common areas shall be provided for all of the following but not limited to: recreational use, waste disposal facilities, sufficient area to allow for septic and water supplies with secondary locations allowed as required for water and septic. These areas shall remain under ownership of the park owner, including the roads within the park. Roads shall not be included when calculating lot size.
- f. No manufactured housing unit shall be placed within thirty-five (35) feet of the side or rear line of the park lot on which it is placed.
- g. All manufactured housing units in a mobile home park shall be connected to a common water supply and distribution system, either public or private, at no expense to the municipality.
- h. All manufactured housing units in a mobile home park shall be connected to either individual or a common sanitary sewer system or to a central collection and treatment system, in accordance with the sanitary provisions of State and local ordinances, and at no expense to the municipality.
- i. A continuous landscaped area not less than fifty (50) feet in width containing evergreen shrubs, trees, fences, walls or any combination which forms an effective barrier of not less than six (6) feet in height shall be located on all exterior lot lines of the park except that driveways and park entrances shall be kept open to provide visibility for vehicles entering and leaving the park.

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6.13. Modifications to Existing Structures

- 6.13.1. No external modifications or additions to any structure subject to flood damage are permitted unless such modification will not increase the flood damage potential of the structure and will not cause the structure to increase the degree of obstruction to flood flows.
- 6.13.2. Any internal modification of an existing building may be permitted if such modification will not endanger human lives or increase the flood damage potential of the Regional Flood.

6.14. Multi-Family Dwelling Units

Multi-family (3 or more) dwelling units shall be reviewed in accordance with the Subdivision Regulations and meet all of the following criteria:

- 6.14.1. Lot area and shoreline frontage shall be equal to that required for the equivalent number of single-family dwelling units.
- 6.14.2. The minimum road frontage shall be two hundred (200) feet.
- 6.14.3. Lots for multi-family dwelling units shall meet the space and bulk requirements of the underlying zone for single-family dwellings.
- 6.14.4. No building shall contain more than (6) dwelling units.
- 6.14.5. All multi-family dwelling units shall be connected to a common water system, at no expense to the Municipality.
- 6.14.6. All multi-family dwelling units shall be connected to a common sewer system, if available, or to a central collection and treatment system in accordance with the sanitary provisions of this Ordinance.
- 6.14.7. Multi-family dwelling units shall be considered in the same light as a subdivision with the required application and approval of the Planning Board.
- 6.14.8. Multi-family dwelling units shall meet the space/bulk requirements and standards of the applicable underlying zone.
- 6.14.9. In lieu of fire tank requirements multi-family units must contain an approved domestic residential sprinkler system.

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6.15. Off-Street Parking and Loading Requirements

6.15.1. Basic Requirement

No use of premises shall be authorized or expanded, and no building shall be constructed or expanded unless adequate provisions are included for, OFF-STREET PARKING, within 300 feet of the primary structure in accordance with the following schedule.

- a. An area of two hundred (200) square feet appropriate for parking an automobile, exclusive of maneuvering space, shall be considered as one (1) parking space.
- b. No required parking space shall serve more than one use.
- c. No off street parking lot shall have more than two (2) entrances and exits on the same street.
- d. Entrances and exits shall not exceed 26 feet in width.
- e. Parking areas with more than two (2) spaces must provide a vehicle turn around area to prevent vehicles from backing onto the street.

6.15.2. Schedule of Minimum Off-Street Parking Requirements

- a. Two (2) spaces per dwelling unit.
- b. One (1) space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel.
- c. One (1) space for each tent or recreational vehicle site in a campground.
- d. One (1) space for each two (2) beds in a hospital or sanitarium.
- e. One (1) space for each four (4) beds for other institutions devoted to the board, care or treatment of persons.
- f. One (1) space for each one hundred fifty (150) square feet or fraction thereof, of floor area of any retail, wholesale or service establishment or office or professional building.
- g. One (1) space for each three (3) seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverages and for theaters, auditoriums and other places of amusement or assembly.
- h. One (1) space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial or other permitted uses.

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- i. Adequate spaces shall be provided to accommodate customers, patrons and employees at automobile service stations, drive-in establishments, open-air retail businesses and amusements and other permitted uses not specifically enumerated.

6.15.3. Off-Street Loading

In any district where permitted or allowed, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers shall not be located for loading, unloading, or storage upon any public way.

6.15.4. Landscaping

Required parking and loading spaces for non-residential uses, where not enclosed within a building, shall be effectively screened from view with an eight (8) foot wide buffer area which contains continuous visual barriers not less than six (6) feet in height and may contain evergreen shrubs, trees, fences, walls, beams or any combination thereof along exterior lot lines abutting said parking and loading spaces adjoining all residential properties, except that driveways shall be kept open to provide visibility for vehicles entering and leaving. Conditional use approval requires a time frame of six (6) months to put the screening in. If the screening is not put in, in compliance with this section, the conditional use permit becomes null and void. The site shall be inspected within six (6) months after start of construction by the CEO.

6.16. Piers, Docks, and Other Shoreland Construction

6.16.1. General Requirements

- a. No causeway, bridge, marina, wharf, dock, or permanent structure shall be constructed in, on, over, or abutting on any great pond nor fill deposited or dredging done therein without a permit from the Board of Environmental Protection.
- b. No causeway, marina, wharf, dock, or other permanent or floating structure shall extend more than ten percent (10%) of the width of any stream, measured at its normal high water elevation.
- c. Any structure, permanent or floating, shall require a conditional use permit from the Planning Board if it: 1) extends more than ten (10) feet from the bank of any lake, pond, river or stream; 2) has any permanent parts located between the banks of any stream or below the normal high water elevation of any lake or pond; 3) is constructed as part of any commercial use; or 4) requires dredging or filling.

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6.16.2. Application for Permit

A conditional use permit application shall be made as follows:

- a. For any proposed shoreland construction or alteration requiring a permit from the Board of Environmental Protection, a copy of said permit and all attachments thereto shall constitute the application to the Planning Board.
- b. For all other proposed shoreland construction or alteration, application to the Planning Board shall be made on forms provided for the purpose.

6.16.3. Conditions of Permit

The Planning Board may issue a permit providing the following conditions shall be met. The proposed activity:

- a. shall not unreasonably interfere with existing recreational and navigational uses, nor unreasonably alter scenic and aesthetic qualities;
- b. shall not unreasonably interfere with or harm the natural environs of any lake, pond, tributary, stream, or river nor harm any fish or wildlife habitat;
- c. shall not cause unreasonable soil erosion nor lower the quality of any waters;
- d. shall not unreasonably alter the natural flow or storage capacity of any water body; and,
- e. shall not create or cause to be created unreasonable noise or traffic of any nature.

6.17. THIS SECTION REPEALED, JUNE 2006, PER TOWN MEETING VOTE
(SEE SECTION 8)

6.18. Sanitary Provisions

All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

6.19. Signs

No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination or wording, the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal device or otherwise constitute a hazard to pedestrian or vehicular traffic. For the purposes of this Ordinance, a sign utilizing both sides shall be considered as two (2) signs. Signs must be located within two hundred and fifty (250) feet of the principal building where

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the business is carried on.

6.19.1. Permitted Signs

- a. Public traffic and directional signs designating public or semi-public activities.
- b. Name signs for single residences provided such signs not exceed six (6) square feet in area and not exceed two (2) per premises.
- c. Residential homeowners, home occupations, conditional uses where the residence/home is the primary use of the land, may display two (2) signs. Each sign shall not exceed six (6) sq. ft. each in area, relating to goods and services rendered on the premises.
- d.
 - i. Non-residential users may display on premises three (3) signs. No sign is to exceed a gross message area of thirty-two (32) sq. ft. The total gross message area of these three (3) signs shall not exceed sixty-four (64) sq. ft.
 - ii. Each accessory use may have one additional sign not to exceed two (2) sq. ft.
- e. Tree Farm signs, signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed four (4) square feet in area.
- f. No signs, other than traffic signs and those listed in 6.15.1.5, shall be located closer than eight (8) feet of a side lot line or a highway right-of-way.

6.19.2. Illuminated Signs

- a. No signs shall be illuminated with flashing, moving, or intermittent lights. No sign may have any animated or moving parts.
- b. Interior lighted signs shall be located and permitted in only the village zones.
- c. Illuminated signs in zones other than the village zones may be illuminated with white spotlights.
- d. All lights must be effectively shielded as to prevent the light from being directed at any portion of the road or impair the vision of a driver.
- e. The maximum height of a sign is the lesser of twenty-five (25) feet above the ground or ten (10) feet above the roof, if attached to a building.

6.19.3. Billboards: Billboards, as defined in Section 2.2. are prohibited.

6.19.4. Temporary Signs

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For the purpose of this Section, a temporary sign shall be any sign, including banners, for sale signs or lease signs, any other type of sale sign, or any other sign not intended to be a permanent part of any residence or business as outlined in this Section whether on-premises or off-premises.

- a. Street banners shall: not exceed fifty 50 square feet in area, require a permit from the Code Enforcement Officer, the applicant must have written approval of any property owner where the sign is to be displayed.
- b. Temporary signs other than street banners are not to exceed six (6) square feet in area.
- c. Temporary signs shall not be displayed for more than thirty (30) days with the exception of Realtors' For Sale signs.

6.19.5. Existing Signs

Existing non-conforming signs, as of the June 5, 1993, revision, shall be grandfathered for ten (10) years, unless they come into a state of disrepair or non-use (see Section 1.4.2.); at which time they shall be replaced with a sign that conforms to this Section. The Town shall not grandfather anything that violates the State ordinances.

6.19.6. Special Exceptions

- a. Each business located within the boundaries of Hollis is allowed up to four (4) MDOT non-reflective official business directional signs off premises. Signs for businesses located outside of the boundary of the town shall not be permitted. Existing non-conforming signs as of the June 14, 1997 revision, shall be grandfathered for 1 year, after which time they must be removed.
- b. Up to twenty (20) off-premises business signs may be displayed on the interior side of any fence surrounding an outdoor recreation facility which is available for use by the public, such as a ball field or skating rink, provided that the dimensions of each sign is no larger than sixteen (16) square feet. The intent of the sign must not be to solicit advertising from the roadway. A permit must be obtained in advance from the Code Enforcement Officer.

6.20. Timber Harvesting

Forest Management Activities outside of the Shoreland Zone shall be in compliance with the Maine Forest Practices Act, Maine Forest Service, Forest Information Center, Station #22, Augusta, ME 04333. Timber harvesting within the Shoreland Zone will be in compliance with the Hollis Shoreland Zoning Ordinance.

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6.21. Vegetative Cutting

6.21.1. In all Districts, clearing of trees and conversion to other vegetation is allowed for approved construction and landscaping.

6.21.2. Clearing for Agriculture shall conform to Article 6.3 of this Zoning Ordinance.

6.21.3. Clearing which will encroach into a Shoreland Area, as defined in the Hollis shoreland Ordinance, will conform to requirements of Chapter 17.16 of the Hollis Shoreland Ordinance.

6.22. Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, noxiousness, toxicity or temperature that run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or to be harmful to human, animal, plant or aquatic life.

6.23. Recreational Vehicles

6.23.1. Recreational vehicle shall mean any vehicle used or so constructed as to permit its use as a conveyance on the public streets and highways and licensed as such. It is constructed in such a manner as to permit occupancy as a dwelling or sleeping place for one (1) or more persons, and may be provided with a toilet and bathtub or shower and cannot readily be connected to a sewer system. This Ordinance shall also mean tent trailers, truck campers, travel trailers, motor homes, etc., other than a mobile home.

6.23.2. A recreational vehicle shall not be occupied in the Town of Hollis outside a licensed camp; except as herein specifically permitted.

6.23.3. It shall be permissible for a householder to allow a bona fide guest to camp or park one (1) recreational vehicle in his/her yard adjacent to his/her house for a period not to exceed ninety (90) days in any calendar year. However, such vehicle is to be used only for sleeping purposes during the ninety (90) day period, provided the householder shall have granted permission to the recreational vehicle occupants to use the householder's sanitary facilities. The Code Enforcement Officer, Selectmen or other individual as designated by the Selectmen may require written proof of permission from the householder that the vehicle can be parked in the householder's yard, the date of arrival of vehicle and duration of visit.

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- 6.23.4. It shall be permissible for a landowner to allow one (1) recreational vehicle to be parked on land not adjacent to his household for a period of time not to exceed fifteen (15) days in any calendar year, provided, however, that such vehicle has its own sanitary facilities and means for disposal of all wastes. Recreational vehicle occupants must receive written permission from the landowners to use their property. After fifteen (15) days of occupancy, occupants of recreational vehicles shall take their written permission and apply to the Selectmen or their appointed designee for a vehicle parking permit so that the Town of Hollis may coordinate the necessary emergency and regular services.
- 6.23.5. A recreational vehicle may be stored in the Town of Hollis regardless of the provisions of this Ordinance, provided that it shall not be used for living or sleeping purposes during such time it is so stored and provided that it shall not be deemed a nuisance.
- 6.23.6. No recreational vehicle shall be utilized in the Town of Hollis as a temporary or permanent office unless permission is obtained from the Selectmen or their appointed designee or unless such vehicle or trailer meets all provisions of this Ordinance, Subdivision Regulations and other regulations as may be adopted by the Town of Hollis.

6.24. Roads

6.24.1. General

The purpose of this Section is to set down standards for the building and improving of substandard roads or roads to back lots providing access to dwelling units. In this subsection, "Road" shall mean any public way or private road providing access to dwelling units, which must meet the Town's standards for preparation, sub-base, base (as specified in the Hollis Subdivision Review Standards). For the purpose of this Section, the traveled surface need not be paved.

A deeded right-of-way shall be a strip of land, which shall provide access to a parcel or parcels of land.

No building permit shall be issued for a dwelling unit or units on a lot or lots which does not comply with this Section.

New building lots which constitute exemptions from the State Subdivision Law or which are exempted from the Subdivision Review Ordinance in this municipality shall meet the requirements of this Ordinance except that these lots may be laid out along privately owned roads instead of town ways.

These new roads shall meet the following requirements:

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6.24.2. Construction Requirements

- a. Any deeded rights-of-way shall be a minimum of fifty (50) feet in width, shall include written maintenance rights, and shall be provided with drainage ditches and culverts to be designed and installed with the written approval of the Town Engineer.
- b. Roads serving one (1) dwelling unit shall have a minimum twelve (12) inch base or more as soils require, and a minimum of twelve (12) foot traveled surface. Said road shall be subject to soil tests after the removal of topsoils and prior to construction.
- c. Roads serving two (2) or more dwelling units shall have a minimum of eighteen (18) inches of base or more as required and an eighteen (18) foot wide traveled surface or more as required. Soil specifications as mentioned previously in Section 6.20.2.2.
- d. Consistency and standards of the base, surface and shoulders shall be approved by the Town Engineer prior to the construction of any new road. Cross-sections of the proposed road shall be established by the Town Engineer prior to construction at intervals of one hundred (100) feet or as required.
- e. Soil tests shall be done every one hundred (100) feet or closer if required, to a depth of four and one-half (4-1/2) feet or as required by the Town Engineer, prior to construction.
- f. Any vegetation obstructing vehicle movement or visibility will be kept at least ten (10) feet from the traveled surface.

6.25. Wheelchair Ramps

Wheelchair ramps are exempt from the side, rear, and front yard setbacks, but not from the shoreland setback.

- 6.25.1. Built according to international residential or building code and Life Safety Building Codes.
- 6.25.2. It shall not be wider than six (6) feet at any point.
- 6.25.3. It shall be constructed of wood or some other material which may be removed when the need for the ramp no longer exists.
- 6.25.4. The applicant shall present to the Code Enforcement Officer written evidence that someone residing in the house is handicapped and requires the ramp.
- 6.25.5. The applicant shall present to the Code Enforcement Officer written evidence that it cannot be constructed within configuration of the property and location of the structure being accessed.
- 6.25.6. The applicant shall present to the Code Enforcement Officer a written statement as to the discontinuance of need and has three (3) months in which to remove the ramp.

ARTICLE 7. SITE REVIEW REQUIREMENTS

7.1 Introduction and Findings

INTRODUCTION: The intent of this Article is to provide a process for the review of development projects that do not meet the legal definition of subdivisions. Such projects may include non-residential uses such as convenience stores, service businesses, motels, shopping centers, etc as outlined in Section II. Where site development projects are subject to review under conditional use provisions and this Article, any duplication of requirements required within this Article will supplement the requirements of the conditional use regulations.” Where a proposed use is subject to the Conditional Use provisions, the site review criteria shall be reviewed with the Conditional Use Application and not as a separate process.

FINDING: The town finds that residential and non-residential development can have a significant impact on the public facilities and natural resources of the community, that regulation of such development is necessary in order to protect the public health, safety and general welfare. 30M.R.S.A. S4956 Review of Subdivisions fails to provide authority sufficient to regulate potentially harmful development and ensure compliance with the current Hollis Comprehensive Plan, Zoning Ordinance Criteria and other Town Ordinances.

7.2 Review of Development

The Board is hereby authorized to review development for conformance with the criteria stated herein and with the performance standards of this Ordinance. A developer or his authorized agent shall be required to obtain Board approval prior to the issuance of a building permit for all development except the following:

- a. Single family dwellings on individual lots,
- b. Expansion of an existing conforming use, where the expanded use;
 1. will require less than 10 additional parking spaces and
 2. will not need changes to the existing sanitary disposal system and
 3. is less than 50% increase in use area.
- c. Subdivisions already subject to board review under the Town of Hollis Subdivision Regulations, *30 M.R.S.A S4956*).
- d. Home occupations and professional offices *inside the home* and less than 1000 sq ft.
- e. Professional, business, tradesman, and general office/services *inside the home* and less than 1000 sq ft.
- f. Professional, business, tradesman, and general office/services *outside the home* and less than 1000 sq ft. of customer service ad office area.
 1. No person or entity subject to the provisions of this convey, or offer to convey interest in a development or portion ordinance may commence work, including site preparation, or thereof prior to Board approval.

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7.3 Site Development Design Standards

7.3.1 Site Design

- 7.3.1.1 The development shall provide for appropriate buffering of adjacent uses where there is a transition from one type of use to another and for the screening of mechanical equipment, loading, service and storage areas, and parking lots. Distance, landscaping, changes in grade, and/or a combination of these or other techniques may serve as buffers. Buffering must be designed to provide a year round visual screen and to reflect the character of the area.
- 7.3.1.2 The site design shall encourage foot traffic and minimize vehicular movement in village zones and within ¼ mile of any school, municipal facility, or recreational area.
- 7.3.1.3 The design of parking areas shall use buffers, landscape islands, and materials to avoid creating a building surrounded by gravel/bituminous parking lots. Extensive parking between the street and building is discouraged and it is desirable to limit the frontage parking to as few spaces as possible. It is desirable to locate the majority of the parking to the side or rear of the principal building as can be practicably achieved given the layout and geometry of the site under development and safety/security issues. Where parking is between the street and building, street side landscaping, naturally existing vegetation and/or buffering of at least 20 feet shall be used as a transition to the parking area.
- 7.3.1.4 Landscaping design must be provided as part of the site design. The landscape plan for the entire site must use landscape materials and/or naturally existing vegetation to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a character consistent with the area and type of development.
- a. The use of invasive species of plants, including trees, is prohibited.
 - b. The use of native plant materials is strongly encouraged.
 - c. Trees and other landscaping planted at intersections shall preserve an adequate sight triangle as required by the regulations.

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- 7.3.1.5 All facilities for non-customer service shall be located at the side or rear of the principal building as can be practicably achieved given the business type, site layout/geometry and shall avoid facing residential properties or public ways without appropriately scaled screening and/or buffering. Structural screens and/or fencing shall screen non-customer service areas from public ways, main entrances, abutting residential properties, public open spaces, and great ponds, rivers and streams to the extent practical for the given site. Structural screens and fencing shall complement the design of the main structure by repetition of materials, detailing, scale, and color. .
- 7.3.1.6 External mechanical and plumbing equipment, dumpsters or similar large collection receptacles for trash or other wastes, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their impact on users of the public roads, abutting residential, institutional, and recreational uses.
- 7.3.1.7 All fire prevention and suppression elements must meet the specifications of the applicable Town, State, and National codes. The Fire Chief shall approve the location and treatment of fire prevention and suppression elements.
- 7.3.1.8 Storm water management facilities shall be located and treated to reduce their visibility and integrate them into the landscape using transitional grading, natural contours and natural vegetation.
- 7.3.1.9 The site plan and building elevations shall show the location of all vending machines, ice machines, LP gas storage, and other site furnishings. Where site furnishings are provided, they shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their impact on abutting residential users, recreational users, and users of the public roads.
- 7.3.1.10 In addition to all on-premise signage requirements of the ordinance, the principal site identification sign shall contain the road address shown in a prominent location to facilitate wayfinding and 911 emergency responses.

7.3.2 Building Design

- 7.3.2.1 General: Proposed site improvements and buildings must be designed to fit into the area to be developed to the maximum extent reasonable. Site clearing must be minimized and vegetation must be maintained or

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provided to minimize the visual intrusion of the development. Buildings should be set back from the road and located on the site in a manner that is compatible with the rural or village character of the surrounding area.

- a. Designs that promote energy and environmental conservation through solar orientation and siting, use landscaping for windbreaks and shading, use of alternative paving materials, landscaping with native plants, reduced noise pollution, and reduced light pollution shall be encouraged.

7.3.2.2 New Construction

- a. The scale of the building shall be visually compatible with its site and the scale of surrounding buildings. Where new large buildings or structures are proposed, care shall be taken to mitigate differences in scale so that the new building is compatible with its neighbors and traditional building forms used in Hollis and surrounding Rural Communities.
- b. The shape, proportion, and height of the roof shall be designed to reflect those of buildings with which it is visually related or that are traditionally used in Hollis. Buildings with a footprint greater than 10,000 SF shall have rooflines that are oriented and designed to lend visual interest and reduce the apparent size of the building. Rooflines shall be designed to screen or camouflage rooftop protrusions and equipment.
- c. Exterior Façade Design
 1. Windows and doors should be visually compatible with the architectural style of the building and with local architecture. The main entrance shall be clearly identified through building and site design and should face the primary street when feasible.
 2. Building designs that stress simplicity in form, and reflect the traditional building forms are encouraged.
- d. Exterior building materials shall be compatible with those of buildings with which it is visually related or that are traditionally used in Hollis and surrounding Rural Communities.
- e. Light fixtures, signage, and other building furnishings shall be fully integrated into the overall design by virtue of their form, scale, color and detailing.

7.3.3 Additions & Renovations

- a. Where the existing building(s) meets the design standards or is a designated historic structure, proposed renovations and additions shall:
 - i. Be designed to respect the proportions, fenestration patterns, and details of the existing building(s).
 - ii. Complement or match the materials, form, color, and detailing of the existing building(s).

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- b. Where the existing building(s) does not meet the design standards and is not a designated historic structure, proposed renovations and additions shall:
 - i. Meet the standards for new construction outlined in the preceding paragraphs.
- c. Where the existing building(s) does not meet the design standards and is not a designated historic structure AND if more than 75% of the floor area of the existing building(s) is to be renovated, the entire structure shall meet the standards for new construction outlined in the preceding paragraphs.

7.3.4 Free Standing Accessory Structures

Non-habitable structures such as free standing ATMS, garages, service stations islands, canopies, storage units, recycling sheds, trash enclosures, and utility buildings shall meet the same design standards as the principal building(s) on the site. The design of freestanding structures shall be coordinated with the principal building through repetition of architectural forms, materials, colors, and detailing.

- 7.3.5 Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. Communications systems must not be audible on adjacent properties. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing within normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public road, within the entry from the road, or within designated parking areas and pedestrian crossing zones. Access routes leading to or from a takeout window or drive-through shall minimize conflicts with pedestrians through signage, raised cross walks, changes in paving or other devices.

7.4 Procedure

- 7.4.1 Schedule a Pre-Application Meeting with the Board to review the proposed site development, schedule a site walk (if deemed necessary), go over the review criteria, potential waiver requests, and operational details (hours of operation, staff, etc).
- a. Any applicant requiring review under this article shall submit an application addressed to the Board Chairman and delivered to the Town Office during regular business hours at least seven days prior to the next regularly scheduled Board meeting. A complete application shall consist of a cover form, together with fees and all required submissions contained herein. The CEO shall present the application to the Board at the next scheduled meeting after an initial determination by the CEO has been made that a complete application has been submitted for review. The Board shall make a determination of completeness within 45 days of presentation of an application to the Board.

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- 7.4.2 The application fee shall be a minimum of \$100.00 and an additional \$100.00 per 20,000 sq. ft. of developed area, or fraction thereof.
- 7.4.3 The Board may, at any time, determine that it requires legal or technical assistance outside of regular town staff for proper consideration of the application. The costs of such assistance shall be borne by the applicant.
- 7.4.4 The Board shall notify the applicant that his application is complete, of the timetable for review, and any additional requirements or questions associated with the application. A Public Hearing shall not be held for the following: (1) home occupations and professional offices *inside the home* and less than 1000 sq. ft., (2) professional, business, tradesman, and general office/services *inside the home* and less than 1000 sq. ft. (3) professional, business, tradesman, and general office/services *outside the home* and less than 1000 sq. ft. of customer service and office area. Other uses may have a Public Hearing scheduled as determined by the Board. A Public Hearing will be scheduled to hear the Conditional Uses as provided for in the Hollis Regulations.
- 7.4.5 At the time of determination that the application is complete, and the Board has determined that a public Hearing will be held, the Board will schedule the public hearing for the next available time on the Board's agenda. Public notice of the hearing shall be placed in a newspaper of general circulation within the town at least seven (7) days prior to the date of the hearing. Notice shall also be sent to the CEO and other town officials, and to all landowners abutting the subject property, provided that failure of those notified to receive such notice shall not invalidate the decision of the board.
- 7.4.6 The Board shall approve, approve with conditions, or deny an application for site review within forty-five (45) days of the closing of the public hearing (if held) or from receipt of the complete application. Written notice of the decision shall be mailed to the applicant within seven (7) days thereafter. Failure of the Board to act in the affirmative shall constitute a denial, provided that the Board may grant applicant's request for an extension of the time period for the purpose of introducing additional evidence.
- 7.4.7 Action by the Board shall be based upon written findings of fact and conclusions for compliance with the performance standards contained herein for the particular use applied for:
- a. See Section 3 for Site Development design review criteria and integrate into the submission.
 - b. Sufficient parking and traffic circulation on the site of the development will avoid conflicts with adjoining properties and streets.
 - c. Building locations or engineering measures ensure that wetlands and water bodies will not be adversely affected by erosion, runoff, or pollutants.

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- d. All sanitary and solid wastes are treated in a manner approved by qualified professionals, together with agreements necessary for the transportation, disposal and storage of hazardous materials;
- e. Design measures ensure the capability of the land and water systems to sustain the proposed use.
- f. Public resources identified in the comprehensive Plan or related study, including aquifers; shoreland areas, wildlife areas, and access thereto are protected.
- g. Ability to Serve documentation from Public Utilities departments for any public Utilities to be used stating that public facilities will not exceed their respective capacities, including:
- h. Showing of sufficient financial backing and technical resources of the applicant to complete the proposed *public improvements*.

7.4.8 Approval by the Board shall take the form of an agreement between the Town of Hollis and the applicant. This will incorporate elements of the application, the Board's findings of Fact and conclusions, and such conditions as the Board may impose upon approval. The Board and the applicant shall acknowledge the agreement in writing prior to the commencement of work. (***Fulfilled by signature on site plans.***)

- a) Conditions of the Board's approval shall be intended to ensure conformance with approval criteria. The property shown on the plan(s) may be developed and used only as depicted on the approved plan(s). All elements and features of the plan(s) and all final submittals made by the applicant concerning the development and use of the property are conditions of the approval. Any changes from the conditions of approval is not permitted unless an amended plan is first submitted to and approved by the Planning Board.
- b) Where improvements for the common use of lessees or the general public have been approved, the board may require an Improvement Guarantee in the form of a bond, escrow account, or irrevocable letter of credit in favor of the Town, committing 125 percent of the estimated cost of said improvements.
- c) The Board shall send copies of the approval to the CEO and to the Board of Selectmen. The CEO shall not issue a building permit and/or occupancy permit until conditions of the approval have been met.
- d) The approval of the Board shall expire if work on the development is not commenced within twelve (12) months or substantially completed within two (2) years. The Board may, by formal action, grant an extension of the completion deadline for additional periods not to exceed one year.

7.4.9 Appeal: any party aggrieved by a decision of the Board under this Article may appeal the decision to the Superior Court within thirty (30) days of the date of decision.

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7.5 Submission Requirements

- 7.5.1 A completed application for site review shall consist of ten (10) copies of required plans on sheets measuring no smaller than 11" x 17" and no larger than 24" x 36" and ten (10) sets of attachments. Site Plans shall be drawn to a scale of no greater than 1"=30' for developments under ten acres, and 1"=50' for all others.
- 7.5.2 The submission will contain items below selected by the Board as determined by the size and scope of the project presented in the Pre-Application Meeting. Additionally, the applicant may request a waiver of one or more of these requirements.
- a. A title block in the lower right-hand corner, containing the name and address of the applicant and property owner, the name and address of the preparer of the plan, (with professional seal, if applicable), location of the property according to municipal tax maps, the date of plan preparation or revision, and an ID number unique to the plan.
 - b. A deed with sufficient detail or a standard boundary survey conducted by a surveyor licensed in the State of Maine may be required. If a boundary survey is required, it must have sufficient information to identify and locate interior and exterior boundaries, rights-of-way, and street alignments.
 - c. Documentation of the applicant's legal interest in the property.
 - d. An arrow showing true north and the magnetic declination, a graphic scale, and signature block for members of the Board.
 - e. A location map showing the property in relation to other properties and roads in the general vicinity.
 - f. Acreage of the total parcel, rights-of-way, and areas to be developed.
 - g. Zoning, including the zones abutting the property, if different, together with required setbacks, density and coverage requirements of the zone.
 - h. A Site Plan indicating the location and description of all proposed building(s), additions, and renovations to existing building(s) floor plans and all elevations of principal buildings visible from a public way. Where necessary to illustrate unusual or unique situations, the board may request perspectives of the building to illustrate the three-dimensional relationship between the building and its neighbors, and/or the front and side elevations.
 - i. Location of adjacent physical features such as ledge, watercourses, and forested areas that will be impacted by the proposed use.
 - j. Existing contours and finished grade elevations within the site area being disturbed to sufficient detail to describe the project.
 - k. Scaled drawings, sketches and/or schedules of the proposed buildings in enough detail show the type and scope of construction material. (See Section 7.3)
 - l. Location and design details of existing and proposed utilities, including power, water, sewer or septic system, and drainage structures.
 - m. Location of any park, open space, or conservation easement on property to be developed or on abutters' property.
 - n. Proposed landscaping and buffering treatment plan. The Board may require a landscape materials list.

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- o. A signage plan. For those uses applicable to Section 7.3, the signage plan shall be submitted for approval prior to tenant occupancy.
- p. Location and necessary design details of all parking and/or paved areas, sidewalks, curbing, signs, fencing, and other site improvements.
- q. Soil data and test pits analysis to support the use being applied for.
- r. Description of any raw, finished, or waste materials to be stored outside the buildings, and any stored materials of a hazardous nature.
- s. Description of the type and placement of sewage facilities:
 - i) Where disposal will be accomplished through subsurface waste disposal system, an analysis of test pits prepared by a licensed site evaluator.
 - ii) Where disposal will be accomplished through a public community system, an Ability to Serve certification by the town.
- t. Indication of water supply sufficient in both quantity and quality for normal use. If public water or other utilities are to be used, an Ability to Serve certification of sufficiency from the Town shall be provided on the submitted Site Plans.
- u. Site lighting design shall be provided on the submitted Site Plans.
- v. It is incumbent upon the applicant to obtain the applicable local and state approvals and permits *prior* to the issuance of a Building Permit for site development

7.5.3 For multi-building and/or phased developments

- a. The site plan shall show the location of future buildings, parking lots, roads and driveways, walkways, common open spaces, utilities, service areas, stormwater management, and other components of the site development.
- b. The site plan shall show how traffic, stormwater, and utilities will be coordinated with adjacent properties if applicable.
- c. As part of the site plan application, the applicant shall provide a phasing plan that illustrates the sequence of development and what steps will be taken to ensure compatibility between current and future activities.

7.5.4 Where a proposed use is subject to the *Conditional Use Provisions*, the site review criteria shall be reviewed with the Conditional Use Application and not as a separate process.

NOTE: In its consideration of an application, the Board may require the applicant to submit such additional materials, studies, analyses and proposals, as it may deem necessary for a complete understanding of the development.

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Appendix I: Application Form

**TOWN OF HOLLIS APPLICATION
FOR SITE REVIEW**

Project Name: _____

Project Number: _____

Name of Property Owner: _____

Mailing Address: _____

Name of Applicant: _____

Mailing Address: _____

Name of Applicant's Authorized Agent: _____

Mailing Address (if different): _____

Telephone: _____ FAX: _____

Please list all alternative numbers.

List Engineers, Architects or other staff preparing plans:

If one is to be principal contact, list name, address and telephone:

What legal interest does applicant have in property to be developed?

Location of Property:

Tax Map _____ Lot _____

Street Location: _____

Zoning: _____

Acreage: Total: _____ To be developed: _____

Existing Conditions on Property:

Structures: _____

Other Uses of land (Farm, etc.): _____

Natural Resources (wetlands, open water, etc.): _____

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Describe nature of proposed project, including square footage of building, number of units, phasing:

Proposed water supply: _____ Individual well
_____ Common water
_____ Other (specify): _____

Proposed sewage disposal: _____ On-site non-engineered system
_____ On-site engineered system
_____ Municipal Treatment Facility
_____ Other (specify): _____

Describe fire protective alarm system to be used:

YES NO

- _____ Is any portion of the property in a Shoreland Zone?
- _____ Is any portion of the property in a Resource protection Zone?
- _____ Is any portion of the property in a Historic Zone?
- _____ Does the property abut or enclose a water body?
- _____ Is any portion of the property within a 100-year flood plan?
- _____ Is the property part of an approved subdivision within the last five years?
- _____ Is this subsequent phase of a multi-phase development?
- _____ Is any portion of the development to be dedicated for public use?
- _____ Are waivers requested for any submission requirements?
(If yes, attach a list of waiver items and reasons for request)

Application Fee of \$ _____ is included.

Signature of Applicant Date

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APPENDIX II: CHECKLIST FOR SITE REVIEW

Fee Calculation:

FEE PAID: _____

COPIES RECEIVED: _____

Received by _____

Date: _____

Complete - N/A - Waived

- _____ Application form
- _____ Name and address of applicant, owner, plan preparer on site plan
- _____ Zoning requirements
- _____ Site Plan w/graphic scale, north arrow, map & lot #, signature blocks
- _____ Location map with Zoning Information
- _____ Deed and/or Standard Boundary Survey
- _____ Locations of existing and proposed buildings on site plan
- _____ Location of physical features on site plan
- _____ Locations of parking, sidewalks, site lighting, wayfinding signs, fencing
- _____ Design details of paved areas, signs, site lighting, drainage structures
- _____ Landscape and buffering plan
- _____ Business Signage plan
- _____ Floor plans and front elevation of principal buildings.
- _____ Utilities shown on the plan, existing and/or proposed
- _____ Documentation of water supply
- _____ Documentation of sanitary waste disposal
- _____ Acreage of total parcel, rights-of-way, developed area, wetlands
- _____ Existing contours and finished grade elevations of affected area
- _____ Location of park, open space or conservation easements
- _____ Soils map
- _____ Drainage, Erosion and Sedimentation Control Plan and Description
- _____ Descriptions of raw, finished or waste materials to be stored on site
- _____ Documentation of applicant's legal interest in development
- _____ Text of existing and proposed encumbrances
- _____ Abutter's list (if required)
- _____ Documentation of Ability to Serve for Pubic Utilities

OPTIONAL

Complete - N/A - Waived

- _____ # 1 _____
- _____ # 2 _____
- _____ # 3 _____

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APPENDIX III: LETTER TO APPLICANT

DATE:

Dear Applicant:

The Hollis Planning Board has received and evaluated your application for site review on its meeting of _____ and has determined that said application is complete.

As required by Article _____, Site Review, the Board has scheduled a public hearing on your application for _____. At that time you will have the opportunity to present your application and such additional information, as you feel necessary. The public will have the opportunity to express their opinions and ask questions concerning the development. The Board will then begin its substantive review of the application.

The Board will render its decision within 45 days of the closing of the hearing, unless you request an extension of that time period.

The Board (does/does not) request additional information on aspects pertaining to the application.

Very truly yours,

ARTICLE 8.

8.1 Planned Unit Development (PUD)

8.1.1. Purpose:

The purpose of these provisions is to allow for a concept of development where maximum variations of design may be allowed. In implementing these concepts the Planning Board, in reviewing and approving proposals, shall ensure that all of the following criteria are met:

8.1.2. General Requirements:

- a. All planned unit developments shall meet the requirements of this ordinance.
- b. The minimum area required for planned unit development shall be as follows:

<u>Zone</u>	<u>Minimum Area (acres)</u>
WBV	5
NHV	5
HCV	5
RR2	10
RR3	10

- c. Where a planned unit development abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.
- d. Where possible all buildings shall be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas in accordance with an overall plan for site development.
- e. All planned unit developments shall adhere to the following for sanitary disposal and water supply systems.
- f. Sanitary disposal: In no instance shall a disposal area be permitted on soils, which require a new system variance from subsurface waste disposal rules.

In addition to test pit analyses, the applicant may be required to submit plans for sewage disposal designed by a Maine-licensed site evaluator, in full compliance with the requirements of the State of Maine Subsurface Waste Water Disposal Rules.

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Also, on lots in which the limiting factor (i.e. water table level) has been identified as being within twenty-four (24) inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

- g. Water Supply: The Board shall allow the use of individual wells or a private central water supply system.

If a central water supply is provided by the subdivider, the location and protection of the source and the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water.

- h. PUD's and Cluster Residential Subdivisions may be combined in a consolidated proposal provided that all the space and bulk requirements for each are met. Additionally the open space/common land cannot be combined; and the separation, screening, and other zoning requirements applicable to these dissimilar uses shall be adhered to.
- i. PUD's must meet the Net Density Area for the underlying zone and calculated as defined in the use density performance requirements section: The net density area shall be determined by subtracting from the gross area.
- j. Any lot abutting an existing Town road shall have a frontage and area not less than that normally required in the district. On other than existing town roads, the building lot area and road frontage may be reduced up to, but not more than, fifty (50%) percent of the requirements of the district, provided that:
 - i. The net density shall be no greater than is normally permitted in the District in which the development is located.
 - ii. The total area of common land within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required in the district.
- k. Any building on a lot abutting an existing Town road shall have front, side, and rear setbacks not less than that normally required in the district. On lots which do not abut an existing town road, the front, side and rear setbacks for buildings may be reduced up to, but not more than, fifty percent (50%) of the requirements of the district.

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1. Principal or accessory structures in all PUD's shall not be built within five hundred (500) feet of a water body, or within one hundred (100) feet of any side or rear lot line, and must be set back one hundred and twenty-five (125) feet from the front lot line—this provision shall prevail over other provisions of this ordinance to the contrary.

8.2. Cluster Residential Subdivision Development

8.2.1. Purpose:

The purpose of these provisions is to allow for a concept of development where maximum variations of design may be allowed. In implementing these concepts the Planning Board, in reviewing and approving proposals, shall ensure that all of the following criteria are met:

8.2.2. General Requirements:

- a. Cluster residential subdivisions shall meet the requirements for residential subdivision submissions.
- b. Every building lot that is reduced in area below the amount normally required shall abut common land for a distance of at least fifty (50) feet, with a width of twenty-five (25) feet.
- c. Further subdivision of common land or its use for other than noncommercial recreation or conservation, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to noncommercial recreational or conservation uses may be erected on the common land.
- d. All common land for recreational or conservation purposes only, shall be owned jointly or in common by the owners of the building lots; by a trust or association which has its principal purpose the conservation or preservation of land in essentially its natural condition; or by the Municipality for the maintenance of common properties or utilities.
- e. In no case shall shore frontage be reduced below the minimum shore frontage normally required in the Zone.
- f. Where a cluster residential subdivision abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.
- g. Where possible all buildings shall be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas in accordance with an overall plan for site development.

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- h. All cluster residential subdivisions shall adhere to the following for sanitary disposal and water supply systems.
- i. Sanitary disposal: In no instance shall a disposal area be permitted on soils, which require a new system variance from subsurface waste disposal rules.

In addition to test pit analyses, the applicant may be required to submit plans for sewage disposal designed by a Maine-licensed site evaluator, in full compliance with the requirements of the State of Maine Subsurface Waste Water Disposal Rules.

Also, on lots in which the limiting factor (i.e. water table level) has been identified as being within twenty-four (24) inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

- j. Water Supply: The Board shall allow the use of individual wells or a private central water supply system.

If a central water supply is provided by the subdivider, the location and protection of the source and the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water.

- k. Cluster Residential Subdivisions may be combined with other uses in a consolidated proposal provided that all the space and bulk requirements for each use is met. Additionally the open space/common land cannot be combined; and the separation, screening, and other zoning requirements applicable to these dissimilar uses shall be adhered to.
- l. Clustered Residential Subdivisions must meet the Net Density Area for the underlying zone and calculated as defined in the use density performance requirements section: The net density area shall be determined by subtracting from the gross area.
- m. Minimum dimensional, bulk and space requirements (in feet and square feet) shall be in accordance with the underlying zone.
- n. For lots smaller than 30,000 square feet or having limiting factors, a second reserved sanitary disposal site shall be required as specified in the General Requirements.
- o. Cluster residential subdivisions shall not be or become part of a mobile home park even if all or a portion of said area is contained within a mobile home park zone or are allowed within the zone.