



Zoning Ordinance of the Town of Hollis, Maine

DRAFT CHANGES 5/02/2024

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1. GENERAL

1.1. Short Title

1.1.1. 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

1.2.1. 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 must be issued in accordance with this Ordinance and any applicable State or Federal regulations.

1.3.5. All Permits. No permits shall be issued to any parcel that has any known unresolved violations.

1.4. Non-Conforming Uses and Structures

1.4.1. Continuance of Non-Conforming Uses

- a. 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.
- b. 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 provided such addition or expansion does not increase the non-conformity of the structure.

1.4.2. Non-Conforming Structure

- a. 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.
- b. 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 Code Enforcement Officer.
- c. No structure which is less than the required setback shall be expanded toward that setback.
- d. 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 Code Enforcement Officer , 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 Code Enforcement Officer 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.
- e. 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 Code Enforcement Officer 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.

- f. 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.
- g. In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the Code Enforcement Officer 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.
- h. The Code Enforcement Officer reserves the right to refer an application to the Planning Board for their review and decision.

1.4.3. Discontinuance of Non-Conforming Uses

- a. 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

- a. 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

- a. 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.

1.4.6. Non-Conforming Lots of Record

- a. 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.

- b. 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

- a. 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

- a. 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

- a. 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

- a. 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.

1.5. Amendment

1.5.1. This Ordinance may be amended as follows:

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

1.5.2. 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 fourteen (14) days prior to the hearing; and
- b. Published at least two (2) times in a newspaper of general circulation in the area. The date of the first publication must be at least fourteen (14) days prior to the public hearing and the date of the second publication must be at least seven (7) days prior to the public hearing.

1.5.3. 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 the Planning Board of the Town of Hollis.

1.5.4. 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

1.6.1. The effective date of this Ordinance or its amendments is immediately upon acceptance at the Town Meeting, held on June 11, 2024.

1.7. Additional Town Ordinances

- 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

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 self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet and may not exceed 900 square feet.

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.

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.

Animal Husbandry: The breeding or raising of animals for commercial gain, including livestock, poultry, and domesticated animals such as dogs and cats.

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 such as tune-ups, engine repair and rebuilding, brake work, muffler repair, tire services, or other similar services on motor vehicles occur. To include the sale of minor accessories, servicing and minor repair of automobiles, but not including storage of unlicensed vehicles and not including body, frame or fender straightening and repair, or the dispensing of fuel.

Auto Service Station, major: two (2) or more service islands: a major business selling gasoline, diesel or propane fuel, with two (2) or more 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, minor: 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.

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 that contains between one (1) and fifteen (15) guestrooms; is used to provide or offer overnight accommodations for transient guests; may or may not offer meals; and has an owner, manager, or operator living in the building as a permanent resident.

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.

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: water flowing within the limits of the defined channel.

Clinic: 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 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.

Common Areas: portions of a lodging house, which are available for use by 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 considered 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-A M.R.S.A. §4301.

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 outlined in Section 7.

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.

Day Care Center: an establishment licensed by the Maine Department of Health and Human Services where three or more individuals are cared for in return for compensation.

Day Care – Home: a residential home occupied by the Daycare provider and licensed by the Maine Department of Health and Human Services that provides care or instruction during the day to three to twelve (3-12) individuals.

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: a variance granted by the Board of Appeals to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. See Section 3.7.4.

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.

Driveway: a road serving two dwelling units or less.

Driving Range: A designated area for practicing golf skills.

Dwelling: a fixed structure, building, or portion thereof designed or used for residential purposes.

Dwelling, Single Family: a structure containing only one (1) dwelling unit.

Dwelling, Two Family: a building containing only two (2) dwelling units, for occupation by not more than two (2) households.

Dwelling, Multi Family: a building containing three (3) or more dwelling units, for occupation by three (3) or more households living independently of one another, with the number of households not exceeding the number of 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.

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

Economic Overlay Zone (EOZ, aka Economic Development Overlay Zone, or 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 Overlay Zone to prevent overdevelopment that might create unsafe traffic, septic conditions or endanger freshwater 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 processed materials into useful objects requiring some assembly.

Family: one (1) or more persons occupying a premise and living as a single household unit, as distinguished from a group occupying a boarding house, lodging house, or hotel.

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 channels 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 an enclosed building.

Food Service Establishment – Take Out/ Drive Through: an establishment where food, beverages and meals are prepared and served directly to the public from an exterior service opening or counter (any opening). 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.

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 residential premises, typically on a weekend, and not more than four (4) times per year, for the purpose of disposing of personal property.

Golf Course: An area of land laid out for playing the sport of golf, which may or may not include a driving range.

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.

Ground Water: the supply of fresh water under the earth's surface in an aquifer or soil that forms a 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 carried on in a dwelling unit or in a structure accessory to it, 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. The home occupation must conform to the requirements of the Zoning Use Table and other performance standards of 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; or
4. Garage dumps, waste dumps and sanitary fills.

Kennel: a location where animals are kept for commercial purposes, including but not limited to grooming, breeding, training, selling, daily care or overnight boarding.

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:

Lot Line, Front: 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.

Lot Line, Rear: 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.

Lot Line, Side: 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.

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:** 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:** 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 commercial uses combined under one ownership or management, planned and developed as a whole according to comprehensive and detailed site, business and building plans.

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 three (3) mobile homes.

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. Net Residential Density for subdivision, multi-family dwellings, and Planned Unit Developments shall be determined by subtracting the following from the gross area:

1. Acreage designated for roads and parking.
2. 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.
3. Land shown to be in the flood way on the Flood Boundary of Flood Insurance Rate Maps of the Town of Hollis.
4. 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:
 - a. Areas having sustained slopes in excess of twenty-five (25%) percent or unstable soils subject to slumping, mass movement, or accelerated erosion.
 - b. Areas classified as wetlands by state or federal law.
 - c. Areas shown on the Town of Hollis National Wetland Inventory Maps and the Town of Hollis Shoreland Zoning Map
5. Land in:
 - a. Rights-of-ways or easements.
 - b. Resource Protection Districts
 - c. Public and private common Roads

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.

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

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, dentists, optometrists, 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.

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. Includes schools, public safety, and town office.

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.

Recreational Facility – Commercial: 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 not including amusement centers.

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

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.
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. Does not include convenience stores or food service establishments.

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. A driveway is considered a road.

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.

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

Solar Farm: A place where a large number of solar panels are used to produce 0.5 megawatts or more of electricity from the energy of the Sun.

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.

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;
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.

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:

1. 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.
2. 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.

Temporary Structure: A structure which is in place for a period not to exceed nine (9) months.

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.

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 non-soil 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.

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.

3. ADMINISTRATION

3.1. Enforcement

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

3.2. Building or Use Permit

- 3.2.1. All applications for building or use permits shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose.
- 3.2.2. 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. The CEO's 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.
- 3.2.3. 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 soil 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, a copy of the deed, and such other information as may be necessary to provide for the execution and enforcement of this Ordinance.
- 3.2.4. 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.
- 3.2.5. A building permit secured under the provisions of this Ordinance shall expire according to the timeframe set forth in the Hollis Building Code.

3.3. Fees

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

3.4. Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. 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 ensure 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 \$100.00 nor more than \$2,500.00. Each day such a violation is permitted to exist after notification shall constitute a separate offense.

3.7. Zoning Board of Appeals

3.7.1. Establishment and Organization

- a. The Board of Appeals shall be appointed by the Municipal Officers and shall consist of five (5) 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.
- b. 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.
- c. A member of the Board may be dismissed for cause by the Municipal Officers upon written charges and after public hearing.

3.7.2. Proceedings of the Board of Appeals

- a. The Board of Appeals shall adopt rules necessary to the conduct of its affairs, in keeping with the provisions of this ordinance and Title 30-A, M.R.S.A., §2691 and §4353. Meetings shall be held at the call of the Chairman or when requested to do so by a majority of the members. A quorum, which shall consist of a simple majority of the members, is necessary to conduct an official meeting.
- b. 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.

3.7.3. Powers and Duties

The Board of Appeals shall have the following 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.
- 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.

3.7.4. Variance Appeals

- a. Except as provided in subsections b, c, and d, the Board may grant a variance only when strict application of this Ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:
 - i. The land in question cannot yield a reasonable return unless a variance is granted;
 - ii. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - iii. The granting of a variance will not alter the essential character of the locality;
and
 - iv. The hardship is not the result of action taken by the applicant or a prior owner.
- b. Disability Variance; Vehicle Storage

- i. For purposes of this section, “disability” has the same meaning as a physical or mental disability under Title 5 M.R.S.A., §4553-A.
- ii. 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.
- iii. 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.
- iv. 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 plans for the structure with the request for the variance pursuant to this paragraph to the board.
- v. The person with the permanent disability shall prove by a preponderance of the evidence that the person's disability is permanent.

c. Setback Variance for Single-Family Dwellings

The board may grant a setback variance for a single-family dwelling 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:

- i. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- ii. The granting of a variance will not alter the essential character of the locality;
- iii. The hardship is not the result of an action taken by the applicant or a prior owner;
- iv. The granting of a variance will not substantially reduce or impair the use of abutting property; and

- v. The granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

The board is strictly limited to granting 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

d. Variance from Dimensional Standards

The board may grant a variance from the dimensional standards of the 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:

- i. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
- ii. 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;
- iii. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
- iv. No other feasible alternative to a variance is available to the petitioner;
- v. The granting of a variance will not unreasonably adversely affect the natural environment; and
- vi. The property is not located in whole or in part within shoreland areas as described in Title 38, M.R.S.A., §435.
- vii. As used in this subsection, "dimensional standards" means and is limited to ordinance provisions relating to lot area, lot coverage, frontage, and setback requirements.

e. Variance Recorded

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

3.7.5. 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. 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 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.
- 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.

4. ESTABLISHMENT OF ZONES

4.1. Zones

For the purpose of this Ordinance, the Town of Hollis shall be 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)

Resource Protection (RP)

Limited Shoreland Zone (LSZ)

Stream Protection Zone (SP)

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:

4.3.1. Corporate (Town) lines;

4.3.2. U.S. or State public survey lines;

4.3.3. Centerlines of streets, roads, highways, easements, railroad right-of-way, or such lines extended;

4.3.4. Lot or property lines as shown on Town maps in existence as of the date of enactment of this Ordinance;

4.3.5. The thread of streams or other water bodies; and

4.3.6. The areas of special flood hazard, Zones A and AE, for the Town of Hollis, York County, Maine, identified by the Federal Emergency Management Agency in a report entitled “Flood Insurance Study – York County, Maine,” dated July 17, 2024, with accompanying “Flood Insurance Rate Map” dated July 17, 2024.

4.3.7. 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

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, throughout the entire lot, subject to approval by the Planning Board.

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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. If more than one single-family dwelling is located on a lot, the lot shall meet the space and bulk requirements for each dwelling.

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.

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

5.1. Hollis Center Village Zone (HCV)

5.1.1. Purpose

The Hollis Center Village (HCV) 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 overdevelopment that might create unsafe septic conditions or endanger fresh water.

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.:

Hollis Center Village Zone (HCV)		
SPACE AND BULK REQUIREMENT	MINIMUM LOT SIZE 40,000 sq.ft.	MINIMUM LOT SIZE 80,000 sq.ft.
Lot frontage	100 ft.	200 ft.
Setback of structures from:		
Front lot line	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%

5.2. North Hollis Village Zone (NHV)

5.2.1. Purpose

The North Hollis Village (NHV) Zone includes a major secondary highway intersection surrounded by residential development and has high growth potential. The area consists of sandy and gravelly soils underlain by geologic deposits with high potential groundwater yields. The risk of contaminating this groundwater resource is high, should overdevelopment occur. Larger lot sizes are required in some areas of this village zone to minimize the risk for 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.:

North Hollis Village Zone (NHV)		
SPACE AND BULK REQUIREMENT	MINIMUM LOT SIZE 40,000 sq.ft.	MINIMUM LOT SIZE 160,000 sq.ft.
Lot frontage	100	300 ft.
Setback of structures from:		
Front lot line	50 t.	50 ft.
Side and Rear lot lines	35 t.	35 ft.
High Water Mark of water body	100	100 ft.
Maximum building height	35 t.	35 ft.
Maximum lot coverage	50%	50%

5.3. West Buxton Village Zone (WBV)

5.3.1. Purpose

5.3.2. The West Buxton Village (WBV) Zone includes land that is primarily developed for residential purposes. Board through the review process. Like the North Hollis Village Zone, the area consists of sandy and gravelly soils underlain by geologic deposits with high potential groundwater yields. The risk of contaminating this groundwater resource is high, should overdevelopment occur. This ordinance establishes a minimum lot size of eighty thousand (80,000) square feet for this zone to minimize the risk for groundwater contamination.

5.3.3. Space and Bulk Requirements

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

West Buxton Village Zone (WBV)	
SPACE AND BULK REQUIREMENT	MINIMUM LOT SIZE
	80,000 sq.ft.
Lot frontage	200 ft.
Setback of structures from:	
Front lot line	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%

5.4. Rural Residential Two-Acre Zone (RR2)

5.4.1. Purpose

The Rural Residential Two-Acre (RR2) promotes medium density residential development and limited commercial development. This area has good access to transportation routes 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. Commercial and industrial uses should be limited in this district.

5.4.2. Space and Bulk Requirements

Rural Residential Two-Acre Zone (RR2)		
SPACE AND BULK REQUIREMENT	MINIMUM LOT SIZE (PER UNIT) 80,000 sq.ft.	MINIMUM LOT SIZE (PER UNIT) Cluster Subdivision (RR2C)₁ 20,000 sq.ft.
Lot frontage	200 ft.	80 ft.
Setback of structures from:		
Front lot line	50 ft.	25 ft.
Side and Rear lot lines	35 ft.	20 ft.
High Water Mark of water body	100 ft.	100 ft.
Maximum building height	35 ft.	35 ft.
Maximum lot coverage	20%	25%

1. Additional Cluster Subdivision Standards

- a. Overall density not to exceed one lot or dwelling unit per 80,000 sq.ft. of net land area
- b. Preservation of at least 50% of the gross land area as open space
- c. All lots must have either direct access or deeded rights-of-way to open space
- d. 100-foot minimum lot width at structure setback

NOTE: In accordance with the Hollis Comprehensive Plan for cluster developments, the 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.

5.5. Rural Residential Three-Acre (RR3)

5.5.1. Purpose

The Rural Residential Three-Acre (RR3) Zone has 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. Commercial and industrial uses will be limited in this zone.

5.5.2. Space and Bulk Requirements

Rural Residential Three-Acre Zone (RR3)		
SPACE AND BULK REQUIREMENT	MINIMUM LOT SIZE (PER UNIT) (RR3) and (RR3S) 120,000 sq.ft.	MINIMUM LOT SIZE (PER UNIT) Cluster Subdivision (RR3C)¹ 40,000 sq.ft.
Lot frontage	250 ft.	80 ft.
Setback of structures from:		
Front lot line	50 ft.	25 ft.
Side and Rear lot lines	35 ft.	20 ft.
High Water Mark of water body	100 ft.	100 ft.
Maximum building height	35 ft.	35 ft.
Maximum lot coverage	15%	25%

1. Additional Cluster Subdivision Standards

- a. Overall density not to exceed one lot or dwelling unit per 80,000 sq.ft. of net land area
- b. Preservation of at least 50% of the gross land area as open space
- c. All lots must have either direct access or deeded rights-of-way to open space
- d. 100-foot minimum lot width at structure setback

NOTE: In accordance with the Hollis Comprehensive Plan for cluster developments, the 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. North Hollis Resource Conservation Zone (NHRCZ)

5.6.1. Purpose

The North Hollis Resource Conservation (NHRCZ) Zone limits development in the areas 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. This area contains the aquifer recharge area and includes a large concentration of wetlands, animal habitat, and other critical natural resources. Limited development shall be permitted in this zone.

5.6.2. Space and Bulk Requirements

North Hollis Resource Conservation Zone (NHRCZ)	
SPACE AND BULK REQUIREMENT	MINIMUM LOT SIZE
	200,000 sq.ft.
Lot frontage	400 ft.
Setback of structures from:	
Front lot line	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	10%

6. PERFORMANCE STANDARDS

6.1. Performance Standards Applicable to All Non-Residential Uses

6.1.1. Air Emissions

- a. Emission of dust, dirt, fly ash, fumes, vapors or gases which could be injurious to humans, animals or vegetation, detrimental to the health and safety of adjoining or nearby properties or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission, shall not be permitted. Any air emissions must meet all applicable state and federal statutes.

6.1.2. Buffer Areas

- a. Any non-residential building or use established in or abutting a residential district or use, shall provide a landscaped buffer strip to visually screen the use. Where no natural vegetation can be maintained or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges or combinations thereof.
- b. The buffering shall be sufficient to minimize the impacts of any kind of potential use such as loading and unloading operations, outdoor storage areas, vehicle parking, mineral extraction or waste collection and disposal areas. The buffer areas shall be maintained, and vegetation replaced to insure continuous year-round screening.

6.1.3. Explosive Materials

- a. No flammable or explosive liquids, solids or gases used for commercial or industrial purposes shall be stored in bulk above ground unless they are located at least 75 feet from any lot line or 40 feet for underground storage and all materials shall be stored in a manner and location which follows appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

6.1.4. Lighting

- a. Outdoor lighting shall not adversely impact road safety or adjacent properties and uses.
- b. For all occupancies (new, changing, or renovated) that require Planning Board review, with the exception of one-or-two-family dwellings, all outdoor lighting shall be located, shielded and directed in a manner which present excessive illumination levels or reflections onto nearby buildings, streets and sidewalks. Lighting shall be designed, installed, and maintained to prevent glare and light trespass beyond the property lines.
- c. Direct or indirect light from any source shall not cause illumination in excess of 0.5 footcandles when measured from an abutting property.

6.1.5. Landscaping

- a. The landscape shall be preserved by minimizing tree removal and grade changes in keeping with the general appearance of neighboring developed areas. Landscaping shall be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use on abutting land uses. All parking lots shall be landscaped along the property boundaries with shrubbery, trees, and other landscape materials.

6.1.6. Noise

- a. No person shall engage in commercial activities on a site abutting any residential use between the hours of 10 p.m. and 7 a.m., which exceed 75 db.
- b. Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency activities are exempt from the above noise provisions.

6.1.7. Setbacks and Screening

- a. Exposed storage areas, exposed machinery, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, shall have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge six feet or more in height) to provide a visual buffer sufficient to minimize their impact on other land uses and properties in the area.
- b. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and maintained in good condition.

6.1.8. Water Quality

- a. 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, quality, obnoxiousness, 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 submerged debris, soil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.
- b. All outdoor storage facilities for fuel, chemicals, chemical or industrial wastes, and toxic biodegradable raw materials, shall be located on impervious pavement, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid depth during a 25-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area.

- i. Storage tanks for "home heating oil" and diesel fuel, not exceeding 275 gallons in size, may be exempted from this requirement, in situations where neither high seasonal water table (within 15 inches of the surface) nor rapidly permeable sandy soils are involved.

6.1.9. Safety and Sanitation

- a. All lots shall be maintained in a safe and sanitary condition and shall be kept free of accumulations of trash, garbage, refuse or other noxious materials which may constitute a fire hazard or a danger to health or safety. Any such condition shall be repaired, replaced, or removed.

6.1.10. Stormwater Management

- a. All development activities in Hollis requiring a Subdivision or Site Plan Approval shall maintain zero net increase in storm water runoff rates between pre-development and post development conditions on the site.
- b. 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.

6.2. Accessory Structures

- 6.2.1. 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. Such setbacks do not apply to Accessory Dwelling Units.

6.3. Accessory Dwelling Unit

Accessory Dwelling Unit (ADU): a self-contained unit located within, attached to, or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet and may not exceed 900 square feet.

An Accessory Dwelling Unit shall be permitted provided all the following conditions are met:

- 6.3.1. Only one Accessory Dwelling Unit is permitted per lot with a single-family dwelling.
- 6.3.2. An ADU shall be exempt from any density requirements or calculations related to the area in which the ADU is constructed.
- 6.3.3. Any new construction for an ADU must meet all applicable setbacks, lot coverage, and building height requirements.
- 6.3.4. If an ADU is created within an accessory structure existing as of July 1, 2024, the setbacks of such structure shall apply.

- 6.3.5. Either the ADU or the primary dwelling unit must be occupied by the owner of the property.
- 6.3.6. An ADU is not subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the ADU is located.
- 6.3.7. The ADU must share the existing access drive of the primary residential dwelling unit.
- 6.3.8. The existing access drive must be improved to meet current town standards.
- 6.3.9. An ADU is permitted on a non-conforming lot, as defined in Article 2 of this Ordinance, provided it does not increase the degree of nonconformity of any structure.
- 6.3.10. The owner of an ADU must provide written verification to the municipality that the accessory dwelling unit is connected to adequate water and wastewater services before the municipality may certify the ADU for occupancy. Written verification under this subsection must include:
- a. If an ADU is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the ADU and proof of payment for the connection to the sewer system;
 - b. If an ADU is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;
 - c. If an ADU is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the ADU, proof of payment for the connection and the volume and supply of water required for the accessory dwelling unit; and
 - d. If an ADU is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
- 6.3.11. All required state and local permits and inspections are obtained for construction of the ADU.
- 6.3.12. A certificate of occupancy is obtained prior to the ADU being occupied.
- 6.4. Agriculture
- 6.4.1. 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.
- 6.4.2. The use of Industrial, Municipal, or human waste shall not be allowed.

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

6.4.4. Agricultural practices shall be conducted to minimize soil erosion, sedimentation, contamination, and nutrient enrichments of ground and surface waters.

6.4.5. Agricultural practices not in conformance with these standards may be allowed by conditional use permit.

6.4.6. 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.

6.5. Aquifer-Dependent Industry

6.5.1. Permit Required: Aquifer-dependent industry is subject to the approval of the Planning Board as a Conditional use.

6.5.2. Submission Requirements: The application together with site plan shall include the following information:

- 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:
- d. 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.

- e. 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.

6.5.3. 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 saltwater 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 both construction and long-term controls.
- 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 established for the NHRCZ in Section 5.6.2, 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 may exceed the thirty-five (35) foot height.

6.5.4. 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.
- b. 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.
- c. Discontinuation of any existing operation for a period of more than one year shall result in the loss of grandfathered status for that operation.

6.6. Boathouses

- 6.6.1. 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.

6.7. Decks

- 6.7.1. The required side and rear setback for a deck attached to a principal structure may be reduced to twenty (20) feet.
- 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. 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 Base Flood Elevation 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 Base Flood Elevation, 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.
- 6.9. Garages
- 6.9.1. The required side and rear setback for a garage attached to the principal structure may be reduced to twenty (20) feet.
- 6.10. Filling, 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 one thousand (1,000) cubic yards of material 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
 - c. The removal or filling, or transfer of material incidental to construction, alteration or repair of a public or private way or essential services.
 - d. 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
- 6.10.4. In addition to the submission requirements outlined in Section 7, an 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 include:

- a. 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.
- b. The contours as proposed following completion of the operation at intervals not to exceed five (5) feet referred to as Mean Sea Level.
- c. The location of all proposed access roads and temporary structures.
- d. Other information necessary to indicate the physical characteristics of the proposed operation.

6.10.5. Standard Conditions of Approval for a Mining/Gravel Extraction 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.
- 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.

6.10.6. Surety and Terms of Permit

No permit shall be issued without an Improvement Guarantee, in accordance with Section 7.9, in place. 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

- a. 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. The continuation of any existing operation for more than three (3) years shall require a permit from the Planning Board.

6.11. Home Occupations

6.12. Home occupations shall be performed entirely within the principal building or within a building or other structure accessory to it.

6.12.1. The Home Occupation shall not utilize greater than 35% of the total floor area of the dwelling unit.

- a. A Home Day Care may utilize up to 50% of the dwelling unit in addition to the use of the exterior of the property for outdoor play areas.

6.12.2. Not more than two (2) persons outside the family shall be employed in the home occupation.

6.12.3. There shall be no exterior display, no exterior storage of materials and no other variation from the residential character of the principal building. Any signs shall conform to Article 6.19.1.

6.12.4. No nuisances, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, or radiation shall be generated.

6.12.5. The operators of Home Occupations shall apply to the CEO using the "Application to Establish a Home Occupation" before commencing with requested occupation. The application must include all required information, documents, and application fee before review will commence by the CEO. A Home Occupation carried on within the principal dwelling unit or accessory building must be a Permitted Use as determined by the Hollis Zoning Use Table and review of the "Application to Establish a Home Occupation" by the Code Enforcement Officer (CEO).

6.12.6. There shall be no objectionable increase in vehicle traffic over that traffic normal for the neighborhood.

6.13. Manufactured Housing and Mobile Home Parks

Definitions as used in this section, unless the context otherwise indicates, are located in the definitions section.

6.13.1. General

- a. 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.
- b. 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.

6.13.2. Manufactured Housing Not Located 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, sauna 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 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.

6.13.3. Mobile Home Parks

- a. Mobile home parks within the Town of Hollis shall meet the State requirements for mobile home parks and all the following:
- b. 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 and M.R.S.A tit. 30-A §4238.
- c. The minimum area of land within the park shall be ten (10) acres.
- d. 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. Regardless of the provisions on reduction of lot sizes, 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.
- e. 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.
- f. 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.
- g. 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.
- h. 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.

- i. 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.
- j. 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.

6.14. Modifications to Existing Structures

- 6.14.1. 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.
- 6.14.2. 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.

6.15. Multi-Family Dwelling Units

Multi-family (3 or more) dwelling units shall be reviewed in accordance with Article 7 and the Subdivision Regulations and meet all of the following criteria:

- 6.15.1. Lot area and shoreline frontage shall be equal to that required for the equivalent number of single-family dwelling units.
- 6.15.2. The minimum road frontage shall be two hundred (200) feet.
- 6.15.3. Lots for multi-family dwelling units shall meet the space and bulk requirements of the underlying zone for single-family dwellings.
- 6.15.4. No building shall contain more than (6) dwelling units.
- 6.15.5. All multi-family dwelling units shall be connected to a common water system, at no expense to the Municipality.
- 6.15.6. 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.
- 6.15.7. Multi-family dwelling units shall be considered in the same light as a subdivision with the required application and approval of the Planning Board.
- 6.15.8. Multi-family dwelling units shall meet the space/bulk requirements and standards of the applicable underlying zone.

- 6.15.9. Multi-family dwelling units shall contain an approved residential sprinkler system.
- a. Installed approved sprinkler systems shall meet the appropriate NFPA 13, 13D, or 13R (standard for the installation of sprinkler systems) adopted by the Maine State Fire Marshal's Office at the time of construction or occupancy classification change to multi-family dwelling.
 - b. The property owner shall be responsible for the proper inspection, testing, and maintenance of the approved residential sprinkler system in accordance with the NFPA 25 (Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems) adopted by the Maine State Fire Marshal's Office at the time of inspection.
 - c. Multi-family dwelling units shall contain a monitored fire alarm system that meets the NFPA 72 (National Fire Alarm and Signaling Code) adopted by the Maine State Fire Marshal's Office at the time of construction or occupancy change to multi-family dwelling.

6.16. Off-Street Parking and Loading Requirements

- 6.16.1. 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.
- 6.16.2. 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.
- 6.16.3. No required parking space shall serve more than one use.
- 6.16.4. No off-street parking lot shall have more than two (2) entrances and exits on the same street.
- 6.16.5. Entrances and exits shall not exceed 26 feet in width.
- 6.16.6. Parking areas with more than two (2) spaces must provide a vehicle turnaround area to prevent vehicles from backing onto the street.
- 6.16.7. Schedule of Minimum Off-Street Parking Requirements
 - a. Two (2) spaces per dwelling unit. Accessory Dwelling Units are not required to provide additional parking spaces.
 - 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.

- e. One (1) space for each four (4) beds for assisted living facilities or elderly housing.
- 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.
- 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.
- j. One (1) space per 300 square feet of retail space for Agricultural Retail uses.

6.16.8. Off-Street Loading

In any district where permitted, 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.

6.16.9. Landscaping and Screening

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.

6.17. Piers, Docks, and Other Shoreland Construction

6.17.1. 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.

6.17.2. Application for Permit

- a. For all proposed shoreland construction or alteration, application to the Planning Board shall follow the standard Site Plan Review/ Conditional Use processes.
 - i. 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.

6.17.3. Conditions of Permit

The Planning Board may issue a permit providing the following conditions are 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.

6.18. Sanitary Provisions

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

6.20. Signs

6.20.1. 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 the business is carried on.

6.20.2. 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. 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.
- e. Each accessory use may have one additional sign not to exceed two (2) sq. ft.
- f. 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.
- g. No signs, other than traffic signs, shall be located closer than eight (8) feet of a side lot line or a highway right-of-way.

6.20.3. 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.

6.20.4. Billboards: Billboards, as defined in Section 2, are prohibited.

6.20.5. Temporary Signs

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.

6.20.6. Existing Signs

- a. 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.

6.20.7. 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.
- 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.

6.21. Timber Harvesting

Forest Management Activities outside of the Shoreland Zone shall comply with the Maine Forest Practices Act, M.R.S.A. tit.12 §8866-88 (2013). Timber harvesting within the Shoreland Zone shall comply with the Hollis Shoreland Zoning Ordinance.

6.22. Vegetative Cutting

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

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

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

6.23. Water Quality Protection

6.23.1. 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.

6.24. Recreational Vehicles

6.24.1. 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.

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

6.24.3. 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, Select Board or other individual as designated by the Select Board 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.

6.24.4. 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 Select Board or their appointed designee for a vehicle parking permit so that the Town of Hollis may coordinate the necessary emergency and regular services.

- 6.24.5. 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.
- 6.24.6. No recreational vehicle shall be utilized in the Town of Hollis as a temporary or permanent office unless permission is obtained from the Select Board 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.

6.25. Roads

- 6.25.1. In this subsection, "Road" shall mean any public way, driveway 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.
- 6.25.2. A deeded right-of-way shall be a strip of land, which shall provide access to a parcel or parcels of land.
- 6.25.3. No building permit shall be issued for a dwelling unit or units on a lot or lots which does not comply with this Section.
- 6.25.4. 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.
- 6.25.5. 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.

6.25.6. Drive Opening Permits

- a. The installation of a driveway or entrance along a state or state-aid highway must obtain a permit from the Maine Department of Transportation.
- b. For all other properties, a Drive Opening permit must be obtained from the Town of Hollis Road Commissioner. Any entrance/driveway/road requiring a culvert installation must follow the specifications outlined in this section.
- c. All new culvert installation and replacements will utilize plastic culverts (double-walled polyethylene or approved equal) unless a waiver is obtained from the Road Commissioner.
- d. The minimum inside diameter of entrance/driveway/road culverts is 15 inches (larger diameters may be required by the entrance permit) with a minimum length of 30 feet and a maximum length of 40 feet, unless a waiver is obtained from the Road Commissioner.
- e. Excavation shall be done in a clean and non-destructive manner to the road structure.
- f. The culvert shall be installed so that the bottom of the pipe is laid in-line with the bottom of the ditch, and slightly sloped (0.5% - 1% grade), whichever is greater, on solid even ground to allow free flow of water. If the bottom of the ditch is soft or uneven, it may be necessary to remove and replace it with new material compacted and free of any large stones that may damage the pipe.
- g. The pipe shall be installed per the manufacturer's specifications unless a waiver is obtained from the Road Commissioner.
- h. Backfill must meet the regulations of Article 12 of the Subdivision Regulations of the Town of Hollis, Maine.
- i. The entrance/driveway/road surface shall be graded to prevent surface runoff from running into the road. The grade shall commence from ditch edge of shoulder and sloped to allow water from the town road and entrance/driveway/road to drain to the ditch on either end of the pipe. In subdivisions, the fill on the sides of the entrance/driveway/road may have a slope no steeper than 1:1. The material must be stabilized to limit slippage and erosion into the ditch.

6.26. Wheelchair Ramps

Wheelchair ramps are exempt from the side, rear, and front yard setbacks, but not from the shoreland setback. Permits for wheelchair ramps shall be issued by the Code Enforcement Officer provided it meets the following:

- 6.26.1. Built according to international residential or building code and Life Safety Building Codes.
- 6.26.2. It shall not be wider than six (6) feet at any point.
- 6.26.3. It shall be constructed of wood or some other material which may be removed when the need for the ramp no longer exists.
- 6.26.4. The applicant shall present to the Code Enforcement Officer written evidence that someone residing in the house is handicapped and requires the ramp.
- 6.26.5. 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.
- 6.26.6. 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.

6.27. Rapid-Entry Provisions

All occupancies (new, changing, or renovated) that require Planning Board review, except for one-or-two-family dwellings, shall install a “KNOX BOX” rapid entry system as determined by the Fire-Rescue Chief, to allow rapid, non-destructive entry into the building and/or property during an emergency.

6.28. Cannabis Businesses

See Cannabis Business Ordinance for the Town of Hollis, Maine.

6.29. Campgrounds

- 6.29.1. Screening & Buffering: Campsites, recreational vehicles, and camping units shall be screened from public roads and buffered in such a manner that none are within view of existing residences or approved residential lots. Any combination of evergreen plantings, landscaped earthen berms, or solid fencing may be used to achieve this screening standard.
- 6.29.2. Limited Occupancy for RVs & Trailers: No trailers other than recreational vehicles as defined herein shall be permitted within any campground, temporarily or otherwise. No camping unit shall be exhibited for sale for commercial purposes within the park.

6.29.3. Density: Tent sites and sites for recreational vehicles (RV's) shall be laid out so that the density of each developed acre of land does not exceed the standards below (in terms of sites per acre of land, excluding circulation roads):

Tent sites	14 per acre
RV sites	11 per acre

6.29.4. Shore Frontage: Within a Shoreland Zone, the areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of 100 feet from the normal high-water mark of any water bodies, tributary streams, or the upland edge of a wetland. Outside of the Shoreland Zone, the areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of 50 feet from any perennial stream.

6.29.5. Prohibitions: No campsite shall be located within a Resource Protection District or within the 100-year flood plain.

6.29.6. Appurtenant Structures: Decks, patios, attached Florida rooms and other permanent structures constructed on an individual campsite shall be restricted to the lesser of 400 square feet or the total square foot area of the recreational vehicle located on the campsite, and the peak roofline of said structures shall not exceed the height of the RV roofline. A building permit shall be obtained from the Code Enforcement Officer prior to the installation of any semi-permanent or permanent structure on any campsite.

6.29.7. Parking and Circulation: A minimum of three hundred (300) square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site. Recreational vehicles shall be parked in spaces so that:

- a. there shall be a minimum of 30 feet between vehicles; and;
- b. there shall be a minimum of 20 feet between all recreational vehicle and tent sites, and all interior campground roads.

6.29.8. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table and trash receptacle. The park management shall dispose of refuse from said containers by transporting the refuse to an approved disposal area at least once per week.

6.29.9. A campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State of Maine Plumbing Code. There shall be at least two toilets and lavatories provided for every ten tent sites. All recreational vehicle sites equipped with water and sewage hook-ups shall comply with State of Maine Plumbing Code.

- 6.29.10. Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations. 24-hour emergency communication service (e.g., telephones) shall be provided.
- 6.29.11. Each campsite shall be provided with a masonry or metal fireplace, approved in writing by the Fire Chief.

6.30. Motor Vehicle Fueling Station

- 6.30.1. When abutting a residence, screening of at least five feet in height is required. Screening may consist of natural plantings and/or fences.
- 6.30.2. Free standing lights around the facility shall be Dark Sky friendly certified and on poles no taller than 15’.
- 6.30.3. Canopy lighting for the gas pumps shall not have any spill over lighting on to any abutting property or the Public Way in which the facility is located.
- 6.30.4. All underground tanks must include a tank alarm system and be designed with a doubled wall or safer as defined by the Maine Department of Environmental Protection.
- 6.30.5. Gas filling may be permitted for 24/7 operation provided all Maine State requirements are met.
- 6.30.6. Fuel tanks and pumps are to be located no closer than 300 feet to any residential well or public water supply.
- 6.30.7. Dumpsters shall have a set location. All dumpsters are to have covers and a fenced surround.
- 6.30.8. Each station must comply with all State and Federal regulations, including inspections.

6.31. Elderly Housing

- 6.31.1. All construction will be in conformance with all applicable Americans with Disabilities Act regulations.
- 6.31.2. All buildings and accessory structures shall be maintained in a safe, sanitary, nonhazardous manner. The condition of all buildings, structures, and components thereon shall be maintained to prevent and repair deterioration, so that the appearance thereof shall reflect a level of maintenance ensuring that the property itself may be preserved safely, and so that hazards to the public health and safety are avoided.

6.32. Food Service Establishment, Take Out/Drive In

- 6.32.1. All drive-thru lanes shall be physically separated from on-site parking areas and associated circulation lanes and driveways. 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.
 - 6.32.2. Lane width shall be a minimum of twelve (12) feet.
 - 6.32.3. Lanes shall be provided with adequate signage, striping, and pavement arrows to control and direct vehicles.
 - 6.32.4. Drive-thru lane(s) shall be designed to move traffic in a counterclockwise direction around the principal building.
 - 6.32.5. Drive-thru uses located within a shopping center or other combined-use facility shall not directly access the public street.
 - 6.32.6. No drive-thru facility shall access a public street within fifty (50) feet of a street intersection.
 - 6.32.7. Drive-thru lanes shall be designed to create minimum pedestrian and vehicular conflict. In all cases, the drive-thru lane shall not cross the primary pedestrian path to the principal entry of the building.
 - 6.32.8. Traffic control devices such as stop signs, speed bumps, and crosswalk markings shall be provided where appropriate to maintain pedestrian and customer safety.
- 6.33. Inn, Motel, Hotel, Bed and Breakfast
- 6.33.1. Each rental unit shall contain no less than two hundred (200) square feet of habitable floor area enclosed by walls and roof, exclusive of adjoining portions of roofed or covered walkways.
 - 6.33.2. At least one (1) off-street parking space per rental unit is required.
 - 6.33.3. Each rental unit shall be equipped with an approved smoke detector.
 - 6.33.4. One rental unit may be provided for a resident owner, manager, or other responsible staff person.
 - 6.33.5. Building construction plans shall be reviewed and approved by the State Fire Marshal's Office, as required.
 - 6.33.6. Rental units containing kitchen facilities shall be considered as dwelling units and shall be required to meet the residential density requirements of the underlying zone.

6.34. Solar Farms

- 6.34.1. A decommissioning plan shall be submitted and signed by the party responsible for decommissioning, the landowner (if different), and the State of Maine whose minimum requirements meet the standards here.
- 6.34.2. A cost estimate for the construction and decommissioning of the facility shall be provided to establish an Improvement Guarantee for the Town to hold during the construction process and for the life of the facility.
- 6.34.3. Solar Farms shall be screened from view by continuous landscaping of plantings of at least six feet in height to cover any open spaces of the fencing along exterior lot lines adjacent to residential properties and all roads. No vegetation shall or fence shall interfere with a required sight distances at a driveway or road intersection. Berms with vegetation are encouraged as a component of any buffer.
- 6.34.4. The fencing shall be placed 8” off the ground to allow for the safe passage of wildlife.
- 6.34.5. The fencing shall be gated at the access point and have a Knox box located for emergency access with trees screening the remainder of the access side of the fencing.
- 6.34.6. Provide a cost estimate(s) for the Construction of the facility as well as for the decommissioning of the facility to establish an Improvement Guarantee.
- 6.34.7. If lighting is provided at the site, lighting shall be shielded and downcast so that light does not spill onto the adjacent parcel(s) or into the night sky.
- 6.34.8. Applicant shall provide a capacity letter from Central Maine Power.

6.35. Veterinary Offices and Kennels

- 6.35.1. Structures or pens for housing or containing the animals shall be located at least one hundred (100) feet from a property line and not less than two hundred (200) feet from the nearest residence, other than the owner's, existing at the time of permit.
- 6.35.2. All pens, runs, or kennels, and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted vegetative screening, the relationship and location of residences and public facilities on nearby properties, and other similar factors. The applicant must demonstrate to the Board that the facility will not be a nuisance.
- 6.35.3. The indoor portion of the facility shall be of sufficient size to accommodate the maximum number of dogs that the operation will care for at any one time.
- 6.35.4. All outdoor play and exercise enclosures shall be properly fenced in at a height of no less than eight (8) feet. It is encouraged that a “double-gated” system for entering and exiting the pet day care operation from the parking area be used.

- 6.35.5. The owner or operator of a kennel shall maintain the premises in a clean, orderly, and sanitary condition at all times. No garbage, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in a manner that they will not provide a breeding place for insects, vermin, or rodents.
- 6.35.6. Temporary storage containers for any kennel or veterinary wastes containing or including animal excrement shall be kept tightly covered at all times, and emptied no less frequently than once per week.

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7. CONDITIONAL USE AND SITE PLAN REVIEW REQUIREMENTS

7.1. Purpose. The purpose of this Article is to provide a process for the review of development projects which require site plan review or are conditional uses. All Conditional Uses must receive approval through the Site Plan Review process. Review of applications by the Planning Board promotes the proper design and construction of sites and structures intended for commercial, public, retail, industrial, or multifamily residential uses and protects the public health, safety and general welfare of the Town of Hollis.

7.2. Applicability

7.2.1. The Board is hereby authorized to review developments for conformance with the criteria stated herein and with the performance standards of this Ordinance. The requirements of Article 7 shall apply to the following activities:

- a. All Conditional Uses;
- b. The construction, modification, expansion, or conversion of any building that currently contains or is proposed to contain three (3) or more residential dwelling units;
- c. The establishment or expansion of a mobile home park;
- d. The installation or expansion of 2,000 or more square feet of gross non-residential floor area, or the establishment of a new non-residential use involving greater than 2,000 square feet of floor area, when no buildings or structures are proposed;
- e. The conversion of an existing building or use, in whole or in part, from a residential to a non-residential use;
- f. The installation or expansion of 4,000 square feet or more of impervious surface (nonresidential);
- g. The change of use in an existing facility of area of 4,000 square feet or more, or a change of use generating 10% or more increase in motor vehicle trip generation from the site;
- h. The construction or installation of a drive through window;
- i. Earth moving activities, including deposition, excavation, and side grading involving greater than 1000 cubic yards of material which is not associated with an approved building construction project and not exempt per Article 7.2.2;

7.2.2. Exemptions

The following are exempt from the requirements of this section:

- a. The construction of Single or Two-family dwellings on individual lots;

- b. Expansion of an existing conforming use, where the expanded use:
 - i. Will require less than 10 additional parking spaces,
 - ii. Will not require changes to the existing sanitary disposal system, and
 - iii. Is less than a 50% increase in use area;
- c. Subdivisions already subject to Board review under the Town of Hollis Subdivision Regulations;
- d. Earth moving activities associated with the installation of ornamental landscaping, normal property maintenance, and farming activities;
- e. Temporary structures;
- f. Outdoor agriculture and cultivation of crops;
- g. Forest management.

7.2.3. Permit Required: No land, building, or structure shall be constructed, used, or occupied, no earthmoving activity shall commence, and no building permit, sign permit, or certificate of occupancy shall be issued for any activity within the scope of this section unless and until a final plan of the proposed development has been approved in accordance with the procedures set forth below.

7.3. Classification of Review

7.3.1. Projects subject to Site Plan Review shall be classified into two categories: Minor Site Plan Review and Major Site Plan Review.

7.3.2. Minor Site Plan Review

Minor Site Plan Review is required for the following:

- a. The construction of less than 3,000 square feet of floor area in a nonresidential building or structure;
- b. The addition of less than 20% of the existing gross floor area but not more than 1,000 square feet of floor area in a nonresidential building or structure;
- c. The conversion of less than 1,000 square feet of an existing building or use, in whole or in part, from a residential to a nonresidential use;
- d. Earth moving activities, including deposition, excavation, and side grading involving less than 1,000 cubic yards of material which is not associated with an approved building construction project and does not require a Natural Resources Protection Act Permit from the Maine Department of Environmental Protection;

7.3.3. Major Site Plan Review

Major Site Plan Review is required for all activities subject to Section 7.2.1 which are not included in Section 7.3.2 above.

7.4. Minor Site Plan Review Application Requirements

The applicant shall file all designated fees, as determined by the Select Board, and provide twelve (12) copies of the following:

- 7.4.1. A complete and signed Site Plan Review application form.
- 7.4.2. A property deed, option to purchase, or other documentation to demonstrate the applicant's right, title or interest in the property.
- 7.4.3. The names and addresses of all abutting property owners.
- 7.4.4. A description of the proposed use(s) to be located on the site, including but not limited to, hours of operation, number of employees, materials being used, etc.
- 7.4.5. Cost estimates for all proposed site improvements.
- 7.4.6. A scaled site plan showing the boundaries of the parcel along with the location and description of all proposed site features including building(s), additions, and renovations to existing building(s) floor plans and all elevations of principal buildings visible from a public way.
- 7.4.7. Method of solid waste disposal. Where disposal will be accomplished through subsurface waste disposal system, an analysis of test pits shall be prepared by a licensed site evaluator.
- 7.4.8. Stormwater Management Plan, if applicable.
- 7.4.9. Erosion and Sedimentation Control Plan, if applicable.
- 7.4.10. Any other information deemed necessary by the Planning Board or CEO to make a reasonable and informed ruling on the proposed project.

7.5. Major Site Plan Review Application Requirements

The applicant shall file all designated fees, as determined by the Select Board, and provide twelve (12) copies of the following:

- 7.5.1. A complete and signed Site Plan Review application form.
- 7.5.2. A property deed, option to purchase, or other documentation to demonstrate the applicant's right, title or interest in the property.
- 7.5.3. The names and addresses of all abutting property owners.

- 7.5.4. Cost estimates for all proposed site improvements.
- 7.5.5. A written statement by the applicant that shall consist of:
- a. A description of the proposed use(s) to be located on the site, including but not limited to, hours of operation, number of employees, materials being used, etc.
 - b. Total floor area and ground coverage of each proposed building and structure and the percentage of the lot covered by each building or structure.
 - c. Method of solid waste disposal. Where disposal will be accomplished through subsurface waste disposal system, an analysis of test pits shall be prepared by a licensed site evaluator.
 - d. Indication of water supply sufficient in both quantity and quality for normal use.
 - e. An estimate of the date when construction will start and when the development will be completed.
- 7.5.6. 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. Plans shall be at a size no smaller than 11" x 17" and no larger than 24" x 36", and drawn at a scale not to exceed 1"=50'. Plans shall be sealed by a Professional Engineer, Landscape Architect, or a Surveyor licensed in the State of Maine, and containing the following information:
- 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. An arrow showing true north and the magnetic declination, a graphic scale, and signature block for members of the Board.
 - c. A location map showing the property in relation to other properties and roads in the general vicinity.
 - d. Acreage of the total parcel, rights-of-way, and areas to be developed.
 - e. Zoning, including the zones abutting the property, if different, together with required setbacks, density and coverage requirements of the zone.
 - f. Location of adjacent physical features such as ledge, watercourses, and forested areas that will be impacted by the proposed use.
 - g. Existing contours and finished grade elevations within the site area being disturbed to sufficient detail to describe the project.

- h. Scaled drawings, sketches and/or schedules of the proposed buildings in enough detail show the type and scope of construction material.
 - i. Location and design details of existing and proposed utilities, including power, water, sewer or septic system, and drainage structures.
 - j. Location and necessary design details of all parking and/or paved areas, sidewalks, curbing, signs, fencing, and other site improvements.
 - k. Site lighting design plan.
 - l. Location of any park, open space, or conservation easement on property to be developed or on abutters' property.
- 7.5.7. Stormwater Management Plan.
- 7.5.8. Erosion and Sedimentation Control Plan.
- 7.5.9. Proposed landscaping and buffering treatment plan. The Board may require a landscape materials list.
- 7.5.10. A signage plan developed in accordance with Section 6.19.
- 7.5.11. Description of any raw, finished, or waste materials to be stored outside the buildings, and any stored materials of a hazardous nature.
- 7.5.12. Any other information deemed necessary by the Planning Board or CEO to make a reasonable and informed ruling on the proposed project.
- 7.6. Waiver of Submission Requirements
- The Planning Board shall have the authority to waive specific submission requirements for Site Plan Review. The Board must make a determination that the submission requirement is not necessary for review given the nature and scope of the proposed use or the existing conditions of the site.
- 7.7. Site Plan Review Procedure
- 7.7.1. Minor Site Plan Review Procedure
- a. Sketch Plan Review: Prior to submitting a full application, all applicants for a Minor Site Plan are encouraged, but not required, to schedule a Sketch Plan Review with the Planning Board. This informal consultation will assist the applicant in determining the submission requirements necessary for a complete application, identify site issues and constraints that the applicant should resolve prior to submission of the full application, and allow the Board to ask questions of the applicant. No binding decisions may be made at this meeting.

- b. **Determination of a Complete Application:** Any applicant requiring review under this Article shall submit a complete application, together with fees, 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 Planning Board meeting. At the time of receipt, the Town shall notify all property owners within a one hundred (100) foot radius of the applicant's property line. Applications will be placed on the next available Planning Board agenda for review. The Board shall make the determination of completeness if the application includes all relevant information as required by this Ordinance, and within 30 days of presentation of the application. The Board shall notify the applicant that their application is complete, of the timetable for review, and any additional requirements or questions associated with the application.
- c. **Site Walk and Public Hearing:** At any point during the review process, the Planning Board may decide to conduct a site walk and/or public hearing. For a Minor Site Plan Review, both a Site Walk and public hearing are optional. Public notice of the Public Hearing or Site Walk shall be posted on the Town website 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 the failure of those notified to receive such notice shall not invalidate the decision of the board.
- d. **Ruling:** The Board shall approve, approve with conditions, or deny an application for Minor Site Plan Review within thirty (30) days of the closing of the public hearing (if held) or from receipt of the complete application. Written notice of the decision shall be sent to the applicant (via mail or email) 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.

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.

7.7.2. Major Site Plan Review Procedure

- a. **Sketch Plan Review:** Prior to submitting a full application, all applicants for a Major Site Plan shall schedule a Sketch Plan Review with the Planning Board. This informal consultation will assist the applicant in determining the submission requirements necessary for a complete application, identify site issues and constraints that the applicant should resolve prior to submission of the full application, and allow the Board to ask questions of the applicant. No binding decisions may be made at this meeting.

- b. **Determination of a Complete Application:** Any applicant requiring review under this Article shall submit a complete application, together with fees, 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 Planning Board meeting. At the time of receipt, the Town shall notify all property owners within a two hundred (200) foot radius of the applicant's property line. Applications will be placed on the next available Planning Board agenda for review. The Board shall make the determination of completeness if the application includes all relevant information as required by this Ordinance, and within thirty (30) days of presentation of the application. 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.
- c. **Site Walk and Public Hearing:** The Planning Board shall schedule a Public Hearing. The Board may also decide to conduct a Site Walk. Public notice of the Public Hearing or Site Walk shall be posted on the Town website 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 the failure of those notified to receive such notice shall not invalidate the decision of the board.
- d. **Ruling:** The Board shall approve, approve with conditions, or deny an application for Major Site Plan Review within forty-five (45) days of the closing of the public hearing. Written notice of the decision shall be sent to the applicant (via mail or email) 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.

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.

7.7.3. Ruling

- a. 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.)
- b. 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 deviation from the conditions of approval is not permitted unless an amended plan is first submitted to and approved by the Planning Board.

- c. An approval 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 approval is granted, and if the work or change is not substantially completed within two (2) years of the date on which the approval is granted.
- d. 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.

7.7.4. Costs Associated with Review

- a. 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.
- b. Application fees are determined annually by the Hollis Select Board.

7.7.5. Standards for Approval

In considering an application for Site Plan Review, the Board shall evaluate the immediate and long-range effects of the proposed use. The applicant shall present adequate evidence, where appropriate, for the Board to make findings of fact on the proposed use. The Board shall approve an application provided that the Board finds that the applicant meets the following standards:

- a. All performance standards in this Ordinance, applicable to the proposed use, will be met.
- b. The use is consistent with the Comprehensive Plan. Public resources identified in the comprehensive Plan or related study, including aquifers; shoreland areas, wildlife areas, and access thereto are protected.
- c. The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.
- d. The use will conserve shore cover and visual, as well as actual, access to water bodies.
- 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. Sufficient parking and traffic circulation on the site of the development will avoid conflicts with adjoining properties and streets.
- f. The site design is in conformance with all flood hazard protection regulations, and any proposed construction, excavation, or fill will not affect a waterbody's ability to store floodwater.

- g. Adequate provision for the disposal of all wastewater and solid waste has been made. 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;
- 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. Building locations or engineering measures ensure that wetlands and water bodies will not be adversely affected by erosion, runoff, or pollutants.
- k. There is adequate water supply to meet the demands of the proposed use.
- l. The development provides 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. Buffering must be designed to provide a year-round visual screen and to reflect the character of the area.
- m. The use will not deplete or degrade adjacent water bodies or supplies.
- n. The use will not adversely burden existing municipal infrastructure.
- o. Adequate provisions for fire protection have been supplied for the intended use.

7.8. Appeals

Any party aggrieved by a decision of the Board under this Article may appeal the decision to the Zoning Board of Appeals within thirty (30) days of the date of decision.

7.9. Improvement Guarantees

Improvement Guarantees may be required to ensure the proper installation and maintenance of all improvements, facilities, and services necessary to provide transportation, drainage, utilities or similar essential services and facilities to a project, including, but not limited to, road construction, storm drainage, utilities, fire protection, roadway monumentation, and any required landscaping.

If required by the Planning Board as a final condition of approval, the applicant shall submit cost estimate to the Board. All cost estimates submitted for the determination of a Guarantee shall be reviewed by the Town Engineer. The Planning Board shall recommend the amount of the Guarantee, and the amount shall be set by the Select Board. The Improvement Guarantee shall be submitted to the Town Office prior to the issuance of a Building Permit, Certificate of Occupancy, or the commencement of the approved use.

7.9.1. Contents of Guarantee

- a. The Improvement Guarantee shall equal one hundred and twenty-five percent (125%) of the cost of installation of the proposed improvements.
- b. The construction schedule, indicating the date when construction will start and when the development will be completed.

7.9.2. Form of Guarantee

The Improvement Guarantee shall be provided in the form of one of the following:

- a. Escrow Account: A cash contribution to the establishment of a non-interest-bearing escrow account, of which the Town has authorization to draw from, shall be made by either a certified check made out to the Town, the direct deposit into a savings account, or the purchase of a certificate of deposit.
- b. Performance Bond: A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the project for which approval has been received.
- c. Letter of Credit: An irrevocable letter of credit from a bank or other financial institution shall indicate that funds have been set aside for the construction of the project and shall not be used for any other project or loan.

7.9.3. Release of Guarantee

Upon substantial completion of all required improvements, the developer shall notify the Planning Board and the Code Enforcement Officer of the completion or substantial completion of improvements. The CEO, or his designee, shall inspect all improvements of which such notice has been given and provide a report to the Planning Board indicating that the improvements meet or exceed the design and construction requirements.

The Planning Board shall recommend approval, partial approval, or rejection of the improvements based on the inspection report provided by the CEO. The recommendation shall be forwarded to the Select Board for action. An approval shall indicate the release of the Improvement Guarantee. Where partial approval is granted, the developer shall be released from all liability except that portion of the improvements not yet completed as required.

8. RESIDENTIAL DEVELOPMENT

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 a PUD shall be as follows:

Zone	Minimum Area (Acres)
WBV	5
NHV	5
HCV	5
RR2	10
RR3	10

- c. Where a PUD abuts a water body, a portion of the shoreline with reasonable access shall be 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 PUDs shall adhere to the following for sanitary disposal:
 - i. In no instance shall a disposal area be permitted on soils, which require a new system variance from subsurface waste disposal rules.
 - ii. 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 Wastewater Disposal Rules.
 - iii. 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.

- f. All PUDs shall adhere to the following relative to water supply:
- i. The Board shall permit the use of individual wells or a private, central water supply system.
 - ii. If a central water supply system is provided by the developer, 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 Related to Drinking Water.
- g. 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.
- h. 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.
- i. 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 zone in which the development is located, and
 - 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 typically required in the zone.
- j. 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.
- k. 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 criteria established in this Ordinance 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 with reasonable access shall be 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.
- h. All cluster residential subdivisions shall adhere to the following for sanitary disposal:
 - i. In no instance shall a disposal area be permitted on soils, which require a new system variance from subsurface waste disposal rules.
 - ii. 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 Wastewater Disposal Rules.

- iii. 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.
- i. All cluster residential subdivisions shall adhere to the following relative to water supply:
 - i. The Board shall permit the use of individual wells or a private, central water supply system.
 - ii. If a central water supply system is provided by the developer, 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 Related to Drinking Water.
- j. Cluster Residential Subdivisions may be combined with other uses in a consolidated proposal provided that all the space and bulk requirements for each use 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.
- k. Clustered Residential Subdivisions must meet the Net Density Area for the underlying zone and calculated as defined in Article 2. Minimum dimensional, bulk and space requirements (in feet and square feet) shall be in accordance with the underlying zone.
- l. 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.
- m. 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.