Town of Fairfield

Land Use Ordinance

The effective adoptive date of this Ordinance is the 14th day of April, 1999.

Amended November 10, 1999
Amended December 13, 2000
Amended July 10, 2002
Amended March 9, 2005
Amended June 22, 2005
Amended July 6, 2005
Amended October 26, 2005
Amended April 12, 2006
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Amended August 9, 2006
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Amended October 5, 2011
Amended March 13, 2013
Amended June 12, 2013
Amended August 12, 2015
Amended August 24, 2016
Amended September 26, 2018
Amended April 10, 2019

A True Copy I Attest:

____________________________________
Town Clerk
# Town of Fairfield

## Land Use Ordinance

### Contents:

<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>TITLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General Provisions</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Definitions of Terms Used in this Ordinance</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>Permitting, Enforcement, Appeals</td>
<td>12</td>
</tr>
<tr>
<td>4</td>
<td>Amendments</td>
<td>21</td>
</tr>
<tr>
<td>5</td>
<td>Non-conformance</td>
<td>23</td>
</tr>
<tr>
<td>6</td>
<td>Land Use Districts</td>
<td>25</td>
</tr>
<tr>
<td>7</td>
<td>Environmental and Neighborhood Protection Standards</td>
<td>31</td>
</tr>
<tr>
<td>8</td>
<td>Site Design and Public Facilities Impact Standards</td>
<td>36</td>
</tr>
<tr>
<td>9</td>
<td>Development Standards Applicable to Specific Activities</td>
<td>45</td>
</tr>
</tbody>
</table>
ARTICLE 1: General Provisions

1.1 Authority

The regulations contained in this Land Use Ordinance are enacted under the Home Rule Authority granted by the State of Maine (30-A M.R.S.A. as 3001) and other specific authority, pursuant to the Fairfield Comprehensive Plan, as revised in 2015.

1.2 Short Title

This ordinance and the Official Land Use Map hereby incorporated, shall be known and may be cited as the "Land Use Ordinance of the Town of Fairfield."

1.3 Purpose

This ordinance is enacted for the general purpose of promoting the health, safety, and general welfare of the citizens of the Town of Fairfield, and for other, specific purposes, including:

- provision of adequate and cost-effective public facilities and services;
- conservation of valuable natural resources;
- promotion of local economic development and property values;
- preservation of safety and convenience on public roads;
- revitalization of the town's downtown commercial area;
- protecting the rural character of certain portions of the town; and
- maintaining in all cases clean, safe, and comfortable neighborhoods for inhabitants of the town.

1.4 Jurisdiction

The provision of this ordinance shall govern the use of all land and structures within the Town of Fairfield and, more specifically, the location and development of residential, commercial, industrial and public property within the Town.

1.5 Application of Terms and Requirements

In interpreting and applying the provisions of this ordinance, said provisions shall be deemed to be the minimum required to protect the health, safety, and general welfare of the public. Captions and headings contains in this ordinance are considered an integral part of the ordinance, and shall be used to help determine applicability of sections to which they apply.

1.6 Conflict with Other Laws

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the provision imposing the greater restriction upon the use of land, buildings, or structures shall control.

1.7 Severability

Should any section or part of a section or any provision of this Ordinance be declared by a court of jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the affected part.
1.8 Repeal of Prior Ordinance

The prior Land Use Ordinance of the Town of Fairfield, together with all amendments currently in force, is hereby repealed and replaced, as of the effective date of this ordinance.

1.9 Effective Date.

This ordinance shall take effect and be in force from the date of its adoption.
ARTICLE 2: Definitions of Terms Used in this Ordinance

2.1 Construction of Language

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

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

If clearly implied by the context in which they appear, the present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.

The words "shall" and "will" are mandatory, the word "may" is permissive. The word "lot" includes the words "plot" and "parcel".

The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The words "town" or "municipality" mean the Town of Fairfield, Maine.

2.2 Definitions

In this Ordinance the following terms shall have the following meanings:

**Abutter**: The owner of property adjoining or located within 200 feet of a boundary of the parcel proposed to be developed.

**Accessory dwelling unit**: A second dwelling unit located on the same lot or within the same building as the principal dwelling unit intended for use as a complete and independent dwelling including kitchen and bathroom.

**Accessory use or structure**: A use or structure which is customarily and in fact both incidental and subordinate to the principal use of the structure. The term "incidental" in reference to the principal use or structure shall mean subordinate and minor in significance to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot.

**Acre**: A measurement of area equivalent to 43,560 square feet.

**Administrative Review**: The process by which the Board of Appeals is authorized to hear an appeal of a decision of the Code Enforcement Officer. An Administrative Review shall be only conducted through the procedures described in Section 3.1O.D of this ordinance.

**Adult Businesses**: Any commercial enterprise, including but not limited to bookstores and theaters, which as a substantial or significant portion of its enterprise rents, sells, or keeps for display books, videos, motion pictures or any other form of representation of sexually explicit material or activities or which features live entertainment in which
performers have exposed genitals at any point during the performance. "Sexually explicit" means the depiction or display of human genitals.

**Agriculture (Agricultural Operation):** The production, keeping, or maintenance for sale or lease, of plants, animals, or products thereof, including ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

**Alteration:** Any change, addition, or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams or girders.

**Authorized Agent:** Any person having written authorization to act in behalf of a property owner, signed by the property owner.

**Automobile Graveyard:** The term as defined in 30-A M.R.S.A. sec. 3752, as amended.

**Base Flood:** Means the flood having a one percent chance of being equaled or exceeded in any given year, alternately referred to as the 100 year flood.

**Basement:** Any portion of a building with at least 50 percent of its volume below ground level, typically having a masonry floor and walls which comprise the structure's foundation, and where the clear height between floor and joists supporting the floor directly above is six feet or greater.

**Bed and Breakfast:** A type of overnight accommodation based within the permanent dwelling of the person or family acting as proprietor and that provides accommodations for a fee for stays of limited duration. A bed and breakfast shall contain fewer than ten rental rooms and shall provide food only to registered guests, except that a bed and breakfast may be separately licensed to host special functions.

**Body of Water:** Shall mean a free flowing river or stream, with a defined channel lacking terrestrial vegetation, and flowing water for more than three months during the year, or a pond with no less than 20,000 square feet of water surface.

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

**Building Height:** The vertical distance measured between the average finished grade of the ground at the front of a building and the highest point of the roof, not including chimneys, spires, towers, or similar auxiliary attachments.

**Business or Personal Services:** A commercial enterprise which provides services but not goods, including but not limited to: beauty shops, secretarial services, real estate brokers, and janitorial services. The term shall not be interpreted to include motor vehicle sales and services but may include certain professional offices.

**Campground:** Any area or tract of land improved to accommodate temporary living quarters for two or more parties, including but not limited to tents, recreational vehicles, or other shelters, for which a fee is charged.

**Change of Use:** A change from one category in the land use table, as found in Section 6.4, to another or the addition of a new category of use to an existing use.

**Child Care:** An establishment, including a private residence, where three or more children under the age of six (6) are cared for in return for compensation. Child care is considered to be "public or private schools" when it does not qualify as home occupation.

**Code Enforcement Officer (CEO):** A person appointed by the Town of Fairfield to administer and enforce this ordinance. Reference to functions ordinarily performed by the Code Enforcement Officer may be construed to include those of Building Inspector, Plumbing Inspector, Health Officer, and the like where applicable.
Communication Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, and monopoles, for the purpose of transmitting or relaying radio frequency signals, including, but not limited to, radio, television, cellular, and personal communication service frequencies. Towers established for personal use purposes, such as citizen band and ham radio operations, and which are less than 50 feet in height, shall not be included in this definition.

Conditional Use: A use that is likely to have significant effects on neighboring land uses or public services and is therefore subject to review and approval by the planning board, which will ensure that all performance standards and other requirements of this ordinance are met.

Congregate Housing: A multi-family development with central dining facilities serving functionally impaired persons.

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

Controlled Substance Facility: A business, any part of which is engaged in the production or distribution of substances controlled by the Maine Department of Health and Human services. This term includes marijuana dispensaries, grow operations, and methadone clinics, for example, but excludes licensed hospitals, pharmacies, or physician’s offices.

Critical Natural Area: Any area identified and listed by the Natural Areas Program of the Maine Department of Conservation as containing rare or unique botanical features or habitat for rare, threatened, or endangered plant species or rare and unique natural communities.

Deck: An uncovered structure with a floor, elevated above ground level.

Developed Area: The portion of a lot which is disturbed for the intended use, including all areas used for structures, parking, circulation, and drainage.

Dimensional Standards: Numerical standards relating to spiral relationships including but not limited to setback, lot coverage, lot area, frontage, and height.

District: A specified portion of the Town of Fairfield, delineated on the Official Land Use Map, within which certain regulations apply under the provisions of this Ordinance.

Dwelling: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters. The term shall include mobile homes, but not recreational vehicles.

   Single-Family Dwelling: A building containing only one (1) dwelling unit.

   Two-Family Dwelling: A building containing only two (2) dwelling units.

   Multi-Family Dwelling: A building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more households; with the number of households not exceeding the number of dwelling units.

Dwelling Unit: A room or suite of rooms which contains independent living, cooking, sleeping, bathing and sanitary facilities designed for use by a single household or family.

Eating or Drinking Establishment: An establishment where food and/or beverages are prepared and served to the general public for immediate consumption in exchange for compensation. The sale of pre-packaged meal items or preparation of food intended exclusively for consumption off the premises (delivery or take-out) are considered retail sales and are not to be included within this definition.
Sit-down Restaurant: An eating or drinking establishment in which significant interior building space is devoted to seating area for patrons. The term includes fast food restaurants which provide indoor seating, even if there is drive-through or walk-up service.

Snack Bar: A place where food is prepared for consumption on or off the premises, where all of the consumption is intended to take place outside of the confines of the building, and where ordering and pickup of food may take place from a motor vehicle. The term includes businesses commonly referred to as food trucks, ice cream stands, coffee shacks, and drive-ins.

Essential Facility: Gas, electrical, or communication structures such as steam, fuel, power, or water transmission or distribution lines, telephone cables, poles, and related equipment, pipelines, sewage lines, and associated storage equipment. Such systems may include poles, wires, conduits, fire alarms, hydrants, visual and audible signals and similar accessories. The term does not include wireless communication towers, power substations, and accessory buildings.

Expansion: In relation to a building, expansion shall mean: enlargement of floor area, or enlargement of building enclosure. In relation to a use: the addition of weeks or months to a business operating season; the addition of hours to a business day; the use of more floor area or ground area; or the provision of additional seating capacity.

Farm Stand: A booth, stall, or building located on the farm on which the produce and products being sold are available to the general public. Items not produced on the farm shall not comprise a significant proportion of sales merchandise.

Flood Map: The official map on which the Dept. of Housing and Urban Development or the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town.

Floodplain: The lands adjacent to a body of water which have been or may be covered by the 100-year flood.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot.

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

Forest Operations: The planting, thinning, cutting or removal of trees from their growing site, including the operation of mechanical chippers or portable sawmills associated with such operations, but not to include the clearing of land for approved construction.

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

Fueling Station (Fuel Sales): Buildings and structures required for the retail sale of petroleum products (propane, gasoline, diesel fuel), including any fuel storage and delivery systems.

Historic or Archeological Resource: Are identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as a historic or archeological resource as well as areas identified in the Town of Fairfield Comprehensive Plan.

Home Occupation: An occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; 2) which employs no more than two (2) persons other than family members residing in the home, and 3) occupies no more than 25 percent of the gross floor area of all buildings on the lot.

Hospital: An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories.
out-patient departments, training facilities, and staff offices.

**Impervious Surface:** All portions of a development which are disturbed and not re-vegetated, including gravel surfaces and compacted earth surfaces.

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

**Junkyard:** A yard, field or other area used as place for storage for:
   A. Discarded, worn-out, junked plumbing, heating supplies, household appliances, and furniture;
   B. Discarded, scrap, and junk lumber;
   C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, plastic debris, waste, and scrap iron, steel, and other scrap ferrous or non-ferrous material, and
   D. Garbage dumps, waste dumps, and sanitary landfills.

**Kennels/Boarding:** Any place, building, tract of land, abode, enclosure, or vehicle where three or more domestic animals, owned singly or jointly are kept for a commercial purpose, including but not limited to breeding, hunting, show, field trials or exhibition, or where one or more domestic animals are kept for their owners in return for a fee. Dogs or cats under the age of six months shall not be counted for the purpose of this definition.

**Level of Service:** A term used by traffic engineers, indicating a scale of "A" to "F", measuring the volume of vehicular traffic in relation to the capacity of an intersection or road segment. Levels of Service "E" or "F" describe road situations with severe problems attributable to traffic congestion.

**Lot:** A parcel of land occupied or capable of being occupied by buildings or uses, including required setbacks, and requiring frontage upon a public street, right-of-way or private way.

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

**Lot, Interior:** Any lot other than a corner lot.

**Lot Area:** The area of land enclosed within the boundary lines of a lot, not including land below the normal high-water line of a water body or upland edge of a wetland and areas within road right-of-way.

**Lot Coverage:** The percentage of the lot covered by all buildings.

**Lot Lines:** The lines bounding a lot, as defined below:

   **Front Lot Line:** On an interior lot the line separating the lot from the street or right of way. On a corner lot, the line separating the lot from the street along the longest frontage distance.

   **Side Lot Line:** Any lot line other than the front lot line.

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

**Manufactured Housing Unit** (also **Mobile Home**): Structures, transportable in one or two sections, which are constructed in a manufacturing facility and transported to a building site, and which are designed to be used as dwellings when connected to suitable electrical, water supply, and sewage facilities.

**Manufacturing:** The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations. A manufacturing activity includes warehousing, power generation, waste disposal and other functions directly associated with the activity.
Mobile Home Park: A lot of land designed and/or used to accommodate three or more manufactured housing units or mobile homes, and where the land is under unitary ownership.

Motor Vehicle Sales and Service: An establishment which engages in the sale, rental, leasing, or repair of motor vehicles, including but not limited to automobiles, trucks, recreational vehicles, and boats. This term shall not include sales of manufactured housing units, sales of gasoline, diesel or other fuel without associated service facilities, or small engine repair shops.


Non-Conforming Use: Use of buildings, structures, premises, land or parts thereof which is not permitted in the District in which it is situated or which does not meet the performance standards prescribe for it by this Ordinance, but which is allowed to remain solely because it was lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-Conforming Structure: A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-Conforming Lot of Record: A lot shown on a plan or deed recorded prior to the effective date of this Ordinance or amendment which, does not meet the area or frontage requirements of the District in which it is located.

Nursing Home: Any facility which provided meals, lodging and nursing care for compensation.

Open Space Subdivision: A subdivision reviewed and approved under the provisions of the Town of Fairfield Subdivision Ordinance in which at least fifty (50) percent of the total area is reserved for open space use.

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

Outdoor Recreation Facility: Any land use which is primarily devoted to participating in or watching outdoor recreation activities and which is operated as a commercial facility.

Overnight Accommodation: A commercial enterprise in which rooms or suites of rooms are offered for a fee to travelers and transient guests. Overnight accommodations may qualify as subdivisions if rental units are a dwelling unit, as defined, and are leased or rented monthly.

Permit: An official document of the Town of Fairfield, issued by the Code Enforcement Officer and authorizing a specific activity in accordance with an approval by the CEO or Planning Board.

Place of Public Assembly: A land use in which the principal intent is to provide a place for an association or persons organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests. The term shall include grange halls, bottle clubs, theaters, auditoriums, religious buildings, and similar uses, and includes auxiliary uses such as kitchens, offices, meetings rooms.

Principal Structure: The building enclosing or serving the principal use of the premises.

Principal Use: The use which fulfills the primary purpose of the person in possession of the premises.

Private Road: A private way meeting the road construction standards as specified in the Town's Subdivision Ordinance.

Professional Offices: The place of business for professional service providers except for medical, dental, veterinary or chiropractic providers.
**Professional Service Provider**: A person who practices a profession subject to licensing and regulation under the authority of the Maine Department of Professional and Financial Regulation.

**Recreational Facility**: A public or privately owned commercial enterprise designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, or the viewing thereof.

**Recreational Vehicle (RV)**: A vehicle or an attachment to a vehicle, designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be currently registered as a motor vehicle or trailer.

**Repairs**: Routine, ordinary maintenance of a structure for the purpose of maintaining its useful life. Examples include painting, papering, tiling, carpeting and replacement of plumbing, electrical, or mechanical parts. “Repairs” does not include activities such as removal of any wall, partition or portion thereof, removal of any structural support, changing of any means of egress, or addition to any water, waste disposal, gas, venting, electrical or mechanical system.

**Residential Use**: Any land use which includes a dwelling unit.

**Restaurant**: see Eating or Drinking Establishment.

**River**: The Kennebec River, together with its associated floodplain and wetlands.

**Satellite Receiving Dish**: An antenna designed to receive signals from satellites. A free-standing Satellite Receiving Dish is considered a structure under the terms in this ordinance.

**School**: An institution for education or instruction where any branch or branches of knowledge is imparted and which satisfies either of the following requirements:

- **Public or Private School**: A school which is not operated for a profit or a gainful business; or which teaches courses of study which are sufficient to qualify attendance there as in compliance with State compulsory education requirements.

- **Commercial School**: A school which is commercial or profit-oriented. Examples thereof are nursery, dancing, music, correspondence, driving, beauty, or business schools.

**Seasonal Use**: The occupation of a dwelling or recreational vehicle for residential purposes between April 1 and December 1, and not otherwise.

**Setback**: The horizontal distance from a lot line to the nearest part of a structure, road, parking space, or other regulated object or area.

**Sight Distance**: The visible distance available to a motorist at an access point to a public road, sufficient to allow a vehicle to enter the road without inhibiting the progress of other vehicles. For the purpose of calculation, sight distance is measured from the height of a hypothetical driver 3 and 1/2 feet above the driveway at a point 15 feet behind the street line, to an object 4 and 1/2 feet above the street.

**Sign**: Any device, fixture, placard, or structure containing a message, graphic illustration, or insignia erected or inscribed for public view for the purpose of identifying a person or activity or communicating information.

**Sign Area**: The surface area of that portion of the sign containing the advertising matter. Signs which have no separate sign surface shall be measured by taking the smallest area of a rectangle or circle which encloses the advertising matter. For two-sided signs, only one side of the sign shall be counted towards sign area.
Site Plan: A scale drawing depicting the geographical area of the lot together with an accurate representation of existing and prospective structure, roads, parking area, utilities, and other elements of a development.

Solar Energy System (SES): An area of land or building principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. A solar energy system consists of one or more free-standing ground or roof mounted solar collector devices, related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers; substations; electrical infrastructure; transmission lines and appurtenant structures. The term includes commercial and community solar installations, but not installations that are clearly accessory to existing principal uses.

Storage Containers: A prefabricated, metal container with roof and walls placed and used for the storage of goods, materials, or merchandise. The term includes, but is not limited to, boxcars, semi-trailers, and "piggyback" containers, but does not include garages or pre-assembled storage sheds or containers placed temporarily for collection of wastes.

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 the 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, or flows to another water body or wetland within a shoreland zone.

Street: An existing state, county, or town way; a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the County Registry of Deeds; or a street dedicated for public use and shown on a plan duly recorded in the County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term "street" shall not include those ways which have been discontinued or abandoned.

Street Frontage: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the front lot line.

Structure: Anything built for the support, shelter or enclosure of persons, animals, or property, constructed or erected with a fixed location on or in the ground. The term includes structures temporarily or permanently located, such as decks, tents, and satellite dishes, but does not include sidewalks, patios, driveways, or parking lots.

Substantial Expansion: Floor space increase of 25% or new materials or processes not normally associated with the existing use.

Subdivision: The term as defined by the Town of Fairfield Subdivision Ordinance.

Subsurface Wastewater Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under Title 38 MRSA §414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system.

Throat: That portion of an access way into a commercial development devoted to holding vehicles preparing to enter or exit the development, containing no additional access points or directly accessing parking spaces.

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 flatbed, boat trailer, horse trailer or snowmobile trailer.

Undue Hardship: The condition necessary for the granting of a variance, which shall include:
A. That the land in question cannot yield a reasonable return unless a variance is granted.
B. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.
C. That the granting of a variance will not alter the essential character of the locality; and
D. That the hardship is not the result of action taken by the applicant or prior owner.

**Urban Compact Area:** An area within a municipality designated by the Maine Department of Transportation for municipal maintenance and control of access. Within Fairfield, the urban compact area includes ME Route 139 east of the I-95 interchange and US Route 201 south of the I-95 interchange.

**Utilities:** Public and private facilities intended for common or community use, such as water wells, pumping stations, water storage tanks, power, cable, and communication transmission lines, microwave relays, gas regulation stations, and sewage disposal plants.

**Variance:** A variance is a relaxation of the terms of this Ordinance. Variances permissible under this Ordinance are limited to dimensional standards. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted on nonconformities in the immediate or adjacent areas.

**Veterinary Hospital or Clinic:** A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight stays. The overnight boarding of healthy animals shall be considered a kennel.

**Warehousing:** The use of structures for the purpose of providing space for secure storage of household or business goods, including freight terminals, and moving and transfer companies, as well as that portion of structures established for long-term storage of inventory or business-related items. "Self-storage" or "mini-warehouse" uses in which spaces are available to the public for rent or lease shall be classified as "business services."

**Waste and Scrap Storage/Processing Facility:** A business in which the principal activity is the storage or processing for reuse, waste or scrap materials including, but not limited to glass, plastic, metal, tires, white goods, wood waste, or chemical compounds.

**Wetland:** An area which is inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soils and which is not part of a river, stream, or pond.

**Wind Energy Generation Facility:** A structure or machinery capable of converting the kinetic energy of wind into electrical energy for residential or commercial purposes. A wind energy generation facility includes all structures, utilities, and connections associated with the conversion and delivery of energy.

**Written Notice:** A notification in writing delivered in person to the individual or parties intended, or delivered by certified or regular US Mail to the last residential or business address of record in the Town of Fairfield.

**Yard:** The area between a structure and the property boundary.
Article 3: Permitting, Enforcement, and Appeals

3.1 Permit Requirements

A permit is required prior to commencement of development activities, as follows:

A. Building Permit: This permit is required for the erection, alteration, rebuilding, repair, remodel, enlargement, demolition, or relocation of any proposed or existing building and shall be obtained from the Code Enforcement Officer (CEO).

B. Development Permit by Rule: For land use activities so designated in the Land Use Table (Section 6.4), notification of the Town is required to assure that the standards of this Ordinance will be met. A Development permit by rule is also required for the erection of any new sign.

C. Conditional Use Permit: A Conditional Use Permit shall be issued by the Planning Board. This permit is required for land use activities which by their nature involve uses with significant impacts on neighboring land uses, and which have unusual characteristics which must be evaluated on a case-by-case basis.

D. Activities which require a permit-by-rule or conditional use permit are listed in the Land Use Table in Section 6.4 of this Ordinance. No permits shall be required for normal maintenance or decorative changes in existing structures or buildings, landscaping, or the ordinary conduct of agricultural and forest operations.

E. Rights not Vested: Use rights under this Ordinance do not arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required permits and approvals. Such rights may arise when actual substantial construction has begun, or, in the case of pending applications, when the substantive review process on a complete application commences. Such construction must be legal at the time it is commenced and the owner must be in possession of and in compliance with all validly issued permits, both State and local.

3.2 Building Permit Procedure

A. Building permits are required in the Town of Fairfield prior to the start of construction, when any owner or authorized agent intends to construct, enlarge, alter, repair, remodel, move, demolish or change the occupancy of a building or structure which is regulated pursuant to Maine Uniform Building and Energy Code (MUBEC), as adopted by the Maine Bureau of Building Codes and Standards in M.R.S. Title 25, § 2371-2374, pursuant to Title 10, Chapter 1103, § 9721-9725. The Code Enforcement Officer (CEO) shall serve as the building official as defined in 25 MRSA §2371 and codes adopted pursuant thereto. The CEO shall be responsible for issuing building permits and certificates of occupancy, for inspecting all permitted construction for compliance with MUBEC or successor codes.

B. The CEO shall receive the written Building Permit Application during normal office hours, and shall determine whether all required elements of the application have been submitted. Upon determining that a complete application has been submitted, the CEO shall approve or deny the application, issue the permit, if approved, within three (3) working days.

C. Building permits issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The CEO is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
D. When plumbing or septic work is required to make a building habitable, no building permit shall be issued unless a plumbing permit has first been secured. All sewage and water connections for all structures must comply with the requirements of the Maine State Plumbing Code.

E. Following substantial completion of the activity permitted in conformance with the appropriate codes, the CEO shall issue a certificate of occupancy. No structure shall be utilized for the purpose for which it was permitted without a certificate of occupancy issued.

F. An appeal from the decision of the Code Enforcement Officer may be made to the Board of Appeals, in accordance with section 3.10 of this ordinance, and must be filed within thirty (30) days of the decision.

3.3 Development Permit-by-Rule (PBR) procedure

A. The permit-by-rule procedure is established as an expedited approval activity for new or expanded signs and for certain uses identified in the Land Use Table (Section 6.4 of this ordinance), to the extent that they will not significantly affect the purposes of this Ordinance or create nuisances. A PBR does not relieve the developer of the obligation to comply with the appropriate development standards in Articles 7-9 of this Ordinance.

B. An applicant must file notice of the activity with the Town prior to beginning work on the activity. The notification must be on a form provided by the Town. The applicant must keep a copy to serve as the permit. The notification form must be sent to the Town by certified mail (return receipt requested), or hand delivered and date stamped by the Town. By signing the notification form, the applicant is representing that the activity will meet the applicability requirements and standards of this Ordinance. In addition, by signing the notification form the applicant represents that (s)he has sufficient title, right, or interest in the property where the proposed activity is to take place.

C. The PBR becomes effective fourteen (14) calendar days after the Town receives the notification form, unless the Town approves or denies the PBR prior to that date. If the Town does not speak with or write to the applicant within this 14 day period regarding the PBR notification, the applicant may proceed to carry out the activity.

D. Notwithstanding compliance with the PBR applicability requirements and standards set forth in this Ordinance, the Code Enforcement Officer (CEO) may require a permit application to be reviewed by the Planning Board in any case where credible evidence indicates that the activity may require interpretation of the standards of this Ordinance or could lead to significant nuisances, such as impacts on road use, traffic safety or environmental impacts. The CEO shall notify the applicant in writing within the 14 calendar day waiting period described in subsection (C) above. When the CEO so notifies an applicant, no work may be conducted unless and until the permit is obtained.

E. A permit application referred to the planning board shall be reviewed as a conditional use permit and may require additional submissions.

3.4 Conditional Use Permit

A. Pre-application Meeting: Every applicant for a conditional use permit is expected to meet informally with the Code Enforcement Officer prior to submitting a formal application. The purpose of the meeting will be to familiarize the Town with the proposed project so that it may be reviewed quickly and efficiently. The pre-application meeting is an opportunity for the applicant to ask questions about submission requirements, review processes, and development standards. The CEO may also act upon any request for waiver of submission requirements, as provided in section 3.5.A.

B. Application Requirements: An applicant shall submit nine (9) copies of all written application materials to The Code Enforcement Officer, including the following information:

1. The name and address of the applicant, land owner (if different), and applicant's agent (if different).
2. The street address, and map and lot number of the property.
3. A site plan showing, at a minimum, the location of existing and proposed structure(s) with respect to lot lines and water bodies. The site plan shall show existing topographic contour and proposed grading at contour intervals of not greater than five (5) feet.
4. The site plan shall show the location and essential features of site improvements, including, but not limited to, pedestrian and vehicle travel ways and parking areas, landscaping and buffer areas, storm water and erosion control structures, water, sewer, and power lines, and outside installations of any machinery or materials.

5. An HHE-200, or subsequent revision, if a subsurface wastewater treatment system will be used.

6. Specification of the dimensions of the proposed structure(s), including length, width, height, and (if property subject to flooding) elevation of the lowest floor.

7. A statement as to whether the proposed structure(s) is located on land subject to the Town’s Shoreland Zoning Ordinance, or Floodplain Management Ordinance.

8. The proposed use of the structure(s).

9. A copy of plans and specifications for all structures shall be required.

10. An estimate of the traffic to be generated by the development, and any modifications to public roads which may be necessary to absorb the traffic. If the development is estimated to generate more than 50 vehicles per hour at its peak hour of usage, an analysis of traffic impacts and the need for traffic control devices, prepared by a qualified registered professional engineer, together with a statement from the Town’s Public Works Director that any proposed improvements to public roads are adequate and acceptable.

11. If located on a State Highway not within the urban compact area, evidence that an application for DOT Entrance or Driveway Permit or Traffic Movement Permit has been applied for.

12. A statement from the Town of Fairfield Fire Chief that suitable provisions for fire protection have been included.

13. An estimate of the value of all public improvements associated with the development. If any alterations or improvements to public facilities are proposed, a financial performance guarantee, in accordance with Section 3.9, must be submitted prior to permit issuance.

14. A list of names and addresses of all landowners within 200’ of the property boundaries.

15. An analysis of potential environmental impacts, including effects on surface and ground water bodies, air quality, and wildlife resources, together with a proposal for mitigating any negative impacts.

16. An estimate of demand on public water supply and sewage disposal systems, together with statements from the General Manager of the Kennebec Water District and Superintendent of the Kennebec Sanitary Treatment District, concerning the ability of their respective systems to accommodate the development.

17. An erosion control plan prepared by a registered professional engineer.

18. A storm water management plan prepared by a registered professional engineer.

19. A statement regarding the use, storage, or disposal of any dangerous, toxic, special, or hazardous wastes, whether solid, liquid, or gaseous, and special measures available to deal with them appropriate fashion.

C. Upon receipt of a permit application the Code Enforcement Officer shall decide whether the information in the application is provided as required. If the CEO finds the application is insufficient or incomplete, (s)he shall within five (5) working days, notify the applicant in writing, indicating what necessary information is required to complete the application. The CEO shall take no further action on an incomplete application.

D. Upon determination that an application is complete, the Code Enforcement Officer shall distribute the application materials for consideration by the Planning Board. If there is sufficient time for advertisement and notification, the Board shall schedule the public hearing required under subsection D, below, for the next regular meeting. From the date of the public hearing, the Board shall have thirty-five (35) calendar days in which to act on the application, unless said time period is continued by mutual consent of the Board and the applicant.

E. A public hearing shall be held on all Conditional Use Permit applications.

1. The Town shall cause to be placed a notice of the public hearing in a newspaper of general circulation within the Town of Fairfield at least seven (7) days prior to the date of the hearing. Notice shall also be posted in the Town Office at least seven (7) days prior to the hearing.

2. The Town shall notify by regular mail all landowners within 200 feet of the boundaries of the parcel to be developed, to be postmarked at least seven (7) days prior to the hearing. Notice shall be sent to the address provided on tax assessment records. Failure of property owners to receive notice in a timely manner shall not invalidate a decision of the Board.
3. The public hearing shall be conducted in accordance with established rules of parliamentary procedure for hearings. All parties shall be granted an opportunity to speak. All comments and evidence shall be directed through the Chair of the Board.

F. The Board may, at its discretion, retain expert independent technical assistance to evaluate or supplement the evidence presented by the applicant and in the public hearing. The cost of such expertise shall be borne by the applicant in accordance with the terms of the escrow account set up at the time of application as provided in section 3.6.D.

G. The Board shall prepare findings of fact and shall act to approve or deny the Conditional Use Permit application. The following criteria shall be used in considering whether to approve the application:

1. The development will not create unsafe or unhealthful conditions within the neighborhood in which it is located, and shall not create or exacerbate effects upon neighboring properties.

2. The development will not create or add to traffic congestion at or below Level of Service "D", as defined, and will not create unsafe traffic movements on public roads.

3. The development will not result in undue reduction of air or water quality or wildlife habitat, and will not cause undue flooding or soil erosion.

4. The development will to the greatest extent feasible, preserve historic, prehistoric, or archeological resources.

5. The development will not cause an undue strain on public facilities or services, including public roads, water supply, sewage disposal, solid waste systems, police, educational, or other services.

6. The applicant has sufficient financial and technical capacity to complete the development.

7. The development is consistent with the Fairfield Comprehensive Plan, and in compliance with state and federal law, as well as all ordinances, rules, and regulations of the Town, including the performance standards of this ordinance, unless the Board acts to waive said standard.

H. In approving the application, the Board may attach any conditions which it feels are necessary to meet the criteria of this ordinance. All conditions shall become a part of the permit, and any violation or failure to adhere to the conditions shall be considered a violation of this ordinance. Any financial performance guarantee imposed as a condition of approval shall be in place before the Code Enforcement Officer may issue the permit.

I. An appeal from the decision of the Board may be made to the Somerset County Superior Court pursuant to Rule 80-b of the Maine Rules of Civil Procedure, and must be filed within thirty (30) days of the date of issuance of the decision.

J. No substantial change shall be made in any approved conditional use without approval of the change by the Board. Any change which would result in an increase in either building area or developed area of more than ten (10) percent shall be reviewed as a new permit application.

K. Granting of a Conditional Use Permit does not relieve the applicant of the requirement to obtain a building permit as provided in Section 3.2, where one would be required.

3.5 Waiver Provisions

A. Waiver of submission requirements. The Code Enforcement Officer is authorized to waive the submission of items required for a Conditional Use Permit (section 3.4.A) upon a showing by the applicant that the item requested has no bearing on the application. A written record of the request for and granting of the waiver must be appended to the application materials.

B. Waiver of design and performance standards. The Board is authorized in its review of applications for a
Conditional Use Permit to waive requirements of Articles 7, 8, and 9 of this Ordinance. Waivers shall only be granted upon a showing by the applicant that the intent of the standard can be met with alternative designs or approaches. Any waiver granted shall be listed as a condition of approval in writing on the final site plan.

3.6 Permit Administration

A. All time periods, including those for appeals for issuance or denial of a permit, shall be counted from the date of written notification of the decision.

B. If no substantial start is made on construction within 180 days of the date of the permit, it shall lapse and become void. Thereafter no further work on such construction can be made until a new application has been made and approved as aforesaid. The fee for such permit shall be charged as a renewal fee.

C. Any permit issued which is found by the Board of Appeals or a Court of Jurisdiction not to be in conformity with the provisions of this Ordinance confers no right and is void.

D. The Council shall set and may, from time to time amend, a fee structure for permits required under this ordinance. The fees shall be sufficient to pay for the Town's direct expenses incurred in processing the application. The Council shall also set a structure for collecting from applicants for conditional use permits a sum sufficient to cover anticipated technical review assistance, said sum to be deposited in an escrow account, with balance remaining to be returned to the applicant following completion of the review.

3.7 Duties of the Code Enforcement Officer (CEO)

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, (s) he shall immediately notify, in writing, the person responsible for such violations, indicating the nature of the violations and the action necessary to correct it. (S) he is authorized to order immediate cessation of a construction activity, pending action of the Town Council, as provided in Section 3.8.A, below.

B. The CEO shall maintain a current file of all pertinent Federal, State and local statutes, ordinances, regulations, codes, and plans relating to land-use regulation including local subdivision plans.

C. The CEO shall have the following authority and duties to enforce the provisions of this Ordinance, and may have other duties as assigned:

- Examine preliminary plans;
- Act upon all applications and collect any fees due, and refer or process applications as required;
- Inspect sites where building permits have been issued to ensure compliance with all local, state, and federal laws, codes and/or ordinances, and to monitor activities under the jurisdiction of this ordinance at all times;
- Investigate complaints and reported violations;
- Keep written inspection reports and thorough records;
- Issue violation notices;
- Participate in appeal procedures;
- Process or act on consent agreements involving violations of this Ordinance and to appear in court when necessary;
- Offer advice and opinions to members of the public upon request;
- Attend meetings of the Planning Board and Board of Appeals.

D. The CEO shall have the authority to designate an assistant or agent.

E. When there is a question concerning the interpretation of this Ordinance, the CEO may refer the matter to the board of appeals for interpretation.

F. Stop-work order: Should the CEO find that information supplied in applying for a building permit is in error, or the work permitted has been exceeded he or she shall issue a stop-work order and revoke the permit. This action
shall be accomplished by means of a verbal notification, to the responsible person or work crew, or by posting of
the order at the entrance to the site or attaching the notice to the structure itself. This action shall be followed up
by legal notice as provided in section 3.8.A.

3.8 Legal Action and Violations

A. Notice of Violation: If the Code Enforcement Officer shall find that any provision of this Ordinance is being
violated, he or she shall provide written notice of the violation by hand or by certified mail to the person
responsible for such violation, indicating the nature of the violation, the penalty for violation, and the action
necessary to correct it. He or she shall order discontinuance of any illegal use of land, buildings, structures,
additions, alterations, or structural changes thereto, or discontinuance of any illegal activity.

B. Legal Action: When the above action does not result in the correction or abatement of the violation, the Town
Council is hereby directed to institute any and all actions and proceedings, legal and equitable, including the
seeking of injunctions of violations and imposition of fines that may be appropriate. The Town Council is
authorized to enter into an administrative consent agreement for the purpose of eliminating violations of this
Ordinance and collecting fines due the Town without the necessity of court action.

C. Fines: Any person, firm or corporation being the owner, contractor or having control or use of any structure or
premises who violates any of the provisions of this Ordinance shall upon conviction be fined in accordance with
provisions of 30-A MRSA §4452. Each day such a violation is permitted to exist after written notification by the
Code Enforcement Officer shall constitute a separate offense. Fines shall be payable to the Town.

D. Administrative consent agreements: Upon recommendation of the Town Attorney, certain violations of this
Ordinance may be resolved through an administrative consent agreement executed between the violator and the
Town Council. An Administrative consent agreement shall require that:

1) The violation shall be corrected in all respects;

2) The violator admits to the violation, and

3) The violator pays an appropriate monetary penalty of not less than $100, plus the Town’s legal costs.

3.9 Performance Guarantees

A. Performance guarantees, when required, shall be tendered for all improvements to public facilities required under
this Ordinance, including but not limited to, sidewalks, drainage facilities, traffic control devices, roadway and
curbing within the public right-of-way, street lights, and water and sewer facilities.

B. At the time of approval of the permit application, the applicant shall tender either a certified check payable to the
Town, an irrevocable letter of credit from a lending institution, or a performance bond payable to the Town issued
by a surety company in an amount adequate to cover the total costs of all required improvements and municipal
inspection thereof, taking into account the time-span of the bond and the effects of inflation upon costs. The
conditions and amount of the certified check or performance bond shall be determined by the Planning Board with
advice from the town staff.

C. Prior to the release of any part of the performance guarantee, the Code Enforcement Officer (CEO) shall
determine that the proposed improvements meet or exceed the design and construction requirements for that
portion of the improvements for which the release is requested. The cost of inspections shall be deducted from the
amount to be returned. Any interest accumulated by the performance guarantee shall be returned to the
developer.

D. The CEO may retain the services of a qualified individual or firm to inspect the construction of the required
improvements. If the appointed inspector finds, upon inspection of the improvements performed before release of
the guarantee, that any of the required improvements have not been constructed in accordance with plans and
specifications filed by the applicant, (s)he shall so report to the CEO. The CEO shall then notify the applicant, and, if necessary, the bonding company or lending institution, and take all necessary steps to preserve the Town's rights under the guarantee.

3.10 Board of Appeals

A. Establishment and Organization

1. A Board of Appeals for the Town of Fairfield is established in accordance with the provisions of 30-A M.R.S.A. section 2691. It shall consist of five (5) regular members and two (2) associate members. When a regular member of the Board is unable to act because of interest, physical incapacity, or absence, an associate member shall act in their stead.

2. The term of office of a member or associate is five (5) years, staggered so that one term expires each calendar year. Members of the Board of Appeals shall be appointed by the Town Council. A Councilor or their spouse may not be a member or associate member of the Board of Appeals. When there is a permanent vacancy, the Town Council shall appoint a new member to serve for the remainder of the unexpired term.

3. Members of the Board of Appeals may be removed from office by Town Council for cause upon written charges and after public hearing.

4. The Board of Appeals shall elect a chairperson and secretary from its own membership.

B. Proceeding of the Board of Appeals.

The Board of Appeals shall adopt rules necessary to conduct its affairs, in keeping with the provisions of this Ordinance and Title 30-A, MRSA, §2691. Meetings shall be held at the call of the chairperson or when requested by a majority of the members, or by order of the Town Council. The chairperson shall preside at all meetings and be the official spokesperson of the Board of Appeals. All meetings shall be open to the public. The Board of appeals shall keep minutes of its proceedings, showing the vote or absence of each member upon each question, and shall keep records of its official actions, all of which shall be a public record and be files in the town offices. A quorum shall consist of three members.

C. Powers and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

1. Administrative Review: To hear and decide appeals where it is alleged there is a violation or error in any order, requirement, decision, or determination made by the Code Enforcement Officer or Planning Board in the administration of this ordinance.

2. Variances: To authorize relief from dimensional standards upon appeal in specific cases of hardship, within the limitations set forth in this ordinance.

   a. Variances may be obtainable only for height, minimum lot size, frontage, lot coverage, setbacks, and open space requirements. Variances cannot, under any circumstances, be obtainable for establishment of prohibited uses.

   b. The Board shall not grant a variance unless it makes a finding of undue hardship as defined by this ordinance. Mere inconvenience to the property owner, financial hardship, or pleading that a greater value may be realized from the applicant's property were a variance granted shall not be sufficient evidence of undue hardship.

   c. The variance granted shall be the minimum necessary to make possible the use of the property and will preserve the terms of the ordinance as much as possible. The Board of Appeals may impose such
conditions to a variance as it deems necessary, to this end.

D. Appeal Procedure

1. An appeal may be taken to the Board of Appeals by an aggrieved person. Such appeal shall be filed within thirty (30) days of the decision appealed from.

2. Such appeal shall be made by filing with the Town Clerk a written notice of appeal, specifying ordinance section being appealed and the grounds for such appeal. For a variance appeal, the appellant shall submit:
   a. A sketch drawn to scale showing lot lines, location of existing building, and other physical features pertinent to the variance request.
   b. A concise written statement stating what variance is requested and why it should be granted.

3. Each appeal shall be accompanied by the required fee to cover advertising and administrative costs. If the actual cost of advertising and notification exceeds the fee paid, the appellant shall pay the balance.

4. The Board of Appeals shall hold a public hearing on the appeal within twenty-five (25) days of the filing of the appeal with the Town Clerk. Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board all records of the decision being appealed. At least fifteen (15) days prior to the date of the hearing, the Town Clerk shall cause to be published in one issue in a newspaper of general circulation in the town a notice which includes:
   a. The name of the person appealing.
   b. A brief description of the property involved.
   c. A brief description of the decision appealed from, or the nature of a variance appeal.
   d. The time and place of the Board's hearing.

At least ten (10) days prior to the date set for hearing, the Town Clerk shall also give similar written notice to:
   a. All property owners of record whose properties lie within 200 feet of the affected property.
   b. The person making the appeal, and
   c. The Code Enforcement Officer, and any other parties of record.

E. Hearing Procedure

1. All proceedings of the Board of Appeals shall be conducted in accordance with the procedures specified in state law, title 30-A M.R.S.A. section 2691, subsection 3.

2. The Code Enforcement Officer (CEO) or their designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material (s)he deems appropriate for an understanding of the appeal.

F. Decisions of the Board of Appeals

1. The concurring vote of at least three (3) members of the Board of Appeals present at the public hearing shall be necessary to reverse any order, requirement, decision, or determination of the CEO or Planning Board, or to decide in favor of the applicant on any matter related to this ordinance, or to affect any variation in the application of this ordinance.

2. The Board shall decide all appeals within thirty (30) days after the hearing, and shall issue a written decision on all appeals.
3. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented, and the appropriate order, relief, or denial thereof. Notice of any decision shall be mailed or hand delivered to appellant, their representative or agent, the Planning Board, the CEO, and the Town Manager within seven (7) days of the decision date.

4. Upon notification of the granting of an appeal by the Board of Appeals, the CEO shall immediately take such action as is in accordance with the conditions of the decision, unless the applicant needs a Conditional Use Permit.

5. Further appeal may be taken as permitted by 30-A M.R.S.A. section 2691(3)(G) from any decision of the Board of Appeals to the Somerset County Superior Court.

G. Stay of Proceedings

An appeal stays all legal proceedings related to the action appealed from unless the Code Enforcement Officer certifies to the Board of Appeals, after the notice of appeal has been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause irreparable harm to property or create a threat to the life or health of any person including the appellant. In such case, the Code Enforcement Officer, if legally authorized by State law or local ordinance, may seek injunctive relief or refer the matter to the Town Council for prosecution.
Article 4: Amendments

4.1 Initiation

A proposal for an amendment to this Ordinance may be initiated by:

- The Planning Board, by majority vote to the Board;
- The Town Council, by majority vote;
- An individual, through request to the Planning Board; or
- A written petition of a number of voters equal to at least ten percent (10%) of the voters in the last gubernatorial election.

4.2 Procedure

A. When initiated by an individual, a proposal for an amendment shall be presented to the Planning Board in writing stating the specific changes requested. When a change in district boundaries is proposed, the application shall state the nature, extent, and location of the boundary change proposal, and shall be accompanied by a scale drawing showing the areas to be changed, with dimensions. A fee shall accompany the proposal to cover the costs of hearings and advertisements. The Planning Board shall make a written recommendation regarding passage to the Town Council prior to any action on the amendment by the Council.

B. When initiated by petition or by Council action, the Board shall review the request and shall make a written recommendation regarding passage to the Council prior to any Council action on the amendment.

C. Before recommending the amendment of an existing ordinance or map, the Planning Board must post and publish notice of the public hearing required in accordance with the following provisions.

1. The notice shall contain the time, date, and place of hearing, and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the Town Office shall be adequate notice.

2. The notice shall be posted in the Town Office at least thirteen (13) days prior to the hearing.

3. The notice shall be published in a newspaper with general circulation within the Town. The date of the first publication shall be at least twelve (12) days prior to the hearing; the date of the second publication shall be at least seven (7) days prior to the hearing.

4. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains its source water protection area.

5. In the case of a request to change district boundaries or the status of permitted or prohibited uses within a district, notice shall be sent by certified mail to all persons owning property within the area proposed to be affected, or within 200 feet of the property proposed to be affected. Notice shall include a map illustrating the proposed change. Notice shall be mailed at least fourteen (14) days prior to the hearing.

D. Additionally, notice must be given if the proposed amendment within a geographically specific portion of the Town, has the effect of either prohibiting all industrial, commercial or retail uses where any of these uses is permitted or permitting any industrial, commercial or retail uses where any of these uses is prohibited. The notice must contain a copy of a map indicating the portion of the municipality affected by the proposed amendment.
For each parcel that is in or abutting the portion of the Town affected by the proposed amendment, the notice must be mailed by first class mail at least thirteen (13) days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. Notice also must be sent to public drinking water supplier if the area to be rezoned is within its source water protection area. The planning board shall prepare and file with the town clerk a written certificate indicating those persons to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate.

4.3 Adoption

Any amendment to this Ordinance shall be adopted by the Town Council.
Article 5: Non-Conformance

5.1 Purpose:

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

5.2 General Requirements

Except as hereinafter specified, no building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or altered and no new lot shall be created unless in conformity with all of the regulations herein specified for the district in which it is located.

Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

This ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures.

5.3 Non-Conforming Structures

A. A non-conforming structure may be repaired, maintained, and improved, but shall not be added to or expanded except as follows:

1. The expansion does not itself exceed the maximum building height; and

2. The expansion or accessory structure does not increase the existing, non-conforming lot coverage; and

3. The expansion or accessory structure does not increase non-conformance of an existing setback.

B. The placement of a foundation below an existing non-conforming structure shall not constitute an expansion of the structure provided that the foundation does not extend beyond the existing structure's footprint. The addition of uncovered, outside stairs or handicapped access facilities shall not constitute an expansion of the structure.

C. A non-conforming structure damaged or deteriorated beyond practicable repair may be rebuilt provided that construction is completed within 24 months from the date of loss. The structure may not be enlarged in volume or area except in conformity with this Ordinance.

5.4 Non-conforming Uses

The use of land, buildings or structure, lawful at the time of adoption of this Ordinance, or of subsequent amendments of this ordinance, may continue although such use does not conform to the provision of this Ordinance, except as provided in the following paragraphs below.

A. A non-conforming use which is discontinued for a period of twenty-four (24) consecutive months may not be resumed. The uses of the land, building, or structure shall thereafter conform to the provisions of this Ordinance.

B. Whenever a non-conforming use is changed to allow use, the property shall thereafter conform to the provisions of this Ordinance, and the non-conforming use may not be resumed.

C. A non-conforming use may be changed to another non-conforming use through the Administrative Review process. The Board of Appeals must find that the proposed use is equally or more appropriate to the district than the existing
non-conforming use, and the impact on adjacent properties is no more adverse than the impact of the former use.

In determining whether the impact of the proposed non-conforming use is no more adverse, the Board of Appeals shall consider changes in traffic, parking, noise, potential of nuisances likely to result from such change in use. The applicable standards and requirements of this ordinance shall apply to any request for a new non-conforming use.

D. Expansions of non-conforming uses are limited to no more than a 25% increase in area or volume of the structure and/or land and shall require review by the Board of Appeals. The Board may approve the expansion request when it finds that the proposed expansion will not create a nuisance or negative impact upon adjacent properties that is greater than the existing non-conforming use.

5.5 Non-conforming Lots

A. A non-conforming lot of record may be built upon provided that such lot is not contiguous with another lot in the same ownership, and all the provisions of this ordinance except lot size and frontage can be met, or a variance obtained.

B. If two or more adjacent, non-conforming lots are in the same ownership of record, and if one or more of the lots contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional standards.

C. If two or more adjacent, non-conforming lots are in the same ownership of record, and if a principal use or structure exist on each lot, the non-conforming lots may be conveyed separately or together, provided that lots that are not served by municipal sewer shall conform to the minimum Lot Size Law (12 M.R.S.A. §4807) and the State of Maine Subsurface Waste Water Disposal Rules.

D. If two or more uses or structures exist on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the State Minimum Lot Size Law and Subsurface Waste Water Disposal Rules are followed. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.
Article 6: Land Use Districts

6.1 Official Map

Districts are located and bounded as shown on the Official Map which is a made part of this Ordinance. Detail Maps "A" and "B" are hereby incorporated as visual aids in interpretation of the Official Map. The Official Map is separate and distinct from the Official Shoreland Zoning Map as required in the Town of Fairfield Shoreland Zoning Ordinance, and does not include shoreland zones designated therein.

A. Certification of Map

The Official Map is certified by the attested signature of the Town Clerk under the following words: "This is the Official Map of the Land Use Ordinance of the Town of Fairfield", together with the date of the adoption of this Ordinance. The official copy shall be located in the office of the Town Assessor.

B. Changes to the Official Map

If changes are made in the district boundaries, or other matter portrayed on the Official Map, such changes shall be made on the Official Map within fourteen (14) days after the amendment has been adopted together with an entry on the Official Map as follows:

"On (date), the Town Council enacted the following change: (insert brief description of the nature of change)."

Immediately beneath the entry the Town Clerk shall place his or her signature.

C. Replacement of Official Map

In the event that the Official Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions the Town Council shall authorize a new Official Map.

6.2 Establishment of Districts

A. Rules Governing District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Map the following rules shall apply.

1. Boundaries indicated as approximately following the center lines of streets, highways, rivers, or streams, or defined in terms of their distance from said center lines, shall be construed to precisely reference such center lines.

2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines. In cases where a lot line shifts due to boundary line adjustments, the district boundary will shift accordingly.

3. Boundaries indicated as approximately following Town limits shall be construed to follow such limits. Boundaries indicated as following shorelines shall be construed to following such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.

4 Sources for the exact delineation of the Special Flood Hazard areas shall be the Town of Fairfield Flood Insurance Map.

5 Distances not specifically indicated on the Official Map shall be determined by the scale of the map.
B. Lots Divided by District Boundaries

When a lot divided by a district boundary, is two acres or less in area, the requirements of either district may be used, but shall apply to all portions of the lot. On lots larger than two acres, the district regulations shall be followed in each portion of the lot.

C. Where physical or cultural features existing on the ground vary from those shown on the Official Map, or other circumstances not covered by 6.2.A., the Board of Appeals shall interpret the district boundaries.

D. Designation of District

The following Land Use Districts are hereby established with symbols designated as follows:

- RU = Rural District
- R = Residential District
- RR = Rural Residential District
- UR = Urban Residential District
- V = Village District
- MS = Main Street District
- C = Commercial District
- I = Industrial District

6.3 Purpose of Districts

Each Land Use District designated in this ordinance is intended to further and promote the purpose of the Comprehensive Plan and the health, safety, and general welfare of its occupants.

A. Rural District (RU)

The purpose of the Rural District is to provide for a healthy agriculture, forest, and resource base for the town, while accommodating low density residential habitation and appropriate economic opportunity. Development activities in the district are intended to provide an outlet for local resources, and housing, employment, and service opportunities for residents of the District.

B. Residential District (R)

The purpose of the Residential District is to provide a substantial portion to the town devoted to accommodate medium-density residential development based on the potential for public water and sewer, as well as associated commercial development on collector roads.

C. Rural Residential District (RR)

The purpose of the Rural Residential District is to provide an area of prime development land suitable for low-density residential development. Commercial development in the area will be accommodated because of available land, but should be limited to that which will not impact the need for public facilities, the development capability of the land, or suitability of neighboring properties for residential use.

D. Urban Residential District (UR)

The purpose of the Urban Residential District is to preserve the quality and integrity of the Town's older residential neighborhoods and permit higher-density housing in the area closest to the town's public facilities and services, and within walking distance of our principal commercial area.
E. Village District (V)

The purpose of the Village District is to promote small-scale, mixed-use development characteristic of the town's three existing village neighborhoods. A healthy mix of locally-oriented commercial development and medium-density housing (or high-density where public water and sewer are available) is encouraged.

F. Main Street District (MS)

The purpose of the Main Street District is to promote a downtown central business district with a density and location to serve local residents in the most central location and with efficient delivery of public services. The Main Street District should be considered a variation of the Commercial District, with flexible standards suited to the highly-developed, small-lot and mixed use character of the Town's existing downtown blocks. Infill and redevelopment to preserve the viability of the downtown is to be encouraged. New construction and any alteration of existing buildings or land use should be consistent with the objective to develop and maintain the downtown central business area.

G. Commercial District (C)

The purpose of the Commercial District is to provide a generous public facility and land base on which to build on regional economic development opportunities. This district provides the necessary encouragements for locations of all forms of commercial and industrial development oriented to broadly based employment and services, including proximity to major highways and water and sewer infrastructure.

H. Industrial District (I)

The Industrial District is a specialized commercial district intended to provide for a variety of employment uses without an adverse effect on adjacent neighborhoods and with an attractive industrial environment including access to interstate interchanges and public water and sewer systems.

6.4 Land Use Activities Permitted by District

A. The Land Use Table in this section is intended to designate the land use activities which will be permitted, and what level of permitting is required within each district. The Code Enforcement Officer shall determine which listed category a proposed activity falls within. The North American Industry Classification System (SIC codes) shall be used as a guide in the event of uncertainty. Appeals of the CEO’s determination shall be classified as Administrative Review.

The Ordinance is intended to be sensitive to the size, scale, and impact of land use activities. Some uses listed below are subdivided by size of structure as a means of gauging impact. The general performance standards, Section 7 and 8, intend to regulate the impact rather than the existence of uses which might otherwise have been prohibited within the district. The letters appearing within the table indicate the level of permitting required, as follows:

- A = Allowed (Building Permit required for structures)
- PBR = Development Permit by Rule (see Section 3.3)
- C = Conditional Use (Planning Board) Permit Required (see Section 3.4)
- S = Subdivision Review Required under separate Ordinance
- X = Not permitted in this District

<table>
<thead>
<tr>
<th>Land Use Activity</th>
<th>MS</th>
<th>V</th>
<th>UR</th>
<th>R</th>
<th>RR</th>
<th>C</th>
<th>I</th>
<th>RU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open parks, parking lots, cemeteries</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Recreational facilities</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Extractive or filling operations</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Land Use Activity</td>
<td>MS</td>
<td>V</td>
<td>UR</td>
<td>R</td>
<td>RR</td>
<td>C</td>
<td>I</td>
<td>RU</td>
</tr>
<tr>
<td>---------------------------------------</td>
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<td>---</td>
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<td>----</td>
</tr>
<tr>
<td>Agriculture &amp; forestry operations</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Campground</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>X</td>
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### Residential uses

<p>| | | | | | | | |</p>
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<thead>
<tr>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>One and two-family homes</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
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<tr>
<td>Multiple dwelling units on a lot, See section 9.11</td>
<td>C/S</td>
<td>C/S</td>
<td>C/S</td>
<td>C/S</td>
<td>C/S</td>
<td>C/S</td>
<td>C/S</td>
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<tr>
<td>Mobile homes</td>
<td>X</td>
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<td>A</td>
<td>A</td>
<td>A</td>
<td>C</td>
<td>A</td>
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<tr>
<td>Mobile home parks</td>
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<td>S</td>
<td>X</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>X</td>
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<tr>
<td>Home occupations</td>
<td>PBR</td>
<td>PBR</td>
<td>PBR</td>
<td>PBR</td>
<td>PBR</td>
<td>C</td>
<td>C</td>
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</table>

### Commercial Uses

#### General entertainment, retail and wholesale, by size (unless otherwise listed):

<p>| | | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>under 10,000 ft² building area</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<td>10,000-20,000 ft² bldg. area</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>C</td>
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<tr>
<td>20,000 ft² &amp; larger bldg. area</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>X</td>
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</table>

#### Manufacturing by size (unless otherwise listed):

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<thead>
<tr>
<th></th>
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<th></th>
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<tr>
<td>under 25,000 ft² bldg. area</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
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<tr>
<td>25,000 ft² &amp; larger bldg. area</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Gasoline and fueling stations</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>Farm stand</td>
<td>PBR</td>
<td>PBR</td>
<td>X</td>
<td>PBR</td>
<td>PBR</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Bank</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Professional offices, see section 9.13</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>General offices &amp; services</td>
<td>C</td>
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<td>X</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Call center</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Adult business</td>
<td>X</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>X</td>
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<tr>
<td>Kennels, animal boarding</td>
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<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Ground water extraction</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Waste/scrap storage/processing facility</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Motor vehicle sales &amp; service</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Junkyard, auto graveyard</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Warehousing</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Sit-down restaurant</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Snack bar</td>
<td>PBR</td>
<td>PBR</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>PBR</td>
<td>PBR</td>
</tr>
<tr>
<td>Bed &amp; breakfast</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Hotel, motel</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Lodging house, guest house</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>College residence hall</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Controlled substance facilities</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Communication towers</td>
<td>C</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Solar Energy Systems</td>
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<td>X</td>
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<td>Wind Energy Generation</td>
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<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
<td>C</td>
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<tr>
<td>Adult Use Marijuana Facility</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

Fairfield Land Use Ordinance
B. Uses Not Listed

1. Any land use activity not listed in the Table of Land Uses shall be interpreted as follows:
   a. If the proposed use is similar to a use in the Table requiring a Development Permit-by-Rule, it will require a Development Permit-by-Rule.
   b. If the proposed use is similar to a use in the Table requiring a Conditional Use Permit, it will require a Conditional Use Permit.
   c. If the proposed use is similar to a prohibited use, it shall be prohibited.

2. In determining which uses are similar, the Code Enforcement Officer shall consider the following factors: size and appearance, impact on abutting properties, scale of operations, traffic, environmental impacts, and the purpose of the district. In no case will this provision be used to permit prohibited uses or to permit a use which does not comply with all dimensional requirements and performance standards of this Ordinance.

C. Accessory Uses

1. An activity which is incidental and directly related to the principal use of the property shall be considered a part of the principal use for the permitting requirements. Examples of such relation include warehouse space as part of a retail store or waste processing facilities as part of a manufacturing operation.

2. An activity which meets the definition of accessory use, but which has no direct relation to the principal use of the lot shall be subject to permitting requirements as if it were an unrelated use. Examples might be an auto repair shop on residential property, or a clothing store in a sawmill.

D. Expansions of Existing Uses

Unless the use is non-conforming, the expansion of an activity already existing at the effective date of this ordinance, or previously permitted under this ordinance, which would require a development permit-by-rule or conditional use permit, will require only a building permit if all of the following conditions are met:
   i. The expansion does not increase the developed area or building area by more than fifty (50) percent in any twelve (12) month period, and
   ii. the expansion does not require substantial demand for public water, sewer and other services, and
   iii. the expansion does not constitute a change of use.

E. Change of Use

A change of use, which is defined as conversion of an activity from one category in the Land Use Table to another, shall be required to obtain a new permit if the use requires a higher level of permitting, i.e. from an Allowed Use to a Permit by Rule or Conditional Use permit, or from a Permit by Rule to a Conditional Use. A new permit would be required even if no building or structural changes are proposed.
A change of use which would require the provision of more parking spaces, as determined in the Table in Section 8.2.C, must demonstrate to the satisfaction of the Planning Board that the parking lot has the capacity to absorb the added demand.

6.5 Dimensional Standards

A. The table in this section contains dimensional requirements for each designated district. These standards shall be considered minimums, except where noted. See Section 6.1.B, below, for exceptions and adjustments. Relief from standards herein may be obtained only through the granting of a variance from the Board of Appeals.

<table>
<thead>
<tr>
<th>DIMENSIONAL STANDARD</th>
<th>LAND USE DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MS</td>
</tr>
<tr>
<td>Minimum Lot area, (square feet) per Principal Structure</td>
<td>5,000</td>
</tr>
<tr>
<td>Lot area per add'l dwelling unit or principal structure</td>
<td>1,200</td>
</tr>
<tr>
<td>Lot coverage, maximum</td>
<td>none</td>
</tr>
<tr>
<td>Street frontage (sf) — sewered</td>
<td>50</td>
</tr>
<tr>
<td>-- unsewered</td>
<td>n/a</td>
</tr>
<tr>
<td>Front setback</td>
<td>10</td>
</tr>
<tr>
<td>Side &amp; Rear Setback — principal structure</td>
<td>5</td>
</tr>
<tr>
<td>- accessory structures</td>
<td>none</td>
</tr>
<tr>
<td>Building Height, maximum</td>
<td>75</td>
</tr>
</tbody>
</table>

B. Adjustments to Dimensional Standards

1. Within the Main Street and Urban Residential Districts, the required front setback may be reduced to the average front setback of the two closest buildings if less than the listed requirement.

2. Within the Main Street and Urban Residential Districts, certain additional dwelling units may be added to pre-existing homes without additional lot size. See Section 9.11.A of this ordinance.

3. Within the Industrial District, if the activity will be adjacent to a commercial or industrial use, minimum side and rear setbacks shall be twenty-five (25) feet. If the activity will be adjacent to a residential use or district boundary, setback will be determined by the buffer provided – see Section 7.3 of this Ordinance.

4. Within the Main Street District, the side setback requirement is eliminated if an adjoining building is already built to the lot line.

5. Within the Main Street District, dwelling units located above the ground floor are not subject to the requirement for additional lot area.

6. Within the Residential District, the lot area per additional dwelling unit may be reduced to 10,000 square feet if the unit will be connected to public sewer.

7. Mobile home parks are exempt from the standards of this table, but must comply with the dimensional standards of 30-A MRSA §4358(3).
Article 7: Environmental and Neighborhood Protection Standards

7.1 Access to Back Lots

No permit required under this Ordinance shall be issued to erect any structure on a lot without frontage on a public or private road unless a means of access is constructed within a deeded right-of-way. The access shall be constructed to a minimum width of twelve (12) feet if serving one dwelling unit, and fifteen (15) feet if serving two dwelling units. It shall contain a minimum depth of fifteen (15) inches of bank-run gravel, with drainage ditches and culverts in locations recommended by the Public Works Director.

This section does not displace or reduce the requirements that apply to the creation of three or more lots or dwelling units subject to review under the Town of Fairfield Subdivision Ordinance.

7.2 Air Pollution

A. No emissions of dust, ash, smoke or other particulate matter which can cause damage to human or animal health, vegetation, or property by reason of concentration or toxicity, which can cause soiling beyond the property boundaries is permitted. This shall not be construed to include the airborne by-products of conventional agricultural practices. Evidence that relevant state and federal regulatory requirements have been met shall be considered sufficient to meet this standard.

B. The emission of smoke from any chimney, vent, stack, opening, or combustion process shall not exceed a density of Ringlemann #1.

C. Odors shall be controlled so that they cannot be detected at the property line by an ordinary, healthy person.

D. Vibration inherently and recurrently generated, and heat, shall be imperceptible without instruments at property boundaries.

7.3 Buffering and Screening

A. Parking Lots

Multi-family and commercial land use activities are subject to the following requirements for screening of parking lots: Except within the Main Street (MS) District, any parking lot that is located within twenty-five (25) feet of the street line shall be screened to reduce the distraction of parking lot activity on the street:

1. A minimum buffer width of fifteen (15) feet is required if the width consists of a landscaped mixture of deciduous and evergreen vegetation, selected for varying heights and adaptability to roadside conditions, and continuously maintained.

2. A visual screen of at least three (3) feet in height may be substituted for the landscaped buffer. The screening may consist of low walls, fences, berms, evergreen plantings or any combination of these.

B. Screening of Adjacent Properties

1. Setbacks or Screening for Industrial Uses:

   a. No screening shall be necessary if the distance between the developed area and the property line is at least one hundred (100) feet.
b. A forty (40) foot setback is required if the width will consist entirely of natural woodland or change in elevation of at least ten (10) feet between the developed area and the property line.

c. A twenty-five (25) foot setback is required if the width will consist of a planted vegetative screen dense enough to form an effective visual barrier.

d. If no natural or landscaped buffer is obtainable, a structural visual and/or sound barrier must be erected.

e. The Planning Board may require additional setback or screening requirements where the use abuts a residential property or district, based on the density of development and type of industry proposed.

f. Additional setbacks or buffer requirements may apply to specific uses (see Article 9).

2. Screening of Commercial and Multi-family Development:

In cases where commercial or multi-family development is proposed adjacent to residential uses or a residential district boundary, the Planning Board may require a natural or landscaped buffer strip to visually screen the uses. Where no natural vegetation can be maintained, or due to unusual site conditions, the screening may consist of fences, walls, berms or combinations thereof. The buffering shall be sufficient to minimize the impacts of large buildings, loading and unloading operations, outdoor storage areas, parking lots, waste storage and similar commercial activities. The buffer areas shall be maintained and vegetation replaced to insure continuous year round screening.

3. Outside storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other article of salvage or refuse, shall be opaquely shielded to a height of eight (8) feet from abutting road or residential uses, regardless of distance. Where a potential safety hazard to children is evident, physical barriers sufficient to deter small children from entering the premises shall be provided and maintained in good condition.

7.4 Erosion and Sedimentation Control

Soil erosion during development shall be minimized through implementation of erosion control management practices. Maine Erosion and Sediment Control Best Management Practices (Maine DEP, March, 2003 or as revised) shall be used as a guideline. In addition, the following practices shall be followed:

A. The stripping of vegetation, removal of soil, regarding, or other development of the site shall be accomplished by limiting the duration of exposure and area of the site to be disturbed. Dust control methods shall be employed during dry conditions.

B. Permanent vegetation and/or other erosion control and stormwater management (Section 7.11) measures should be installed prior to, or no later than six months following, completion of the construction.

C. The top or bottom of a cut or fill shall not be closer than ten (10) feet to a property line unless otherwise mutually agreed to by the affected landowner and town. In no instance shall said cut or fill exceed a 3:1 slope.

7.5 Glare from Outside Lighting

Lighting may be used which serves security, safety, and operational needs but which does not impair the vision of a vehicle operator on adjacent streets. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists or pedestrians, or from adjacent dwellings. Intensity should not exceed one (1) foot candle at the property line, and under no circumstances be sufficient to create a nuisance to abutting residential properties.
7.6 Historic and Archaeological Resources

If any portion of the site has been identified, or is found or known to contain historic or archaeological resources, the development shall include appropriate measures for protecting these resources, including, but not limited to, modification of the proposed building and site layout and design.

7.7 Natural Resource Protection

A. Natural Features

Site development shall minimize, insofar as possible, disturbance of natural features. This shall be done through limiting tree removal, disturbance and compaction of soil, and grading and filling. No construction activity shall disturb natural features shown outside of the clearing limits designated on the site plan.

B. Habitat Protection

1. If any portion of the parcel has been identified as a critical natural area, or as containing threatened or endangered species of plants or animals, that area shall not be developed. Maps produced by the Beginning with Habitat Program shall be consulted as a guide. In addition, areas within 250' of these resources shall only be developed in a manner consistent with protection of these resources. The Planning Board may require a mitigation or management plan to be reviewed by the Natural Areas Program of the Department of Conservation prior to approval.

2. If any portion of the area to be developed includes areas shown on Beginning with Habitat program maps as Deer Wintering Areas, the developer shall consult with the a qualified wildlife biologist on means to limit the impact of the development on the habitat, and incorporate those recommendations into his plan insofar as practicable.

3. If any portion of the development contains a wetland or vernal pool, as determined by the Town of Fairfield, the Maine DEP, or a certified soil scientist, the developer shall avoid, minimize, or mitigate impacts on the resource both during and after construction.

7.8 Noise

A. Noise shall be kept within the limits of the Town of Fairfield Noise Ordinance. In general, the maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any activity shall be limited by the time period and receiving district listed below.

<table>
<thead>
<tr>
<th>District</th>
<th>7 a.m. - 9:30 p.m.</th>
<th>9:30 p.m. - 7 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>UR, R, RR, RU Districts</td>
<td>55</td>
<td>45</td>
</tr>
<tr>
<td>All other districts</td>
<td>60</td>
<td>50</td>
</tr>
</tbody>
</table>

B. Notwithstanding the standards of subsection A, a venue providing outdoor entertainment activities may produce sound to the level permitted by the Fairfield Police Chief under a permit issued pursuant to Article 6, Section 7 of the Town of Fairfield Public Safety Ordinance.

C. The level specified may be exceeded by 10 dB for no more than 15 minutes per day. Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1.4-1961) "Specification for General Purpose Sound Level Meters". Sound levels shall be measured at least 4 feet above ground at the property boundary.

D. No person shall engage in construction activities on a site abutting any residential use between the hours of 9:30 p.m. and 7 a.m.
E. The Planning Board, in reviewing Conditional Use applications for commercial activities abutting or within any residential district, may require additional measures for noise suppression.

F. The following activities shall be exempt from these standards:

1. Sounds emanating from construction and maintenance activities conducted between 7 a.m. and 9:30 p.m.

2. Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency or public safety devices.

7.9 Outside Storage of Materials

All materials stored outdoors shall be isolated in such a manner as to prevent the breeding and harboring of insects, rats, or other vermin. This shall be accomplished by enclosures in containers, raising materials above ground, separation of material, prevention of stagnant water, extermination procedures, or other means. A plan for establishment and maintenance of appropriate measures shall be part of any required permit application.

7.10 Commercial Development in the Rural (RU) District

Just as commercial use is promoted in the Commercial (C), Village (V) and Main Street (MS) districts of the town, it is discouraged in the Rural (RU) district. In addition to other standards established in this ordinance, Rural (RU) District commercial uses are subject to the following conditions:

1. Setback and Buffer. A minimum of fifty (50) feet shall be maintained between the area or structure used for commercial purposes and any parcel boundary. A minimum of twenty-five (25) feet shall be in the form of a natural or planted buffer as described in Sec. 7.3.

2. Size. No new commercial structure may exceed 10,000 square feet, except in such cases where the applicant can demonstrate that traffic generated by the development will not exceed ten (10) percent of the existing Average Daily Traffic (ADT) of the road used for access. The total impervious surface used for commercial purposes shall not exceed ten (10) percent of the gross area of the parcel on which it is established.

The Planning Board may waive this standard only in the case where the commercial use is primarily related to and dependent on locally-produced farm or forest products, or gravel or other earth products mined on site.

3. Traffic Impact. The Planning Board or a qualified traffic engineer shall estimate the amount of traffic to be generated by the use. Except for uses waivable in sec. 2, above, no uses will be permitted which generate more than 300 vehicle trips per day onto Route 139, Route 201, or Route 104, nor more than 200 vehicle trips per day onto any other road in the district.

4. Access Points. All access points shall be designed and constructed at a point with a minimum of five hundred (500) feet sight distance in each direction along the public road. All driveways shall be paved for a distance of at least fifty (50) feet from the edge of the pavement of the public road.

5. Signs. Only one free-standing sign shall be permitted per parcel. The maximum size of the free-standing sign shall be thirty-two (32) square feet.

7.11 Storm Water Management

A. All new construction shall be designed to reduce water runoff as nearly as possible to pre-development conditions in terms of volume, velocity, and location. Where possible, existing natural runoff control features, such as swales, terraces, and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of storm water.
B. All applicants for Conditional Uses that will involve creation of more than 10,000 square feet of new impervious surface must prepare a Storm Water Management Plan. Storm water plans should show how the development will limit peak discharges from the site to predevelopment levels through a system of engineering structures and best management practices equivalent to those described in *Stormwater Management for Maine: Best Management Practices*, (DEP, January, 2006 or as revised). The use of low-impact development techniques, as described in Chapter 3 of the above-cited manual, is highly encouraged.

C. Storm water runoff systems should be designed to facilitate aquifer recharge when it is advantageous to compensate for groundwater withdrawals or reduction in infiltration. Conversely, designs should avoid recharge where groundwater effects might be harmful.

7.12 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 so as to contaminate, pollute, or harm any surface or ground water resources or cause nuisances, such as floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant or aquatic life. Evidence that State and Federal regulatory requirements have been met shall be considered sufficient to meet this standard.

B. All above ground storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, shall be located on impervious material, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a 25-year storm, so that liquid shall not be able to spill onto or seep into the ground surrounding the storage area. In addition, such facilities shall be located at least 75 ft. from any lot line, or 40 ft. for underground storage. Storage tanks for "home heating oil" and diesel fuel, not exceeding 330 gallons in size, may be exempted from this requirement. Evidence that State and Federal regulatory requirements have been met shall be considered sufficient to meet this standard.

No commercial activity involving the production, use, or storage of hazardous or toxic chemicals or petroleum products shall be conducted except in accordance with a Spill Prevention and Management Plan developed at the time of application and approved by the Town of Fairfield Fire Chief. All materials shall be stored in a manner and location which is in compliance with appropriate regulations of the Maine Department of Public Safety and other Federal, State, and local regulations.

C. Any development which will generate a demand of 2,000 gallons per day or greater provided by groundwater supplies shall not noticeably diminish groundwater quantity or quality beyond the boundaries of the property as a result of the project. The Planning Board will require evidence in the form of a report by a qualified hydrogeologist that this standard will be met.

D. Public Water Supplies: Any land use activity which involves the development of a new public water supply shall develop a wellhead management plan demonstrating that the applicant has legal control over land use activities within a minimum three hundred (300) foot radius of the wellhead.
Article 8: Site Design and Public Facilities Impact Standards

8.1 Access to Public Roads

A. General Provisions:

Provision shall be made for vehicular access to the development and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and within the development, to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the development.

1. The number of access points shall be minimized consistent with the need to attain safe and proper vehicular access to the site. Commercial access points shall avoid local residential streets wherever possible.

2. Where a commercial lot has frontage on two or more streets, access to the lot shall be provided from the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

3. The street giving access to the lot and neighboring streets which can be expected to carry traffic to and from the development shall have existing capacity or be improved to accommodate the amount and types of traffic to be generated by the proposed use. No development shall increase the volume of traffic to a level exceeding eighty (80) percent of the street's capacity nor reduce the street's Level of Service to "D" or below.

4. Provision shall be made for interconnecting driveway links to adjoining lots, when such driveway would enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.

5. All driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above level within a triangular area defined by legs of 25 feet measured along the driveway and street lines in order to provide adequate vehicle sight lines.

B. Access onto State Jurisdiction Roads

A land use activity proposed to access onto roads under the jurisdiction of the State of Maine Department of Transportation (DOT) is required to obtain a DOT Driveway, Entrance, or Traffic Movement Permit, depending on the volume of traffic involved. If the proposed activity requires a Conditional Use Permit, the applicant shall provide permitting materials to the Town as evidence that this standard is met.

Roads in Fairfield under Maine DOT jurisdiction include: US 201 outside of the urban compact area, Maine Route 139 outside of the urban compact area, Maine Route 104, and Maine Route 23.

C. Access Standards

The standards of this section shall apply to all land use activities that will access roads not under the jurisdiction of Maine DOT, including town roads and state highways/state aid roads within the urban compact area.

1. Sight Distances: Driveways shall be designed and located to provide adequate sight distance in each direction. A sight distance of ten (10) feet for each mile per hour of posted speed limit shall be provided. On unposted roads, the minimum sight distance is two hundred fifty (250) feet within the urban compact area and three hundred fifty...
(350) feet outside this area.

2 Number of Access Points

The following criteria shall limit the number of access points independent of frontage length.

a. Developments estimated to generate less than ten (10) vehicle trips at the peak hour or 100 vehicle trips per day shall be limited to one two-way driveway onto a single roadway.

b. All other developments shall be permitted no more than two (2) two-way driveways or three driveways in total onto a single roadway.

3. Separation from Street Intersections: Separation of driveway from existing street intersections should be the maximum practicable, based on site constraints.

a. Low volume driveways shall be located no closer than fifty (50) feet from an intersection, unless it is controlled by a traffic signal, in which case it shall be no closer than one hundred (100) feet.

b. A two-way driveway which will serve a volume of one hundred (100) or more vehicle trips during its daily peak hour of operation shall be located no closer than two hundred (200) feet from an intersection, unless the intersection is controlled by a traffic signal, in which case it shall be no closer than five hundred (500) feet.

c. A single-lane (one-way) driveway may be located closer than fifty (50) feet of an intersection only if traffic is prevented from entering into or egressing out of the opposing lane of the road by a raised median or other device.

d. Distances shall be measured from the point of tangency (PT) of the intersection curb radius to the point of tangency of the driveway curb.

4. Separation from lot lines: Except in the Urban Residential (UR) District, no driveway entrance shall be located within ten (10) feet of the side lot line of an adjoining lot, unless the driveway is designed to serve both lots.

5. Driveway Design

a. All driveways, including commercial entrances, with a volume of fewer than one hundred (100) vehicle trips during its daily peak hour of operation shall meet the following design requirements:

1) Angle of Entry. Driveways shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 75 degrees on arterials, or 60 degrees on all other roads.

2) Curb Radius. The curb radius shall be between 5 feet and 24 feet, with a preferred radius of 10 feet.

3) Driveway Width. The width of the driveway shall be between 12 feet and 24 feet, as measured in the throat area behind the radius.

4) Slope. From the street line, the driveway should slope at 2 percent or less for a distance of 25 feet, followed by a slope of 6 percent or less for at least 50 feet.

b. Commercial driveways with a volume of greater than one hundred (100) vehicle trips during its daily peak hour of operation shall meet the following design requirements:

1) Angle of Entry. Driveways shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 75 degrees.

2) Entering and exiting lanes shall be separated by a raised median. The median shall define a throat length of adequate dimensions based on the traffic volume, but in no case less than forty (40) feet.
3) **Width.** Driveway widths shall be between twelve (12) feet and twenty-six (26) feet on each side of the median, depending on whether they are single-lane or two-lane. “Right turn only” lanes established by a channelization island shall be between sixteen (16) feet and twenty (20) feet in width.

4) **Curb Radius.** Without channelization islands for right-turn movements, the curb radii shall be between 30 feet and 50 feet. With a channelization island, the curb radii shall be between 75 feet and 100 feet.

5) **Slope.** From the street line, the driveway should slope no more than 2 percent for a minimum of 100 feet.

6) Appropriate traffic control signage shall be erected at the intersection of the driveway and the street and on medians and islands.

D. **Construction Materials/Paving**

1. All driveways entering a curbed street shall be curbed with materials matching the street curbing. Curbing shall be placed around all raised islands or medians.

2. All driveways shall be paved with bituminous concrete pavement within the street right-of-way. All commercial driveways regardless of driveway volume shall be paved with bituminous concrete pavement within thirty (30) feet of the street right-of-way.

8.2 **Off-Street Parking**

A. **General**

No use shall be permitted, and no structure shall be constructed or enlarged, unless adequate vehicle parking is provided without necessity for vehicular parking on the street, in accordance with the following requirements.

B. **Parking Lot Design Criteria**

1. **Access Restrictions**
   
a. Parking areas with more than two (2) parking spaces shall be designed so that vehicles cannot back into the street.

b. Vehicle access points shall be designed in conformance with section 8.1, above.

c. All parking spaces shall be at least five (5) feet from any side or rear lot line, unless more is required for buffer yards.

d. Required parking spaces will not be located within the right-of-way of the public street.

2. **Interior Vehicular Circulation**

a. Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement, with particular reference to the necessity of avoiding slowing vehicles on the public road. A throat length adequate to serve the volume of traffic shall be provided. No parking spaces will access directly from the throat area.

b. In parking lots in excess of one hundred (100) spaces, raised islands with vegetation shall be used to identify circulation patterns and restrict driving movements diagonally across parking aisles. Island placement shall be sufficient to divide the lot into two (2) or more smaller cells of no more than 100 spaces each. Landscaped islands shall be no less than fifteen (15) feet of vegetative width containing a landscaped mixture of deciduous and evergreen vegetation, selected for adaptability to roadside conditions and continuously maintained, except
that a pedestrian walkway and drainage facilities may be placed within the area, provided that it occupies no more than one-half the width.

c. All spaces shall be immediately accessible from an aisle without the necessity of moving other vehicles.

d. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.

e. Any layout that utilizes vehicular access service ("drive-up") windows shall provide a minimum of five (5) car lengths of queuing space on the incoming side of the initial stopping point. This requirement may be increased by the Planning Board for certain types of development. The required queuing space shall be designed so that it shall not interfere with parking and circulation on the remainder of the site.

3. Layout of Parking Stalls and Aisles

a. Parking stalls shall be a minimum of nine (9) feet in width by eighteen (18) feet in length for conventional arrangement. Stalls designated for handicapped use shall be a minimum of twelve (12) feet in width by eighteen (18) feet in length and marked appropriately. Stalls may be angled, provided aisles are designated one-way, and each stall contains the minimum rectangular dimensions. Stalls for parallel parking shall be no less than nine (9) feet in width by twenty-two (22) feet in length.

b. In paved parking areas painted stripes shall be used to delineate parking stalls. Stripes should be a min. of 4" in width. Where double lines are used, they should be separated a min. of 10" on center. Unpaved parking lots are not required to delineate spaces on the ground, but the site plan must show adequate parking and circulation design and the single space reserved for handicapped parking must be identified with an appropriate sign.

c. Two-way aisles shall be a minimum of twenty-two (22) feet in width. One-way aisles shall be a minimum of sixteen (16) feet in width.

d. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

e. The provision of oversize spaces shall be permitted for activities that ordinarily serve oversize vehicles, such as recreational vehicles, travel trailers, delivery trucks or tractor-trailer trucks.

4. Paving Required

All parking lots and access drives which would require ten (10) or more parking spaces under the table in Section 8.2.C.1, below, shall be paved with hot bituminous concrete or an equivalent surfacing over a gravel sub-base at least eighteen (18) inches in thickness, and shall have appropriate bumper or wheel guards where needed.

C. Numerical Requirements

1. Basic Requirements for Parking Space

Adequate off-street parking shall be provided according to the use proposed. The table below shall be interpreted as a guide, subject to adjustments in Subsections 2 through 5, following. The provision of spaces for vehicles owned or operated by the business, such as construction vehicles, tractor-trailers, and vehicles displayed for sale, shall not be included in the calculations.
# of Spaces | Land Use Activity
--- | ---
**Places of Residence or Accommodation**--spaces per room or dwelling unit
1 / 3 | Dedicated Retirement Home, Nursing Care Facility
1 | Hotel, Motel, Bed & Breakfast, College Residence Hall
2 | Multi-family buildings

**Places of Public Assembly**--spaces per seat based on maximum seating capacity
1 / 4 | Theater, with fixed seating
1 / 3 | Church
1 / 2 | Restaurant, Convention Center, Meeting Hall, Grange, Bottle Club

**Places of Commerce and Industry**--spaces per 1,000 sq.ft. of gross floor area
1/2 | Warehousing, including self-storage
1 1/2 | Industrial and Manufacturing Facilities, wholesaling
3 | Grocery stores over 5,000 sq.ft., Offices, professional, and personal services, except as noted.
3.5 | Retail sales except as noted
5 | Banks, Medical & Dental Offices, Call Centers, Fitness Clubs, Child Care
6 | Snack bars (6 minimum)

**Public and Institutional Facilities**--spaces per 1,000 sq.ft. of gross floor area
2 | Elementary School
4 | School, except as noted, Museum, Art Center, Public Office
6 | Commuter College, Hospital

**Miscellaneous**--criteria as specified
1 per 1,000 sf | Indoor Sports Facility (Tennis, Soccer etc.)--no spectators
1 per 4 seats or attendees, based on max. capacity | Stadiums, Arenas, Racetracks, and other spectator sport venues
30 per acre | Mini-golf, Go-Carts, and Outdoor Amusements
5 per lane | Bowling Alley
3 per service bay plus 1 per 10 vehicles displayed | Motor Vehicle Sales & Service

2. **Conditional Modification of Requirements**: The Planning Board is permitted to modify these standards as minimum requirements, under the following circumstances:

a. By up to 10 percent, based upon a showing by a qualified traffic engineer that similar uses under similar circumstances generate greater or less demand.

b. In the Main Street (MS) District only, the Planning Board may permit any use to provide up to 100 percent of its parking requirement through the cooperative development and maintenance of a municipal or public parking lot or structure. Alternatively, the Board may reduce the required parking by up to 30 percent, upon the condition that provided off-street parking not be restricted to patrons/tenants of the development.

c. The following listed uses may satisfy up to 50 percent of their parking requirement through a shared-use agreement with a non-listed use: Churches, fraternal meeting halls, Eating & Drinking Establishments, Theaters, Fitness Clubs, Bowling Alleys.

d. A development may include as a portion of its parking requirement the provision of parking spaces not located on the same lot provided a) that the spaces are located within 200 feet of the property line, b) that a written agreement is in place for long-term use of the spaces, and c) that the spaces would not be among the minimum required for a pre-existing or already-permitted use.
3. Impact on Physical and Environmental Resources. Parking lots shall not be excessively large, or contain an area more than 25 percent greater than that required by these standards.

4. Handicapped Access: At least one space, plus one additional space for every twenty-five (25) required, shall be designated as available for handicapped persons, and shall be located nearest the primary entrance. If more than two (2) spaces are required, spaces shall be separated by a five (5) foot wide access aisle. All spaces shall be identified by pavement markings and signs mounted at least five (5) feet above ground surface.

5. Mixed Uses:
   a. Any portion of an activity or use which is listed separately on the table in Section 8.2.C.1 shall be considered as a separate use for the purpose of calculating spaces if it exceeds in area or seating capacity 25 percent of the overall area of the building or development.
   b. If an Eating and Drinking Establishment provides both indoor and outdoor seating, the parking requirement shall be calculated according to the total seating capacity.
   c. If a mixed use consists of any residential use combined with any commercial use, no parking shall be required of the residential use unless it consists of more than 67 percent of the total development area.

D. Standards for Loading Bays

1. Areas for loading and unloading goods shall be located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers for loading or storage shall not be required to stand or maneuver upon any public street, except that in the Main Street (MS) District, unloading to pre-existing buildings may be by way of the street for time periods specified in the Town of Fairfield Public Safety Ordinance, Article 1, Section 5. No loading bays shall be on the side of the building facing the principal street frontage, except for approved industrial activities in the Industrial (I) District.

2: The following minimum off-street loading bays or berths shall be provided and maintained in the case of new construction, alterations, and changes of use for the purpose of retail, wholesale, warehouse and industrial operations.

<table>
<thead>
<tr>
<th>Building Size:</th>
<th>Loading Bays Required:</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,0001 to 20,000 sq. ft.</td>
<td>1 bay</td>
</tr>
<tr>
<td>20,001 to 80,000 sq. ft.</td>
<td>2 bays</td>
</tr>
<tr>
<td>80,001 to 130,000 sq. ft.</td>
<td>3 bays</td>
</tr>
<tr>
<td>130,001 to 190,000 sq. ft.</td>
<td>4 bays</td>
</tr>
</tbody>
</table>

Each 100,000 square feet over 190,000 square feet requires one (1) additional bay.

3. Loading bays shall be a minimum dimension of twelve (12) feet by fifty-five (55) feet and be designed and delineated so as not to interfere with traffic flow or other parking spaces.

8.3 Signs

A Permit by Rule (Section 3.3 of this ordinance) is required for the erection of any new sign or sign structure or when an existing sign is replaced by a larger one. This section sets out standards for sign location, size, and placement in addition to those of the Maine Traveler Information Services Act, 23 M.R.S.A. §1901 et seq.

A. In the RU, RR, and UR Districts, only the following signs shall be permitted.

   1. One free-standing sign may be displayed. In RR and UR Districts, the sign shall be limited in square footage to 1/20 (5 percent) of the linear street frontage of the property, or nine (9) square feet, whichever is larger. In the RU District, the sign shall be limited to thirty-two (32) square feet regardless of frontage.
2. In the UR District only, no sign shall be internally illuminated. External illumination shall be limited to low-intensity fixtures aimed directly at the sign.

B. In the R, I, and C Districts, the following restrictions shall apply.

1. Signs shall be permanently affixed to the land or building except as provided in section 8.3.E below. The total area of signage in square feet shall not exceed 1/3 (33 percent) of the linear street frontage of the property or, on corner lots, the longest single street frontage of the property.

2. Free-standing signs (not building-mounted) shall be subject to the following requirements:
   a. Signs shall be placed no closer than 10 feet from the edge of the street right-of-way. No sign shall be placed in or on the sidewalk.
   b. No portion of any free-standing sign shall extend more than twenty-five (25) feet above the level of the ground on which it is located.
   c. No single free-standing sign shall exceed 50 percent of the allowable sign area for the lot.
   d. No more than two free-standing signs shall be permitted per lot or business.
   e. Within an approved commercial subdivision, property owners may pool their permissible sign area to erect one free-standing sign at the entrance to the development.

3. Building-mounted signs shall be subject to the following requirements:
   a. There shall be no more than three building-mounted signs permitted, except in the case where there are multiple lessees of a building, in which case, there shall be permitted no more than one sign per lessee.
   b. If mounted on the building in such a way as to overhang a pedestrian walkway or public sidewalk, no portion of the sign shall extend beyond five (5) feet of the building face to which attached, nor within ten (10) feet vertical distance of the sidewalk.
   c. If the proposed sign is to be "flush-mounted", it shall not extend or project more than twelve (12) inches from the building wall. Cut out letters should not project more than six (6) inches from the building wall.
   d. No portion of a sign structure shall extend higher than ten (10) feet above the cornice line of any building.

C. In the V and MS Districts, special provision must apply to accommodate existing development and higher development densities. In general, the provisions of Section 8.3.B shall apply, except as follows:

   1. The total signage area in square feet shall not exceed 1/2 (50 percent) of the linear street frontage of the property.
   2. No free-standing sign shall be placed in the public right-of-way or sidewalk, except that temporary "sandwich board" signs may be placed on sidewalks during normal business hours.

D. Changeable Signs: as defined 23 MRSA §1914.11A(1)

   1. Changeable signs, including digital displays, are permitted only in the following Districts: I, C, MS, and V. Only a single changeable sign is permitted per lot of record.
   2. The display on a changeable sign may be changed no more often than once every ten (10) seconds. If adjacent to pre-existing residential development, the changing feature shall be discontinued outside of business hours.
   3. The displayed message shall not scroll, flash, dissolve, or be otherwise animated. No streaming or moving images
shall be displayed on the sign. No sign shall contain external moving parts or other elements that may distract drivers.

4. The message display area shall not exceed thirty-two (32) square feet in area, or fifty (50) percent of the area of the sign, whichever is larger.

5. Changeable signs shall not be placed so that the message is readable from the interstate or associated ramps.

E. Temporary signs

Temporary signs and banners may be posted for a period of not more than twenty (20) days within any ninety (90) day period. The owner shall remove said signs upon termination of the event. No temporary sign or banner shall be placed in or above the right-of-way of a public street, except by written permission of the Town Manager.

F. The following are not considered signs subject to these provisions:

1. Flags and insignia of any government.
2. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
3. Integral decorative or architectural features of building unless they consist of letters, trademarks, moving parts, or moving or flashing lights.
4. Signs placed for the purpose of guiding traffic and parking on private property.
5. Signs advocating for an election issue or candidate.

G. Existing, non-conforming signs may be maintained but shall not be replaced except by conforming signs. Upon change of ownership of a business premises, all non-conforming signs must be removed or replaced by conforming signs.

H. A sign which advertises a business which is no longer in operation, or which poses a risk to public safety by virtue of being unmaintained shall be removed by the owner, agent, or person responsible for the building or site upon which the sign is located. The Code Enforcement Officer is responsible for identifying such signs and providing written notice to the owner of record in accordance with section 3.8.A of this Ordinance.

8.4 Solid and Liquid Wastes

A. The development shall provide for the disposal of all solid wastes on a timely basis and in an environmentally safe manner. The Town shall not be responsible for pickup or transfer of wastes.

B. Sanitary and Liquid Wastes

1. When not serviced by the public sewerage system, the approval of a permit shall be subject to presentation of a completed site evaluation form (HHE-200) which evidences adequate soil conditions for wastewater disposal.

2. Industrial or commercial waste waters may be discharged to public sewers only and in such quantities and/or qualities as to be compatible with operations of the Kennebec Sanitary Treatment District. Wash water or other process water carrying stone dust, stone particles, silt or other mineral matter will not be accepted. Wastes may require pretreatment at the industrial or commercial site in order to achieve this standard. The Planning Board shall consider the impact of particular industrial or chemical wastes or by-products upon the system's facilities (in terms of volume, flammability, or toxicity) and may require the development to dispose of such wastes elsewhere, in conformance with applicable State and Federal regulations. The Board may require the applicant to specify the amount and exact nature of all industrial and chemical wastes to be generated by the proposed operation.
This standard shall not apply to facilities that treat their own wastewater requiring an Effluent Discharge Permit from the Maine Department of Environmental Protection.

8.5 Utilities

Public utility lines feeding commercial structures shall be placed underground wherever practicable.

8.6 Public Safety and Emergency Services

A. Commercial buildings in the Industrial (I) and Commercial (C) Districts covering an area of more than ten thousand (10,000) square feet shall provide clear access for emergency vehicles on all sides of the building(s). Clear access consists of a minimum of twenty feet of unobstructed width with a surface level and firm enough to support fire equipment. The access shall be considered developed area and not included in any calculations for buffer areas.

B. At a minimum, the requirements of the editions of NFPA – 1 and NFPA – 101 in use at the time of construction must be met for all construction, alteration, or demolition. Key box security systems shall be installed, as required by Article 1 of the Fairfield Fire Prevention and Protection Ordinance. Truss construction markers as required under Article 4 of said ordinance shall be properly displayed at all entrances.

C. All fire lanes shall be installed and maintained as required by Article 5 of the Fairfield Fire Prevention and Protection Ordinance. The Fire Chief may require temporary fire lanes and/or building access routes during construction, alteration, or demolition work.

D. The applicant must submit evidence that proposed fire protection measures are adequate, in the form of a written statement from the Fire Chief that the proposed development will not exceed the capacity of the department to provide adequate protection. The Fire Chief may recommend additional protective improvements, including but not limited to fire ponds, dry hydrants, fire lanes, separation of flammable wastes, or sprinkler systems.

E. If the development will use or store items that because of their toxicity or flammability would require specialized training or equipment, the developer will be responsible for providing that training or equipment to the fire department.

F. The development must be designed to provide security consistent with the capacity and practices of the town police department. The applicant shall provide a written statement from the Police Chief approving any proposed security measures.
Article 9: Design Standards Applicable to Specific Activities

9.1 Adult Businesses

The purpose of this section is to permit the establishment of adult businesses, as defined, in such manner and location as will protect the general welfare and preserve the community standard.

A. Physical Separation: In districts where permitted, adult businesses shall not be located within 250 feet of a residential district boundary, nor within 500 feet of an existing residential, educational, or religious structure, nor within 500 feet of any other adult business.

B. Exterior Appearance: No sexually explicit message, materials, images, or activity shall be visible outside the building.

9.2 Automobile Graveyards and Junkyards

Automobile graveyards and junkyards shall be subject to the provisions of 30-A MRSA, sec. 3751-3760, as amended "Automobile Graveyards and Junkyards", including separate licensing provisions. In addition to the requirement for a Conditional Use Permit under this Ordinance, an automobile graveyard or junkyard is required to obtain a permit under the Fairfield Automobile Graveyard and Junkyard Ordinance and meet the performance standards therein. The applicant will show that the performance standards in both ordinances will be met prior to receiving a Conditional Use Permit.

9.3 Campgrounds and Tenting Grounds.

A. General

1. A campground must be constructed on a lot containing a minimum of ten (10) acres. All RV or trailer sites and all structures shall be located at least one hundred (100) feet from any property line.

2. Campsites shall be laid out and screened in such a manner that none are within view from public roads, neighboring residences, or approved subdivision lots. Any combination of natural woodland, evergreen planting, landscaping earthen berms, or solid fencing may be used to screen this activity, when sites would otherwise be visible from the locations described above.

3. No mobile home or manufactured housing unit shall be permitted within any campground, temporary or otherwise, except for a single unit for the use of the owner or manager.

4. Tent sites and sites for trailers and RVs shall be laid out so that the overall density does not exceed fourteen units per acre for tents or eleven units per acre for trailer or RV sites, unless a lower density is required under the Town of Fairfield Shoreland Zoning Ordinance.

5. The minimum setback from the normal high-water mark shall be 100 feet for all recreational vehicles, tents, or other temporary or permanent structure.

6. No campsite shall be located within the 100 year floodplain.

B. Parking and Circulation

1. Adequate parking plus maneuvering space shall be provided for each RV, tent, or shelter site. Individual spaces shall be laid out so that there shall be a minimum of 75 feet between RV sites and all public roads located inside the boundaries of the campground.
2. Vehicular access shall be provided onto a hard-surfaced road adequate for the volume and type of traffic likely to be generated. All roads shall be constructed to the standards for a private right-of-way as per the Town of Fairfield Subdivision Ordinance. No vehicle parking shall be permitted on the roadway.

C. Health and Safety

1. Trash receptacles shall be provided at convenient locations throughout the campground. The park management shall dispose of refuse from said containers at least once every three days.

2. A campground shall provide water and sewage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Wastewater Disposal Rules. At least one toilet, one shower, and one lavatory shall be provided for each sex for every ten (10) campsites. All RV and trailer sites shall be equipped with water and sewage hook-ups, and connected to approved distribution or disposal systems.

3. 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. Twenty-Four (24) hour emergency service (e.g. telephones) shall be provided.

D. Planning and Review

Campgrounds are subject to review under the Town of Fairfield Subdivision Ordinance, with particular attention to the requirements for habitat protection and retention of natural vegetation. Campgrounds within shoreland zoned areas are under the jurisdiction of the Fairfield Shoreland Zoning Ordinance.

9.4 Communication Towers

New or expanded communication towers are subject to review as a Conditional Use and the standards of this section, unless exempted under subsection C of this section. Maintenance and repair of existing facilities and equipment and addition of antennae does not require review unless there is a change in height or coverage of impervious surface of the facility. A building permit may be required.

A. Location

1. Communication Towers are prohibited in the UR, and R Districts. This shall not be construed as prohibiting building-mounted antennae in those districts.

2. Consideration shall be given to use of existing towers (co-location) whenever practicable. Applicants for permits for new facilities shall state why location on an existing tower is not feasible.

3. Towers shall be located no closer than one-half the height of the tower from all property lines and dwelling units.

B. Design and Installation

1. No tower shall exceed one hundred ninety five (195) feet in height, as measured from the tip to the ground surface. A tower in the MS or V Districts shall not exceed seventy-five (75) feet in height.

2. The applicant for a new tower will provide the Planning Board with a radio frequency propagation survey demonstrating that the proposed tower height is needed.

3. All new and replacement towers shall be of the monopole design.

4. No tower shall be approved unless at least one (1) wireless service provider has already committed occupancy. New towers shall be designed with capacity for co-location.
5. A new or expanded tower shall be placed on a lot owned by the operator of the facility or leased for a period of not less than ten (10) years.

6. New towers shall be constructed with materials and colors that match or blend in with the surrounding natural or built environment to the maximum extent practicable.

7. All towers and supporting structures must comply with structural standards established by the Electronic Industries Association/Telecommunication Industries association. Compliance with these standards shall be certified by a registered professional engineer.

8. Any communication tower that is unused or out of service for a period of eighteen (18) continuous months shall be considered abandoned and shall be removed as soon as possible. The Town of Fairfield is hereby authorized to contract for removal of the tower and assess the cost of said removal as a lien against the property.

C. Exempt Installations

1. Facilities for communication by local, county, state or federal emergency and public safety organizations.

2. Amateur radio stations as licensed by the Federal Communications Commission.

3. Facilities accessory to an existing dwelling unit.

4. Facilities intended to be in operation for no more than one hundred eighty (180) days.

9.5 Eating and Drinking Establishments

A. All permit applications shall state the maximum seating capacity of the establishment, including any planned outdoor seating areas. Any expansion or enlargement over the stated capacity shall require a new permit.

B. Any establishment located within 500 feet of an existing public sewer line shall connect with the sewer system at the expense of the developer. When subsurface wastewater disposal is proposed, completed soil evaluation forms (HHE-200) shall be submitted. All proposed subsurface disposal systems shall meet the Maine State Subsurface Wastewater Disposal rules.

C. Separate restroom facilities for male and female patrons complying with the Maine State Plumbing Code shall be provided on the premises.

D. Eating establishments with little or no indoor seating capacity (“snack bars”) must still provide for traffic flow and parking such that movement on the public road is not impeded.

9.6 Extractive or Filling Operations

A. Scope and Exclusions: Except for the exclusions listed below, the removal or placement of topsoil, rock, sand, gravel, and other earth materials is prohibited in the UR, V, and MS Districts and is a Conditional Use in all other districts:

1. The removal, placement or transfer, of less than one hundred (100) cubic yards of material from or onto any lot in any twelve (12) month period.

2. The removal, placement or transfer, of material incidental to construction, alteration, or repair or a building or in the grading and landscaping incidental thereto; and

3. The grading or shifting of material incidental to construction, alteration, or repair of a public or private way or essential facility.
B. Submission Requirements

1. All applications shall show sufficient information to determine compliance with this ordinance and applicable State Laws, and accompanied by all required State Permits or Licenses and the following information:

   a. A site plan with topography indicating not greater than five (5) foot contour intervals, related to US Geodetic Survey data; the location and slope of the grades, existing and as proposed upon completion of the extraction operation; and detailing proposed fencing, buffer strips, signs, lighting, parking and loading areas, entrances and exits; together with a written statement of the proposed operating procedure and working hours.

   b. A plan for reclamation of the site upon completion of the operation.

   c. Evidence of adequate insurance against liability arising from the proposed operations, to be maintained throughout the period of operation.

   d. Written approval of routes to be used by the Fairfield Director of Public Works.

2. The Board may require the additional submission of a hydrogeological study to determine the effects of the proposed activity on groundwater movement and quality within the area.

C. Performance Standards

1. No part of any excavation shall be permitted within 150 feet of any property or street line, except for drainage ways. Natural vegetation shall be left and maintained on the undisturbed land.

2. If any standing water accumulates, the site shall be fenced in a manner adequate to keep children out. Measures shall be taken to prevent or halt the breeding of insects.

3. No slopes steeper than three (3) feet horizontal to one (1) foot vertical (3:1) shall be permitted at any site unless a fence at least six (6) feet in height is erected to limit access to such locations.

4. Topsoil and subsoil suitable for purposes of revegetation shall, to the extent required for restoration, be stockpiled for use in restoring the location after an extraction operation has ceased. Stockpiles shall be protected from erosion, according to the erosion prevention performance standards of this ordinance.

5. The sides and bottom of cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure, as provided in section 7.4 of this Ordinance.

6. Lagoons shall be designed to avoid creation of fish trap conditions. The applicant shall submit written approval from the Maine Department of Environmental Protection, and/or the Department of Inland Fisheries and Wildlife, as applicable, prior to consideration by the Planning Board.

7. The hours of operations at any site shall be limited as the Planning Board deems advisable to ensure compatibility with neighboring residences.

8. Loaded vehicles shall be suitably covered to prevent dust and contents from spilling or blowing from the load, and all trucking routes and methods shall be subject to approval by the Director of Public Works. No mud, soil, sand, or other materials shall be allowed to accumulate on a public road from loading or haulng vehicles.

9. All access/egress roads leading to or from the site to public ways shall be treated with suitable materials to reduce dust and mud for a distance of at least one hundred (100) feet from such public ways.

10. No equipment debris, junk, or similar material shall be permitted on a site. Any temporary shelters or buildings
erected for such operations and equipment used in connection therewith shall be removed within thirty (30) days following completion of operations.

11. Within six (6) months of the completion of operations at any site of any one or more locations within any site, ground levels and grades shall be established in accordance with the submitted reclamation plans, including the following:

a. All debris, stumps, boulders, and similar materials shall be removed or disposed of in an approved location or, in the case of solid, non-organic, non-toxic matter, may be buried and covered with a minimum of two (2) feet of soil.

b. The extent and type of grading material shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.

c. Storm drainage and water courses shall leave the site at the original natural drainage points. The amount of drainage at any point will be significantly increased.

d. Sufficient topsoil or loam shall be retained or obtained to cover all disturbed areas to a depth of four (4) inches. Areas shall be reseeded and properly restored to a stable condition.

12. No slope greater than three (3) feet horizontal to one (1) foot vertical (3:1) shall be permitted.

D. Existing Operations

1. Any extraction operation in lawful operation at the time this section becomes effective, may operate for a period of five (5) years from the effective date without a Conditional Use Permit. Within six (6) months of enactment of this ordinance, the Code Enforcement Officer shall provide written notice to the owners of all property which, to the best of their knowledge, contain existing operations, informing them of the requirements of this section.

2. Discontinuation of any existing operation shall result in the loss of pre-existing status for the operation. Discontinuation is defined as being the excavation, processing, or storage of fewer than one hundred (100) cubic yards of material, for any consecutive one-year period of time.

9.7 Ground Water and/or Spring Water Extraction and/or Storage

A. Permit Required. The removal of more than two thousand (2,000) gallons per day of ground water or spring water for commercial purposes is a Conditional Use in all districts.

B. Submission Requirements. The application shall include the following information:

1. Statement of the quantity of ground water planned to be extracted at full capacity, expressed as the annual total, the maximum monthly rate by month, and the maximum daily rate;

2. A letter from the Maine Department of Health and Human Services approving the facility as proposed where the Department has jurisdiction over the proposal;

3. Where appropriate, letters from the Department of Environmental Protection when the Site Location Law is applicable or a discharge permit is required.

4. A hydrogeological report by a certified professional hydrogeologist or registered professional engineer. This report shall include:
   • A map of the aquifer feeding the spring(s), well(s), or excavation(s) from which water is to be extracted in sufficient detail to support a calculation of sustained yield during a drought with a probability of one in ten (10) years.
• An estimate of any potential interaction between this aquifer and adjacent water supplies.
• Impacts on the water table in the aquifer and wells within 1,000 feet of the proposed extraction facilities shall be assessed.

C. Performance Standards

1. The quantity of water to be taken from water sources will not substantially lower the water table beyond the property lines, cause undesirable changes in ground water flow, or cause unacceptable ground subsidence, during a drought with a probability of occurrence of once in ten (10) years.

2. The proposed facility shall not cause water pollution or other diminution of the quality of the aquifer from which the water is to be extracted.

3. Safe and healthful conditions shall be maintained within and about the proposed use.

4. The operator shall make monthly operating records of the quantity of water extracted, stored, and removed from the site, available to the Code Enforcement Officer or a designee.

5. 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 state law.

9.8 Home Occupations

Home occupations are permitted as a Permit by Rule in all districts except C and I Districts, where they are a Conditional Use. A business enterprise which cannot meet these standards must be classified and permitted according to the Land Use Table. A home occupation in existence prior to the effective date of this ordinance is not required to get a permit or comply with these standards unless the activity expands in size, scope, or traffic demand.

A. The use of a dwelling unit or property for a home occupation shall be clearly incidental to and subordinate to the residential use of the property and surrounding residential uses.

B. A home occupation may not alter the residential character of the structure or neighborhood, or change the character of the lot from its principal use as a residence.

C. The home occupation shall be carried on wholly within existing structures. Any outside storage or display of materials or products shall be screened from view from the abutting properties and street. The display for sale of motor vehicles or outside storage of vehicles awaiting repair is expressly prohibited as a home occupation.

D. If carried on within a unit of a multi-family building or mobile home park, only resident family members may be employed and there shall be no signs posted or retail sales conducted.

E. All parking shall be located to the rear or side of the principal structure, but not within the required yard setbacks.

F. One non-illuminated sign, no larger than six (6) square feet may be erected on the premises.

G. The sale of products shall be limited to those items which are crafted, assembled, or substantially altered on the premises, to catalog items ordered off the premises by customers, and items not crafted on the premises but which are accessory and incidental to a service which is provided on the premises.

H. A home occupation shall not involve the use or storage of heavy commercial vehicles, including construction and delivery vehicles.

I. A home occupation shall not create greater traffic than normal for the area in which it is located or generate more than forty (40) vehicle trips/day.
J. A home occupation shall not generate noise, vibration, smoke, fumes, odor, heat, light, electrical interference, or other effects which can be detected beyond the boundaries of the property, or in the case of a multi-family unit, beyond the walls of the unit.

9.9 Kennels and Veterinary Clinics

A. Structures or pens for housing or containing the animals shall be located not less than one hundred (100) feet from the property line.

B. All pens, runs, 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.

C. The owner or operator shall maintain the premises in a clean, orderly, and sanitary condition at all times. No garbage, offal, 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.

D. Temporary storage containers for any wastes containing or including animal excrement shall be kept tightly covered at all times and emptied no less frequently than once every four days. Such containers shall be made of steel or plastic to facilitate cleaning, and shall be located in accordance with the setbacks required for outdoor runs.

E. If outdoor animal "runs" are created, they shall be completely fenced in, and shall be paved with cement, asphalt or a similar material to provide for cleanliness and ease of maintenance.

F. Incineration devices for burning excrement-soaked waste papers and/or animal organs or remains shall be located a minimum distance of four hundred (400) feet from any property line, and shall have a chimney vent not less than thirty-five (35) feet above the average ground elevation. Approval shall be obtained from the Maine Department of Environmental Protection for the proposed incinerator.

9.10 Mobile Homes in the Village (V) and Urban Residential (UR) Districts

All new installations of manufactured housing units in the Village (V), and Urban Residential (UR) Districts shall conform to the following design standards:

i. All units must be a minimum of fourteen (14) feet in width and contain at least seven hundred fifty (750) square feet of living space;

ii. All units shall have a residential-style siding and roof pitch of at least three (3) in twelve (12);

iii. All units shall have wheels and axles removed and be placed upon a permanent foundation consisting of a frost wall, a paved pad with skirting, or a full basement.

9.11 Multiple Dwelling Units on a Lot

This section applies to multiple dwellings units on a lot, regardless of tenure (condominium or rental) or number of individual buildings. Certain forms of multiple dwellings may also be subject to the Fairfield Subdivision Ordinance.

A. Apartments within a pre-existing home: Notwithstanding the provisions of this ordinance regarding minimum lot area per dwelling unit, a home built prior to April 14, 1999 and located in the Urban Residential (UR) or Main Street (MS) Districts may accommodate a single additional dwelling unit without the requirement for additional lot size.

1. No exterior structural changes may be made to the home to accommodate the additional unit, except for the addition of exterior stairways as additional means of egress.

2. Each apartment shall be equipped with approved, hard-wired smoke and CO detectors.
3. Sufficient parking shall be provided on site, as provided in Section 8.2.C of this Ordinance.

4. The site shall not be required to meet the screening requirements of Section 7.3 of this Ordinance for multi-family developments. The Planning Board may require a fence or wall to be constructed as screening based on specific conditions of the lot.

5. Each apartment must consist of a minimum of four hundred (400) square feet of living area and shall meet all plumbing code and fire safety requirements for a dwelling unit.

B. In the Main Street District, all newly created dwelling units adjacent to Main Street must be wholly located above the ground floor. All newly created dwelling units may only be located on the ground floor adjacent to Main Street, upon appeal to the Fairfield Board of Appeals, if the property owner can demonstrate that the property is otherwise incapable of earning an economic return on its value as appraised by a qualified real estate appraiser.

C. Multi-family Housing: The construction of three or more units within a building, where permitted, shall comply with the standards of this subsection. Multi-family housing includes college residence halls.

   1. A multi-family housing unit is also a subdivision; however, the planning board may choose to perform the subdivision and conditional use reviews jointly.

   2. Multi-family buildings shall meet all of the dimensional standards of Section 6.5 of this Ordinance, as well as performance standards in Articles 7 and 8.

   3. If a multi-family building is not located on a public sewer system, the developer shall reserve an undeveloped area of sufficient size and suitability for a replacement subsurface wastewater disposal system.

   4. A multi-family development of four (4) or more units shall designate a minimum of three thousand (3,000) square feet of open space for the recreational use of the tenants. The open space may be developed with benches, tables, walkways, playground equipment or similar structures.

D. Mobile Home Parks: Mobile home parks are permitted in all districts except Main Street (MS), Urban Residential (UR), and Rural (RU). In all district where permitted, the establishment of a mobile home park shall be reviewed as a subdivision.

   1. Notwithstanding the provisions of this Ordinance, dimensional standards for mobile home parks shall be as provided in 30-A MRSA §4358(3) “Regulation of Mobile Home Parks.”

9.12 Overnight Accommodations

A. All facilities intended for short-term stay and designed and constructed without individual kitchen facilities (except for Bed and Breakfast) are subject to the following requirements:

   1. No part of any building shall be closer than sixty (60) feet to the front lot line, rear lot line, or either side line of such lot. Buffer requirements of Section 7.3 of this Ordinance shall be observed.

   2. Except as provided in subsections B and C, below, each rental unit shall contain not less than two hundred (200) square feet of habitable floor area enclosed by walls and roof exclusive of any adjoining portions of roofed or covered walkways; each sleeping room shall not be less than twelve by fifteen (12X15) feet horizontal dimensions, exclusive of bath; and each unit shall include private bathroom facilities.

   3. For each building or lot, one dwelling unit may be provided for a resident owner, manager, or other responsible staff person.

   4. If not located on a public sewer system, the developer shall reserve an undeveloped area of sufficient size and suitability for a replacement subsurface wastewater disposal system.
5. Each rental room shall be equipped with approved, hardwired smoke and CO detectors.

B. Bed and Breakfast facilities shall comply with the following:

1. The application for permit shall include a scale drawing of the lot showing the location of: existing buildings, existing and proposed parking, and existing and proposed sewage disposal system.

2. In addition to parking required by section 8.2.C of this ordinance, two spaces shall be provided for the dwelling unit.

3. There shall be at least one (1) bathroom for the rental rooms, in addition to the bathroom for the dwelling unit.

4. Each rental room shall have not less than one hundred twenty (120) square feet.

C. Guest Houses, lodging houses, boarding houses, room rentals shall comply with the following standards:

1. Guest houses are generally considered to be conversions from pre-existing single-family homes. A “new” guest house is technically a motel. Therefore, there should be no new external construction to increase the size of the structure to accommodate the use other than necessary to meet fire egress or handicapped accessibility codes.

2. The water and sewage facilities meet all existing laws and codes for the increased demand.

3. One parking space shall be provided for every room to be rented, in addition to two for the original dwelling unit.

D. Hotel, motel or cottage units with self-contained kitchen and toilet facilities or otherwise designated as housekeeping accommodations are considered to be dwelling units and shall meet all applicable standards of this ordinance. In addition, the creation of three or more units may be subject to review under the Town of Fairfield Subdivision Ordinance.

9.13 Professional Offices in the Urban Residential (UR) District

Within the UR District, professional offices may be established, subject to the following standards:

A. New professional offices shall be located only within existing buildings, in order to retain the essential character of the neighborhood. No use projected to generate more than sixty (60) vehicle trips per day will be permitted.

B. Exterior alterations shall be minimized and shall be similar to the original architectural style of the building. In special situations where a building is extremely dilapidated and structurally unsound, the Planning Board may approve plans to replace the existing building with a new building designed to be consistent in scale and appearance with other buildings in the neighborhood. The Board may seek the recommendation of a recognized architectural authority before granting permission to demolish.

C. Parking for professional offices shall be located to the side or rear of the building, and shall be screened from view from abutting residential properties.

D. All outdoor lighting shall be directed in such a manner as to avoid “overspill” onto abutting residential properties, or glare into the street.

9.14 Recreational Facilities

All public and private recreation facilities shall meet the standards below, as appropriate:

A. There shall be provided adequate off-street parking for the anticipated maximum attendance at any event.
B. If the facility is an outdoor venue, containers and facilities for rubbish collection and removal shall be provided, as well as sufficient sanitary facilities. Fixed-location sanitary facilities shall comply with the Maine Plumbing Code.

C. Adequate screening, buffer area, or landscape provisions shall be built, planted, or maintained, to protect adjacent residences from adverse noise, light, dust, smoke, and visual impact.

D. The facility shall not create a traffic hazard due to the intermittent nature of peak traffic flow. The Police Department shall review the location and access and provide its comments to the Planning Board prior to or at the public hearing.

9.15 Schools, Colleges, Churches, Fraternal Organizations, and Non-Profit Clubs

Public and private schools, colleges, religious and fraternal organizations, and non-profit clubs shall meet the provisions below.

A. Buffering and screening shall be provided as if a commercial use in accordance with the provisions of Section 7.3 of this ordinance.

B. No principal building shall be closer than fifty (50) feet from a property line.

9.16 Storage Containers

Storage containers placed into use after the effective date of this ordinance may only be located and utilized in accordance with the following standards. Containers placed into use prior to the effective date of this ordinance may remain but shall be replaced in accordance with the standards of this section if deemed unsafe or hazardous by the Code Enforcement Officer.

A. Temporary Use. A storage container may be used for no more than sixty (60) days per calendar year under the following conditions:

1. An application to use a temporary storage container shall be submitted to the Town prior to the commencement of the intended use. The application shall be processed as a Permit by Rule.

2. No more than three (3) containers shall be located on a property;

3. Containers shall be placed within the required front and side yard setbacks, unless the Code Enforcement Officer determines in writing that such placement is not feasible;

4. Containers shall not displace parking required to be provided for the land use on the lot and will not be placed so as to create vehicle or pedestrian hazards;

5. Containers shall be structurally sound, with no visible rust or holes, sharp edges, damaged sheathing or other defects which could endanger public health or safety;

B. Non-temporary Storage Containers. Storage containers intended to be in use for longer than sixty (60) days shall be used under the following conditions:

1. Containers are considered to be accessory to the principal use of the property and subject to permitting as such. If there is no development of the property at the time the containers are placed, the use is presumed to be warehousing and regulated accordingly.

2. Maximum dimensions for a storage container are fourteen (14) feet in width, fifty five (55) feet in length, and nine (9) feet in height.
3. Containers shall comply with all required setbacks and other dimensional standards.

4. Containers shall not displace parking required to be provided for the land use on the lot and will not be placed so as to create vehicle or pedestrian hazards;

5. The exterior sheathing of the container will contain no signs or advertising material;

6. Containers shall be structurally sound, with no visible rust or holes, sharp edges, damaged sheathing or other defects which could endanger public health or safety

9.17 Solar Energy Systems

The standards in this section apply to all Solar Energy Systems (SES) except those that are accessory to a previously-established principal use:

1. Layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with MUBEC, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

2. The owner of a SES shall provide the CEO written confirmation that the public utility company to which the SES will be connected has been informed of the customer’s intent to install a grid connected system. The owner shall provide a copy of the final inspection report and connection approval from the utility company to the CEO prior to the issuance of a certificate of use and occupancy for the SES.

3. All on-site utility transmission lines and plumbing shall be placed underground. If, however, the applicant can demonstrate that this would not be feasible, this requirement may be waived.

4. The SES shall be situated to eliminate concentrated glare onto nearby structures or roadways.

5. Ground mounted SES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of a vegetative barrier which provides a visual screen. In lieu of a planting screen, a fence that provides visual screening may be used.

6. The surface area of the arrays of a ground mounted SES, regardless of the mounted angle of any solar panels, shall not be considered impervious surface for purposes of a stormwater management plan.

7. All ground mounted SES rated in excess of ten (10) kw shall be completely enclosed by chain link fencing that consists of a minimum eight (8) foot high fence with a locking gate. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the SES informing individuals of potential voltage hazards.

8. Access drives shall be maintained to allow for maintenance and emergency management vehicles. At a minimum, drives must be twelve (12) feet wide and surfaced with a fifteen (15) inch thick gravel base.

9. The SES must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.

10. The SES owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. A key box shall be used to allow emergency service access. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person
for public inquiries throughout the life of the installation.

9.18 Waste and Scrap Storage and Processing

Waste, scrap storage, and processing facilities are subject to the provisions of 38 MRSA, chapter 13 Waste Management, including separate licensing provisions, and shall meet the following standards in addition to those in Articles 7 and 8 of this ordinance:

A. Location

1. No waste scrap storage or processing facility shall be located in a sand and gravel aquifer or an aquifer recharge area, as mapped by the Maine Geological Survey or a qualified hydrogeologist.

2. No waste, scrap storage, or processing facility shall be located within the one hundred (100) year floodplain, as it appears on federal Flood Insurance Rate Maps on file at the town office.

B. Supplementary Submission Requirements

1. All applications for a Conditional Use Permit shall in addition to the basic submission requirements, be accompanied by all required state permits or licenses and the following information:

   a. A written statement of the proposed operating procedure and working hours.

   b. Evidence of adequate insurance liability arising from the proposed operations, to be maintained throughout the period of operation.

2. The Planning Board may require the additional submission of a hydrogeological study to determine the effects of the proposed activity on groundwater and quality within the area.

C. Performance Standards

1. The hours of operation shall be limited as the Planning Board deems advisable to ensure operational compatibility with nearby residences.

2. Storm drainage and water courses shall leave the location at the original natural drainage points and in a manner such that the amount of drainage at any point is not significantly increased.

3. Safe and healthful conditions shall be maintained within and about the proposed use.

9.19 Wind Energy Generation Facilities (WEGF)

A. Supplementary Submission Requirements

In addition to the submission requirements of section 3.4.B, applications for Wind Energy Generation Facilities (WEGF) shall contain the following information:

i) A map and description of the route to be used for transporting personnel and materials to the development site;

ii) Documentation of pre- and post-construction sound levels at the property boundaries;

iii) A plan and description of connections to the utility grid, if one is proposed, together with the form of a connection agreement between the applicant and the utility;

iv) A decommissioning plan, together with a proposal for a performance guarantee for decommissioning costs.
B. General Standards

The following standards apply to both residential and commercial WEGF.

1. Setback: The tower of the WEGF shall be placed a horizontal distance no closer than 1.5 times the height of the tower to any adjoining property boundary, easement or right-of-way, or to any residential structure other than that of the applicant.

2. Height: The WEGF tower structure shall not exceed 175 feet in height (excluding blades). The purpose of this limitation is to forestall the Federal Aviation Administration (FAA) requirement for the tower to be lighted. If at some time in the future, the FAA requirement is amended, the planning board may modify this requirement.

3. Sound Levels: No WEGF shall produce sound at any property boundary that exceeds thirty-five (35) decibels (dBA) between dusk and dawn, and forty (40) decibels (dBA) at other times, or five (5) decibels (dBA) above pre-construction levels at any time, whichever is greater. Permissible sound levels may be exceeded during short-term (12 hours or less) weather events.

   No WEGF shall produce low-level (dBC) sound above background levels at any property boundary.

4. Design:
   a. Any tower stays or guy wires shall have safety coverings extending from the ground to at least fifteen (15) feet above ground level.
   b. The WEGF shall be equipped with both manual and automatic overspeed controls.
   c. The WEGF shall be designed and constructed to prevent disruption to radio, television, cable, wireless, or internet connections or similar signals beyond the site.
   d. The tower shall contain no step-bolts or ladder structure within twenty-five (25) feet of the ground surface, to deter unauthorized access.
   e. All materials in the WEGF shall be non-reflective to minimize visual disruption.
   f. Electrical wiring associated with the WEGF shall be installed underground, except as needed to transition to the utility grid. Transition points shall be enclosed in rigid conduit.
   g. The tower shall not be lighted unless required by the FAA. If the FAA approves or requires technological upgrades to lighting systems, they shall be installed by the operator within one hundred eighty (180) days of the effective date of the rule.
   h. The minimum distance between the lowest point of a blade in a horizontal-axis system and the ground shall be fifteen (15) feet. The minimum distance between the lowest point of a blade in a horizontal-axis system and any other structure shall be eight (8) feet.

C. Standards for Facilities over 50 kw

1. Shadow Flicker: Shadow flicker shall be limited to the site of the facility at all times.

2. Use of Public Roads: The Applicant shall identify all state and local public roads to be used to transport equipment and parts for construction, operation or maintenance. The applicant shall retain a third-party engineer acceptable to the Town to document road conditions prior to construction and again thirty (30) days after construction is complete or as weather permits. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant’s expense.

   The Applicant shall demonstrate, to the satisfaction of the Town that it has financial resources sufficient to comply with this requirement. The Town may require the Applicant to post a performance guarantee in order to ensure such compliance.

3. Access: All ground-mounted electrical and control equipment and all access to the WEGF tower shall be labelled and secured to prevent unauthorized access.
4. Wildlife Habitat: The design and operation of the WEGF shall minimize interference with flying wildlife patterns to the extent possible. The creation of artificial habitat for raptors or raptor prey shall be minimized. Bird flight diverters shall be installed on any guy wires.

5. Decommissioning/Abandonment: The applicant shall provide a plan for removal or replacement of the WEGF at such point as it is no longer in operation. "No longer in operation" means that the facility is not producing electricity into the grid. The decommissioning plan shall show that work to remove or replace the WEGF shall commence within six (6) months of the time when it is no longer in operation and conclude within two (2) years. The plan shall estimate costs and provide a means for paying that cost.

If a WEGF is not in operation for a period of at least six (6) months, the Town may declare the facility abandoned and shall order its removal. If the facility has not been removed within ninety (90) days of such order, the Town shall contract to remove the tower and assess the cost to the property owner, said cost to become a lien against the property.

6. Emergency Services: The wind turbine shall be equipped with an appropriate fire suppression system to attack fires within the nacelle portion of the turbine. The applicant shall develop a coordinated emergency response plan in coordination with the fire chief and Somerset County Sheriff's Office. The plan shall include means and equipment necessary to respond to emergencies at ground-level facilities on the site.

9.20 Adult Use Marijuana Businesses

Marijuana is illegal under the federal Controlled Substances Act, 21 U.S.C. §§801 et seq. State and local regulations do not preempt federal law. Cultivation, processing, sales, and possession of marijuana is illegal under federal law and those who engage in such activities do so at their own risk of criminal prosecution under federal law. Local zoning in the Town of Fairfield Land Use Ordinance and other regulations are not a defense against a violation of federal law.

By enacting this section 9.20 Adult Use Marijuana Businesses in the Fairfield Land Use Ordinance the Town of Fairfield does not intend to encourage or promote the establishment of any business or operation, or the commitment of any act, that constitutes or may constitute a violation of state or federal law.

Prohibition

No adult use marijuana businesses may be established in the Town of Fairfield until such time as the Maine State licensing authority, as defined in M.R.S.A. Title 28-B, has adopted final rules for the proper licensing, regulation and control of the cultivation, manufacture, distribution, sale, and testing of adult use marijuana and adult use marijuana products.

A. Purpose

The purpose of this section is to implement the provisions of the Maine Marijuana Legalization Act, M.R.S.A. Title 28-B which authorizes the licensing and regulation of adult use marijuana businesses and affords municipalities the option to determine whether or not to allow adult use marijuana businesses within their municipality. It is further intended that the purpose of these regulations is to: Regulate the conduct of persons owning, operating, and using adult use marijuana businesses in order to protect the public health, safety and welfare and establish a nondiscriminatory mechanism by which the Town of Fairfield appropriately regulates the location and operation of adult use retail marijuana stores, adult use marijuana cultivation facilities, adult use marijuana products manufacturing facilities, or adult use marijuana testing facilities. Adult use marijuana social clubs are prohibited in the Town of Fairfield.

Adoption of State Statutory Provisions and State Administrative Regulations: Except where the provisions set forth under this Section 9.20 of the Fairfield Land Use Ordinance are inconsistent with or differ from the Maine Marijuana Legalization Act, M.R.S.A. Title 28-B, as may be amended from time to time, relating to adult use marijuana facilities, all of the provisions of the Maine Marijuana Legalization Act are hereby adopted by reference and apply to all conditional use applications received and permits issued by the Fairfield Planning Board. If there is a conflict between the provisions of this section and the Maine Marijuana Legalization Act, M.R.S.A. Title 28-B, the stricter provisions will control to the fullest extent permitted by applicable law. The Planning Board may impose such reasonable terms and conditions on conditional use permits for adult use marijuana facilities as may be necessary to protect the public health, safety and welfare, and obtain compliance with the Fairfield Land Use Ordinance, the Maine Marijuana Legalization Act, the Maine Uniform Building and Energy Code (MUBEC), the State of Maine Fire and Life Safety Codes, the State of Maine Plumbing and Electrical Codes and must obtain a food establishment license, pursuant to M.R.S.A. 22, §2167, prior to preparing edible goods containing adult use marijuana.
The terms used in this section shall have the meaning ascribed to them in the Maine Marijuana Legalization Act, M.R.S.A. Title28-B, as may be amended from time to time, and such definitions are hereby incorporated into the Fairfield Land Use Ordinance by reference.

Only adult use marijuana businesses specifically authorized under these provisions are permitted. All other adult use marijuana businesses are prohibited. Adult use marijuana social clubs are prohibited in the Town of Fairfield.

B. No Town Liability

By operating an adult use marijuana business pursuant to a conditional use permit issued by the Fairfield Planning Board, and an annual Town of Fairfield Adult Use Marijuana municipal license issued by the Municipal Officers, a permit holder releases the Town of Fairfield, its officers, elected and appointed officials, employees, attorneys and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of the licensee or permit holder, its owners, operators, employees, clients or customers for a violation of any state or federal law, rule or regulations related to marijuana, or from forced closure of the licensed premises because the Maine Adult Use Marijuana Legalization Act M.R.S.A. Title 28-B is found to be invalid under any applicable law, including but not limited to Federal law. As part of the conditional use permit application and the Town of Fairfield Adult Use Marijuana municipal license application for an adult use marijuana facility in the Town of Fairfield, an applicant shall sign and submit a waiver that states the following:

1. By applying for and accepting a Conditional Use Permit issued by the Fairfield Planning Board, and an annual Town of Fairfield Adult Use Marijuana municipal license issued by the Municipal Officers, the permit holder waives and releases the Town of Fairfield, its officers, elected and appointed officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of business owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

2. By applying for and accepting a Conditional Use Permit, and an annual Town of Fairfield Adult Use Marijuana municipal license all permit holders, jointly and severally if more than one agree to indemnify, defend, and hold harmless the Town of Fairfield, its officers, elected and appointed officials, employees, attorneys and agents against all liability, claims and demands on account of any injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the adult use marijuana business that is subject of the conditional use permit and an annual Town of Fairfield adult use marijuana municipal license.

C. Conditional Use Permit Required

No person, firm, or corporation may operate a retail adult use marijuana store facility, an adult use marijuana cultivation facility, an adult use marijuana products manufacturing facility, or an adult use marijuana testing facility, without a valid Conditional Use Permit issued by the Town of Fairfield Planning Board, and an annual adult use marijuana municipal license issued by the Municipal Officers, and an adult use marijuana license issued from the State of Maine Licensing Authority. A person, firm or corporation seeking to obtain a conditional use permit from the Town of Fairfield shall file an application with the Town of Fairfield Planning Board in accordance with the requirements set forth in Town of Fairfield Land Use Ordinance. A Conditional Use Permit application must be made on an Adult Use Marijuana application form provided by the Town of Fairfield. The Town of Fairfield Conditional Use Permit is a revocable privilege subject to the will and scrutiny of local authorities. Each Conditional Use Permit is separate and distinct. A separate Conditional Use Permit application shall be required for each specific adult use marijuana business type and for each geographic location.

Nothing in this ordinance is intended nor shall be construed to authorize or approve medical marijuana collective gardening or medical marijuana cooperatives. Operation of a retail adult use marijuana facility without a Conditional Use Permit issued by the Fairfield Planning Board and an annual adult use marijuana municipal license issued by the Municipal Officers and an adult use marijuana license issued from the State of Maine Licensing Authority, is a violation of the Fairfield Land Use Ordinance and will be prosecuted as such.

D. General Provisions

1. Restrictions on where an adult use marijuana facility can locate.

Pursuant to the Maine Marijuana Legalization Act M.R.S.A. Title 28, with a Conditional Use Permit, the Town of Fairfield is allowing adult use marijuana retail stores, adult use marijuana cultivation facilities, adult use
marijuana products manufacturing facilities and adult use marijuana testing facilities in the Town of Fairfield and these facilities shall only be permitted to locate in the Village (V), Commercial (C), Industrial (I) and Rural (RU) land use districts, in accordance with all applicable provisions set forth in section 9.20 of the Fairfield Land Use Ordinance, the Maine Marijuana Legalization Act M.R.S.A. Title 28-B and all other applicable codes and regulations, including but not limited to the Maine Uniform Building and Energy Code (MUBEC), the State of Maine Fire and Life Safety Codes, the State of Maine Plumbing and Electrical Codes and a State of Maine food establishment license, pursuant to M.R.S.A. 22, §2167, prior to preparing edible goods containing adult use marijuana.

2. A separate Conditional Use Permit application and fee must be submitted for each type adult use marijuana facility to the Town of Fairfield Planning Board.

3. Adult use marijuana social clubs are prohibited in the Town of Fairfield.

4. Applications; issuance for adult use retail marijuana store facilities in the Town of Fairfield shall be in accordance with provisions of the Maine Marijuana Legalization Act M.R.S.A. Title 28-B, and the Town of Fairfield Land Use Ordinance. The Town of Fairfield Planning Board may not grant more than one adult use marijuana retail store facility permit in the Town of Fairfield to any one applicant or entity.

Adult use marijuana facility applications must be deemed complete by the Planning Board Clerk before the applications are presented to the Planning Board for review.

5. Adult use marijuana facilities proximity to other land uses: The distance limitations established by this section shall control the location of all adult use marijuana facilities in the Town of Fairfield. Distances shall be computed by direct measurement from the nearest property line of the land use listed below to the nearest portion of the building or area of outdoor cultivation of an adult use marijuana facility. Distances shall be verified by the applicant and confirmed by the Fairfield Code Enforcement Officer. Each adult use marijuana facility shall be operated from a permanent location. No adult use marijuana facility shall be permitted to operate from a movable, mobile or transitory location. At a minimum, no adult use marijuana facility shall be located within the following distances from the specified land uses listed below:

   a. 500 feet of any existing public or private school grades Pre-K through 12, or existing licensed childcare facility, public library, or any public parks and public playgrounds designated as drug free safe zones by the Town of Fairfield in accordance with M.R.S.A. Title 17-A, §1101 (23);
   b. 500 feet from any existing halfway house;
   c. 500 feet from any existing drug or alcohol rehabilitation facility;
   d. 500 feet from any houses or worship;
   e. 500 feet from any other adult use marijuana retail store facility.

The suitability of the location for an adult use marijuana facility shall be determined at the time of the issuance of the conditional use permit for such business. The fact that changes in the neighborhood that occur after the issuance of the Conditional Use Permit might render the site unsuitable for an adult use marijuana facility under this section shall not be grounds to suspend, revoke or refuse such adult use marijuana facility to continue doing business in this location.

6. Adult use marijuana facilities shall not be allowed as a home occupation as defined within Article 2, 2.2 Definitions, of the Fairfield Land Use Ordinance.

Adult use marijuana shall not be sold from any residential unit nor shall adult use marijuana be grown in or on any portion of residential property with the intent to sell. Residential personal adult use marijuana cultivation shall be conducted in accordance with the Maine Marijuana Legalization Act M.R.S.A. Title 28-B, Chapter 3. Personal use of adult use marijuana is for personal use only and shall not be sold and shall not be given away and/or gifted for a donation and/or for shipping/delivery fees, or any remuneration shall be accepted from a consumer for personal use grown adult use marijuana or for personal use adult use marijuana infused products.

7. Hours of operation.

An adult use marijuana retail store facility may open no earlier than 8:00am and shall close no later than 8:00pm, Monday through Sunday. No sale of adult use marijuana may occur upon the premises between the hours of 8:00pm and 8:00am.

8. No Giveaways:
Adult use marijuana facilities may not distribute adult use marijuana or adult use marijuana infused products free of charge to a consumer. Adult use marijuana and adult use marijuana infused products shall not be given away free and/or gifted for a donation and/or for shipping/delivery fees to be accepted from a consumer. The use, consumption, ingestion or inhalation of marijuana or marijuana infused products on or within the premises of an adult use marijuana store facility, adult use marijuana cultivation facility, or an adult use marijuana products manufacturing facility is prohibited.

9. Direct Sales.

All retail sales of adult use marijuana or adult use marijuana infused products at adult use retail marijuana stores must be made in person, directly to the consumer/purchaser that has been verified to be twenty-one (21) years of age or older. No sales of adult use marijuana may be made by telephone, internet, or other means of remote purchase, no deliveries. No sales of adult use marijuana or adult use marijuana infused products shall be made to a person that is or appears to be under the influence of alcohol or under the influence of any controlled substance, including marijuana. The use, consumption, ingestion or inhalation of adult use marijuana or adult use marijuana infused products on or within the premises of a retail adult use marijuana store facility, adult use marijuana cultivation facility or adult use marijuana products manufacturing facility is prohibited.

10. Disposal of adult use marijuana waste shall be stored, secured, and managed in accordance with the Maine Marijuana Legalization Act MRSA Title 28-B, in effect and as amended from time to time hereinafter.

11. Persons prohibited from applying for adult use marijuana facility conditional use permits:

   a. Any person until all state adult use marijuana licenses and fees have been paid;
   b. Any natural person under twenty-one (21) years of age;
   c. Any person who fails to remedy outstanding delinquent state and local taxes;
   d. Any person who’s license for a medical or adult use marijuana business in another town, city, county or state has been revoked;
   e. Any person who is not a resident of Maine;
   f. Any person who has made a false, misleading or fraudulent statement on his or her application; and
   g. Any person who has pending Town of Fairfield Land Use Ordinance violations.

12. Odor Control at adult use marijuana facilities.

The applicant will submit a detailed report on the effective mitigation of any marijuana odors of the proposed operation. Such report shall include proof that the design plan for the purification of air and odor for indoor adult use marijuana facilities shall be prepared and installed by a professional mechanical contracting company to show ventilation systems will properly filter marijuana odors. If any complaints are received, conditional use permit holders for adult use marijuana facilities will rectify air quality marijuana odor concerns immediately. Unresolved air quality marijuana odor complaints may be the basis for legal action in accordance with section 3.8 of the Land use Ordinance and failure to correct violations may be grounds for suspension or revocation of the Fairfield Conditional Use Permit.

13. All cultivation, production, storage, display, testing and sales of adult use marijuana and adult use marijuana infused products must not be visible from the exterior of the property.

For the purposes of this section, greenhouse cultivation shall be deemed to occur within a building. The greenhouse or outdoor cultivation area must have proper buffering, screening or fencing so its contents are not visible from any property line or public road.


Upon approval of each application the Town of Fairfield Planning Board shall provide the applicant with one (1) original Conditional Use Permit for each adult use marijuana facility to be operated by the applicant. Each such copy shall show the name and address of the permit holder, the type of the facility for which it is issued, and the address of the facility at which it is to be displayed. Each conditional use permit shall be limited to use at the premises on the application for such permit. The conditional use permit remains valid as long as there is no change in use or change in ownership of the of the adult use marijuana facility.

Change of use or transfer of ownership of a permitted adult use marijuana facility shall be cause for a new Conditional Use Permit application to be filed with the Fairfield Planning Board at least thirty (30) days prior to the
anticipated change. The Planning Board will review the change of use or transfer of ownership of the Conditional Use Permit, at which time new conditions of approval may be applied to the new permit issued by the Town of Fairfield Planning Board. The current owners of a Conditional Use Permit adult use marijuana facility retain full responsibility of the permitted adult use marijuana facility until the new ownership Conditional Use application is approved in writing by the Town of Fairfield Planning Board and by the State licensing authority.

Change in location of a permitted adult use marijuana facility shall be cause for a new application to be filed with the Fairfield Planning Board at least thirty (30) days prior to the anticipated change in location. A permittee wishing to change the location of its adult use marijuana facility shall submit a new Conditional Use Permit to the Fairfield Planning Board. Such application shall meet the requirements for a new Conditional Use Permit in the Fairfield Land Use Ordinance.

15. Hazardous chemicals storage and disposal of fertilizers, pesticides, herbicides, and any other hazardous chemicals associated with the cultivation of marijuana shall comply with all local, state, and federal laws. A Conditional Use Permit application for review of any adult use marijuana cultivation facility shall include a floor plan showing the location of the storage of such chemicals and shall be subject to review and approval by the Fire Chief.

16. Signage and advertising.

All signage and advertising for adult use marijuana facilities shall comply with applicable State of Maine signage laws as well as the provisions of section 8.3 of the Town of Fairfield Land Use Ordinance. Adult use marijuana facility signs shall not be attractive to children.

17. Required Notices.

There shall be posted in a conspicuous location in each adult use marijuana store, cultivation, and manufacturing facility, a legible sign containing the following warnings:

   a. that the use of marijuana or marijuana infused products may impair a person’s ability to drive a motor vehicle or operate machinery, and that it is illegal under Maine Law to drive a motor vehicle when under the influence of or impaired by marijuana;
   b. that loitering in or around an adult use retail marijuana facility is prohibited;
   c. that no one under the age of twenty-one (21) years is permitted on the premises;
   d. possession and distribution of marijuana is a violation of federal law;
   e. no onsite consumption or use of marijuana; and
   f. no giveaways and/or gifts: no distribution of adult use marijuana or adult use marijuana infused products given free of charge to a consumer.

18. Security requirements at adult use marijuana facilities shall comply with all requirements of the State of Maine and shall include at a minimum the following:

   a. security surveillance cameras installed to monitor all entrances, and the common areas of the adult use marijuana facility, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the adult use marijuana facility, and all security recordings shall be preserved for at least 90 days by the adult use marijuana facility and be made available to law enforcement upon request for inspection, these recordings shall be continuously backed-up to both on-site and a secure, off-site location;
   b. robbery and burglary alarm systems which are professionally monitored and maintained in good working condition;
   c. a locking safe permanently affixed to the premises that is suitable for storage of all cash stored at the adult use marijuana facility;
   d. exterior lighting that illuminates the exterior entrances and walls of the adult use marijuana facility and complies with the provisions of section 7.5 of the Town of Fairfield Land Use Ordinance.
   e. access to any marijuana cultivation facility that is located in the same building as an adult use marijuana store facility or an adult use marijuana products manufacturing facility shall be secured so as to render the cultivation facility inaccessible to any unauthorized persons at all times.

19. Inspection and compliance.

Inspection of the adult use marijuana facility is required after approval of the Conditional Use Permit. When the building in which the adult use marijuana facility is completed in accordance with the plans submitted and
approved by the Planning Board for a conditional use permit, the premises will be inspected for occupancy by the Code Enforcement Officer and Fire Chief, to determine compliance with the conditional use permit, building and life safety codes. Throughout the term of the Town of Fairfield Conditional Use Permit for an adult use marijuana facility, the Code Enforcement Officer, Fire Chief, and Law Enforcement may inspect the permitted premises to determine continuing compliance with the building and life safety codes and state and local laws and rules.


If a violation of the Fairfield Land Use Ordinance or conditions applied to an adult use marijuana facility Conditional Use Permit is declared to be a public nuisance per se, and, in addition to any other remedy provided by law or equity, the violation may be abated by the Town of Fairfield under the applicable provisions of this Ordinance or State Law.

21. Adult use Marijuana Municipal License required.

In addition to a Conditional Use Permit, an adult use marijuana facility shall obtain a separate annual adult use Marijuana Municipal License subject to an annual public hearing, for each type of adult use marijuana facility, from the Town of Fairfield, Municipal Officers. It is recommended that applicants familiarize themselves with the Town of Fairfield Land Use Ordinance relating to adult use marijuana facilities, as well as building codes and state licensing regulations before they complete an application and submit the fee to the Town of Fairfield. The Adult Use Marijuana Municipal License is not transferable, and a new license must be obtained from the Municipal Officers for a change of ownership or a change in location. The applicable adult use marijuana business license fee shall be set forth in the Town of Fairfield fee schedule, and approved by the Town of Fairfield Municipal Officers, as amended from time to time. The annual adult marijuana business license fee is non-refundable.

22. All adult use marijuana businesses shall obtain all necessary building, electrical, and plumbing permits for any portion of the structure that contains electrical wiring, light and/or watering devices that support the cultivation of and or resale of adult use marijuana.