

**HALFMOON POND**

**WATERSHED PROTECTION ORDINANCE**

## Halfmoon Pond Watershed Protection Ordinance

### Section 1: Purpose:

The Halfmoon Pond Watershed Protection District is established by this Ordinance and consists of that watershed area in which surface and subsurface waters ultimately flow or drain into Halfmoon Pond, a public water supply for the Towns of Searsport and Stockton Springs.

Halfmoon Pond has, over the past several years, experienced increased algae growth. In order to stem algae growth and in order to prevent further deterioration of water quality in Halfmoon Pond, the shore land buffer areas are increased in this District to prevent added phosphorous loading, and additional limitations to development are imposed on all lands within the Halfmoon Pond Watershed.

### Section 2: Definitions:

For purposes of this Ordinance, the following definitions shall be observed. All terms, not specifically defined herein, shall have their ordinary or customary meanings. Words used in the present tense shall include the future, and the plural shall include the singular.

**Agriculture** – the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

**Campground** – any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

**Commercial use** – the use of lands, buildings, or structures, defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Cluster Developments – a form of development for single-family residential subdivisions that permits a reduction in lot area and other requirements, provided there is not an increase in the number of lots that would have been permitted under a conventional subdivision and the resultant land area is devoted to open space.

Drainage Divide – that point at which all drainage flows to or away from Halfmoon Pond:

Dry Well – a stone or brick lined pit constructed for the purpose of collecting surface waters and conducting such waters to the absorbent earth underground.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters or residence for one family, including provisions for living, sleeping, cooking and eating.

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

Expansion of use – the addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

Graywater – a liquid waste discharged from any fixture, appliance or appurtenance in connection with a plumbing system which does not receive or contain fecal matter.

Industrial – the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extension of minerals.

Mineral extraction – any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Normal high-water line – that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in the vegetation, and which distinguishes between predominantly

aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

Principal use – a use other than one which is wholly incidental or accessory to another use on the same premises.

Recharge – surface and subsurface water flowing into Halfmoon Pond.

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

Setback – the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage – the length of a lot bordering on a water body measured in a straight line between the intersections of the lots lines with the shoreline at normal high-water elevation.

Shoreland zone – the land area located within two hundred and fifty (250) feet, horizontal distance of the normal high-water line of Halfmoon Pond.

Structure – anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

Subsurface sewage 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 38 MRSA Section 414, any wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is

in whole or in part hazardous water as defined in 38 MRSA Chapter 13, subchapter 1.

Timber harvesting – the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery, but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Tributary stream – a channel between defined banks created by the action of the surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to Halfmoon Pond within the shoreland zone.

Variance – a relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest and where, owing to the conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in undue hardship as defined in 30A MRSA Section 4353. a financial hardship shall not constitute grounds for granting a variance. The crucial points for a variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present.

Vegetation – all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 ½ above ground level.

Water District – Searsport Water District

Watershed – That area of land drained by Halfmoon Pond and as defined by the Soil conservation Service on an official map on file at the Searsport Town Office and at the Water District Office.

### Section 3. Official Map and Boundary:

For the purposes of this Ordinance, the Halfmoon Pond Watershed District shall be delineated on a watershed map, on file at the Searsport Town Office and the Searsport Water District Office. Due to the scale of the map, there may be small inaccuracies in the delineation of the watershed boundary.

Where there is some dispute as to where the watershed boundary line lies on a particular property, the Water District and the landowner shall conduct an on-site investigation to determine where the drainage divide lies. If the Water District and the landowner cannot agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the landowner to provide information from a registered land surveyor showing where the drainage divide lies.

#### Section 4. Land Use Requirements:

Except as hereinafter specified, no building, structure of land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified, unless a variance is granted.

#### Section 5. Non-conformance:

##### A. 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.

##### B. General

1. Transfer of Ownership: Non-conforming structured, 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.

2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

##### C. Non-conforming Structures

a. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure.

Further Limitations:

a. After January 1, 1991 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.

b. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure, provided; that the setback requirement is met to the greatest practical extent, as determined by the Planning Board, basing its decision on the criteria specified in subsection 2. Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three additional feet, unless additional elevation is mandated by the Searsport Floodplain Ordinance.

c. No structure, which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, shall be expanded toward the water body, tributary stream, or wetland.

2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent, as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the

septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

3. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposed of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the Planning Board Shall consider, in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present if any.

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

#### 4. Change of Use of a Non-conforming Structure

The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body or wetland, or on the subject or adjacent properties and resources, than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant regarding the probable effects pm public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources.

D.Non-conforming Uses

1. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be explained within existing residential structures or within expansion of such structures as permitted in Section 5 (C) (1) (a) above.
2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one-year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 5 (c) (4) above.

#### E. Non-conforming Lots

1. Non-conforming Lots: A non-conforming lot of record, as of the effective date of this Ordinance or amendment thereto, may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance, except lot size and frontage, can be met. Variances relating to setback or other requirements, not involving lot size or frontage, shall be obtained by action of the Board of Appeals.
2. Contiguous Built Lots: If two or more contiguous lots of parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed

separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of the this Ordinance.

3. Contiguous Lots- Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance; if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments; and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.

#### Section 6. Permitted Uses:

The following uses are permitted, provided all necessary state and local permits have been obtained, and the use meets all applicable performance standards:

- Agriculture
- Open space
- Dwelling Unit
- Timber harvesting
- Expansion of uses
- Public utilities and related facilities
- Road Construction
- Domestic fuel oil stored inside a dwelling unit in accordance with the State of Maine Oil Burner Rules
- Uses accessory to the foregoing
- Uses similar to permitted uses

The Planning Board, in consultation with the Searsport Water District, shall determine that a use is similar to a permitted use only if it is: 1) consistent with the purposes of this Ordinance; 2) similar to permitted uses; 3) not similar to prohibited uses; 4) is compatible with the low-density, low-impact uses permitted in this Ordinance.

## Section 7. Prohibited Uses:

The following uses are prohibited:

- Campgrounds
- Commercial or retail uses
- Mineral extraction industry
- Furniture stripping and wood preserving
- Golf courses
- Industrial uses
- Junkyards
- Landfills
- Manufacture, use, storage, or disposal of solid waste, hazardous materials;
- Commercial motor vehicle service, repair, storage or salvage.
- Operation of all-terrain vehicles within the Water Shed Protection District (except by written permission of the Water District)
- Operation of gas or diesel equipment on Halfmoon Pond
- Truck Terminals
- Underground storage of petroleum or hazardous materials
- Use of chemical pesticides or herbicides
- Warehouses, storage units
- Uses similar to prohibited uses

## Section 8. Performance Standards:

In Halfmoon Pond Watershed Protection District, in order to minimize phosphorous runoff and other deleterious impact on water quality, the following additional resource protection measures will be required:

### A. Agriculture:

1. Tilling is not permitted within 500 feet of the normal high water mark of Halfmoon Pond or within 250 feet of its tributaries.
2. Land application of sludge and other process wastes is prohibited in the Watershed Protection District.
3. Manure spreading for commercial agriculture is prohibited in the Shoreland Zone, but is permitted in the remaining watershed area if

carried out in conformance with a Conservation Plan which meets the standards of the State Soil and Water Conservation Plan and if approved by the Waldo County Soil and Water Conservation District. The Conservation Plan must include provision for control of surface water runoff and non-point sources of water pollution. Use and application of nitrogen fertilizer for commercial agriculture in the Shoreland Zone must be carried out in conformance with an approved Conservation Plan which meets the standards listed above.

4. Home gardens can be fertilized with manure or nitrogen fertilizer, but use of potash or phosphorous is not allowed, either singularly or incorporated into a fertilizer mix.
5. Animal husbandry and associated manure handling must be carried out in conformance with a Conservation Plan which meets the standards of the State Soil and Water Conservation Commission and is approved by the Waldo County Soil and Water Conservation District. The Conservation Plan must include provision for control of surface water runoff and non-point sources of water pollution.

Stockpiling of manure is prohibited in the Shoreland Zone.

B. Runoff, Drainage, and Dry Wells:

1. Unless the Code Enforcement Officer is satisfied that an increase in runoff will have no off-site impact, peak runoff from the site in the developed state shall not be increased beyond that in the undeveloped state.
2. Provision shall be made for on-site recharge of stormwater runoff unless the Planning Board, in consultation with the Water District, determines that recharge is infeasible because of site conditions or is undesirable because of uncontrollable risks to water quality from such recharge. Recharge shall be by surface infiltration through vegetative surfaces unless otherwise approved by the Planning Board.
3. Dry wells shall be used for control of surface runoff only if other methods of control are infeasible.

4. Dry wells shall not be used for disposal of any leachable materials or hazardous materials and shall not be connected to floor drains.
5. Within the Halfmoon Pond Watershed District, all activities, other than normal home gardening and property maintenance, involving the disturbance of existing ground cover due to excavation, grading or filling of an area in excess of 500 square feet, shall require the preparation of an Erosion and Sediment Control Plan, meeting the standards of Section VII, Erosion and Sediment Control Plans, Environmental Quality Handbook, Maine, Revised March 1986, as part of the permit application. Within the watershed District, all areas where ground cover is removed due to excavation, grading or filling shall be mulched with hay or straw, at a rate of not less than ninety (90) pounds (two bales) per 1,000 square feet (two tons/100 bales per acre), or other mulches equally effective, in accordance with Table 7, Guide to Mulch Materials, of the Environmental Quality Handbook, Maine, Revised March 1986, as amended. Such mulch shall be placed within ten (10) days of the removal of ground cover, and/or the placement of fill. All watercourses shall be provided with hay or straw bale barriers, or other means of retarding erosion, as specified in the Erosion and Sediment Control Plan, within (10) days, of the start construction. Temporary or permanent seeding shall be placed as soon as is practicable, but in no event shall permanent seeding or sodding of grassed areas be placed later than September 15. however, the Planning Board, in consultation with the Water District, may grant an extension of time to complete seeding. Mulch shall be maintained over all unvegetated areas until permanent vegetation, buildings, pavement, or other permanent means to prevent erosion and reduce sedimentation are in place.
6. Steep Slopes: In areas of steep slopes, the following standards shall apply:
  1. 15 to 25% slope: No more than thirty (30) percent of such areas shall be altered, regarded, cleared or built upon.
  2. 25% or steeper slope: No more than twenty (20) percent of such areas shall be altered, regarded, cleared or built upon.

#### C. Structures

1. Except as provided in Section 5,E, of this Ordinance, any new structures shall be set back a minimum of 250 feet from the normal high water line. These structures shall be screened from the water by existing vegetation.
2. Cluster developments on the best soil types are encouraged within the Watershed District.
3. Before any construction is begun adjacent to the Shoreland Zone, hay bales, erosion fencing, or a similar sedimentation barrier shall be installed of sufficient width and at appropriate points to protect water bodies from any erosion or sedimentation that might result from the construction.
4. No more than 20% of the total lot area shall be stripped of existing vegetation and no more than 10% of the total lot area shall be rendered impervious.

D. Subsurface Sewage and Graywater Disposal Systems:

1. Underground sewage and graywater disposal facilities shall be placed outside of the Shoreland Zone. This requirement shall not be reduced by variance except for replacement systems existing prior to enactment of the Ordinance. No provision of this section shall prohibit the placement of sewage or graywater disposal facilities upon a lot of record existing before 1991 providing the lot meets the full requirements of the Maine State Plumbing Code without variance.
2. Not less than 24 (twenty-four) inches of original soils shall be present between the bottom of the subsurface disposal area and the most limiting factor (seasonal high groundwater table, bedrock, or other restrictive layer).
3. All septic tanks installed after the enactment of this Ordinance shall be pumped every three years to ensure proper functioning of the system. Sewage collection, treatment, and disposal systems which discharge effluent directly into any water body or water course draining into Halfmoon Pond are prohibited in the Watershed Protection District.

4. The Water District shall have the right to inspect any system within the Watershed Protection District for compliance with these provisions and the requirements of the Maine Subsurface Waste water Disposal Rules. Defects or malfunctions shall be reported to the Department of Human Services, Division of Health Engineering, Town Plumbing Inspector and the Code Enforcement Officer for action if notification of such defect, by a representative of the Water District, remains uncorrected for more than 30 days.
5. Privies: Privies in the Halfmoon Watershed Protection District shall be located at a minimum horizontal distance of 250 feet from the normal high water mark of the pond and tributaries.

E. Roadway Construction

1. Developers of new permanent roads, except for those providing access to already permitted uses, shall demonstrate that no reasonable alternative route outside of the Shoreland Zone exists. When roads must be located within the Shoreland Zone, they shall be subject to the provisions of the Town's Shoreland Zoning Ordinance.
2. All roads in this District shall be constructed to avoid steep slopes (areas larger than 5 acres with an average slope greater than 10%), and to divert road ditching flows periodically into flat wooded areas. When such ditch diversion is not possible, dry wells shall be constructed to prevent channelized flow along such roadways.

F. Timber Harvesting

1. Timber harvesting operations shall be constructed in such a way as to minimize soil erosion and sedimentation of surface waters.
2. Skid trails and ruts shall be smoothed over as soon as practicable, but no later than November 1 in any given 12 month period.
3. Logging yards, skid trails, landings, and other sites where the operation of logging machinery results in the exposure of substantial areas of mineral soil, shall be located such that an unscarified,

undisturbed filter strip is retained between the exposed mineral soil and the normal high water mark of Halfmoon Pond and its tributaries. This strip shall extend a minimum of 100 feet from Halfmoon Pond and 50 feet from tributaries of the public water supply, and for each (10) percent rise in elevation from the normal high water mark, the undisturbed strip shall be increased by 20 feet.

4. All harvesting activities on more than five (5) acres shall be reported to the Water District at least one (1) week prior to the commencement of operations.
5. Timber harvesting activities within the Shoreland Zone must conform with all timber harvesting land use standards of the Searsport Shoreland Zoning Ordinance.

#### G. Seasonal Conversions

1. Any person shall, prior to converting a seasonal dwelling to a year-round dwelling. Obtain a conversion permit from the Code Enforcement Officer. Conversion of a seasonal dwelling to a year-round dwelling means a change of occupancy from seasonal to year-round use.
2. Such conversions are prohibited within the shoreland Zone as prescribed by the Shoreland Zoning Ordinance.
3. No permit for conversion shall be issued unless one of the following is met:
  - a. Available records show the dwelling's sewage and graywater disposal systems meets the full requirements of the State Plumbing Code, without variance.
  - b. Site evaluation must demonstrate that site conditions will permit installation of a sewage and graywater disposal system meeting the full requirements of the State Plumbing Code, without variance, in the event of future system malfunction.
  - c. No conversions shall be permitted unless required minimum lot size is met.

#### H. Shorefront Common Areas

Any shorefront common areas created in this District shall meet the following criteria:

1. The shorefront common areas shall contain a minimum of one acre and at least 2000 square feet for each unit having access or use of it.
2. The shorefront common area shall have a minimum of 25 feet of shoreline frontage for each residential dwelling unit which has access to the common area and for each right of use granted to the common use.

#### I. Water Quality Protection

1. No person shall cause any liquid, gaseous, or solid materials to runoff, seep, percolate, or wash into surface or ground waters such that any pollutant or constituent or derivative thereof attains a concentration in ground or surface water that is above background levels or current public health drinking water standards for Maine, whichever is most stringent.
2. The washing, bathing or cleaning of humans, animals or objects with soap, detergents, or cleaning agents shall be prohibited in surface waters or in areas adjacent to surface waters if the washwaters can immediately enter the surface water without absorption into the soils.
3. The application for any proposed development, falling partially or completely within the Watershed District shall, at the request of the Planning Board, contain information on the projected water quality impact of the project relative to its proportional area and shoreline frontage within the watershed of Halfmoon Pond. When reviewing the proposed development, the Planning Board shall consider such information, particularly how projected phosphorous loading relates to existing phosphorous levels and the ability of the body to support additional phosphorous. An increase of one part per billion of phosphorous in any lake or pond, from levels existing at the time of adoption of this Ordinance, shall be considered to constitute a significant deterioration of water quality and shall not be allowed.

#### J. Wetlands

Wetlands are subject to pertinent state and federal rules and regulations.

Section 9. Administration:

A. Any land use or activity in the Halfmoon Pond Watershed District, as covered by the provisions of this Ordinance, must first secure a review of the permit application from the Water District. The Water District shall use the performance standards outlined in this section as the basis for its determination whether to recommend granting or denying a permit application. In addition, for surface and subsurface waste disposal systems existing prior to the effective date of this Ordinance and determined not to be in compliance with the standards contained herein, a yearly renewal permit will be required. Conditions to mitigate the detrimental effects of such non-conforming systems may be recommended by the Water District and required by the Searsport Planning Board. Within three years from the effective date of this Ordinance, owners of all non-conforming surface and subsurface and graywater disposal systems must submit a plan to achieve compliance satisfactory to the Planning Board. Once a plan meeting the standards contained herein has been accepted by the Planning Board, owners of non-conforming systems will have one (1) additional year to implement the plan.

B. Applications to conduct a permitted use requiring Water District review shall be submitted to both the Code Enforcement Officer and the Water District with the following information:

1. A map showing the location of the property and the location of the proposed activity on a USGS topographic map at a scale of 1:24,000 (1" = 2,000' or larger);
2. A written description of the proposed activity and how all applicable performance standards shall be met;
3. If applicable, a copy of the soil evaluation form required under the State of Maine Plumbing Code, as submitted to the local plumbing inspector (form HHE-200);
4. Any additional information the planning board or the Water District considers necessary to properly review the application according to the standards contained herein;

5. Unless otherwise indicated herein, The Town of Searsport, the Searsport Planning Board and the Town's Code Enforcement Officer shall utilize the same procedural and due process requirements as contained in the Searsport Shoreland Zoning Ordinance in the administration of this ordinance.

#### Section 10 Enforcement:

A. The Code Enforcement Officer and or a representative of the Water District may enter upon and inspect any property within the Watershed Protection District to determine whether all land uses and activities conducted on the property are in compliance with the provisions of the Watershed Protection District Ordinance.

All reviews of permit applications by the Water District shall be completed within 60 days of receipt of a completed application.

B. The Code Enforcement Officer shall enforce the provisions of this Ordinance.

C. Failure to conform with the provisions of the Watershed Protection District shall constitute a violation and shall be subject to the penalties and actions set forth in 30A MRSA Section 4452, as amended.

#### Section 11. Appeals:

A. If the Planning Board disapproves an application, or grants approval-with-conditions that are objectionable to the applicant or any abutting property owners or any aggrieved party, or when it is claimed that the meaning of the Ordinance do not apply, or that the true intent and meaning of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, abutting property owner(s) or aggrieved party may appeal the decision of the Planning Board, in writing, to the Board of Appeals within 30 days of the Planning Board's decision.

The Board of Appeals, if it determines that the Planning Board has clearly erred in the administration of the Ordinance, or has misinterpreted the provisions of the Ordinance and only if such action results in undue hardship as defined in 30 A MRSA Section 4353, after holding a public hearing, may

sustain, reverse or modify the Planning Board's decision and may grant a variance as defined herein. Public hearings shall be held in accordance with 30A MRSA Section 2691.

#### Section 12. Construction:

A. Severability: Severability is intended throughout the provisions of this Ordinance. Should any provision, including among other things any exceptions, part(s), phrase(s) or term(s) or the application thereof to any person or circumstances be held invalid, the application of the other provisions of this Ordinance shall not be affected thereby and the validity of the Ordinance in any and all other respects shall not be adversely affected.

B. Supersession: This Ordinance supersedes and replaces any and all like or comparable ordinances, policies or decisions previously enacted and in force within the Town of Searsport, and shall remain in effect until or unless revoked, or superseded by action of the voters of Searsport.

C. Amendments: From time to time, circumstances may require that portions or sections of this Ordinance be amended, revised, or deleted. Such action shall be proposed at Town Meeting to the voters of Searsport by the Board of Selectmen. Approval of any amendments, revisions or deletions rests exclusively with the voters of Searsport.

#### Section 13. Authority and Adoption

This Ordinance was submitted to the voters of Searsport pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and 30-A MRSA ss 3001, and adopted at a Town Meeting held on the twelfth day of March, 1991.

ATTESTED

A True Copy

