

Thorndike Land Use Ordinance

(Enacted 3/21/87; Amended 3/18/1989, 3/17/1990, 3/16/1991, 3/19/1994, 3/18/1995, 3/21/2015, 3/19/2016, and xx/xx/2025)

A. PURPOSE

The purpose of this ordinance is to implement the community goals as expressed in the Comprehensive Plan, with minimal regulations, to specifically accomplish the following objectives:

1. Establish a simple permitting system to guide the development, with minimal inconvenience to landowners.
2. Provide for two land use districts that protect and maintain traditional development patterns in town by differentiating between the dense settlement pattern of the Village District and the dispersed development characteristic of the Rural District.
3. Establish minimum dimensional standards for buildable parcels to allow for privacy, fire safety, groundwater protection, density control and respect for neighboring property owners.
4. Regulate the construction and placement of new structures, remodels, and additions to existing structures to protect the health, safety, and general welfare of town residents.
5. Provide a legal opportunity for two dwellings to share a building lot one parcel in separate living quarters, without circumventing the Town's minimum parcel size.
6. Ensure that proper subsurface wastewater disposal systems are installed in new and expanding structures, in accordance with the State of Maine Subsurface Wastewater Disposal Rule 10-144 Code of Maine Rules Chapter 241.
7. Protect access to back land, a term used in the Thorndike Comprehensive Plan, referred to as back lots in this ordinance.
8. Promote traffic safety, effective road drainage, and emergency vehicle access.
9. Encourage the availability of affordable housing.

B. EFFECTIVE DATE

The effective date of this ordinance is **[Date Approved by Town]**. The date of its original enactment was March 21, 1987. The original ordinance was previously amended on 3/18/1989, 3/17/1990, 3/16/1991, 3/19/1994, 3/18/1995, 3/21/2015, and 3/19/2016.

C. APPLICATION AND REVIEW PROCEDURE

The Select Board shall annually establish and publish a schedule of fees for each type of permit scaled to the level of review required.

The entrance provisions of this ordinance shall be administered by the Road Commissioner. The provisions subject to the issuance of a land use and/or permits shall be administered by the Code Enforcement Officer (CEO). In the absence of the CEO, the Planning Board may approve and issue these permits.

A person wishing to undertake any of the activities regulated under Section E of this ordinance may secure the appropriate application at the town office and contact the appropriate permitting official to request a site visit. Among other required information, the applicant will need to demonstrate written proof of adequate right, title or interest to conduct the proposed activity on the property. In the case of applications presented by a lessee or agent of the property owner, the role, authority, permissions and means of coordination among all parties must be certified in writing to the satisfaction of the permitting official or body. A lead party shall be designated to represent the applicant.

Unless waived by the applicant or impractical due to weather conditions, the site visit shall occur within 15 business days of the request. At the site visit, the permitting officer shall verify field conditions and measurements that are required under the provisions of this ordinance and collect the required fee. If original plans of the applicant do not meet the requirements of this ordinance but the permitting officer sees ways the applicant could adjust design plans to conform to the standards within the ordinance, the permitting officer may so advise the applicant. The applicant may amend the application without reapplying or paying an additional fee. The permitting official shall be responsible for filing the application and fee with the Town Clerk and returning a copy with proof of payment to the applicant.

Within 5 business days of the site visit, the permitting officer shall issue a written decision on the application, in the form of a permit granted or denied. If the officer finds that the conditions of this ordinance shall be met, they shall issue the permit. Any conditions, such as specifics of entrance, driveway, or structure location, shall be clearly indicated on the permit. The original copy of the permit shall be given to the applicant in person or by mail after a copy is made and filed at the Town Office. If the conditions of this ordinance cannot, in the opinion of the permitting officer, be met, they shall deny the permit in writing with the reason(s) detailed. If the applicant disagrees with the ruling of the permitting officer, they may appeal the decision to the Thorndike Board of Appeals.

If the permitting officer finds during the course of review that the activity of the applicant does not, in fact, require a permit, the officer will advise the Select Board to refund any collected permit fees to the applicant.

D. DEFINITIONS

Accessory Dwelling Unit (ADU) - a self-contained dwelling unit located within, attached to or sharing a wall with, or detached from a single-family dwelling unit located on the same building, with a minimum of 190 square feet, up to a maximum of 900 square feet.

Accessory Structure – One that is ancillary to the principle structure on the parcel.

- a. Accessory Structures include but are not limited to barns, sheds, and garages.
- b. Minor Accessory Structures are typically less than 100 square feet and include but are not limited to farmstands, bus stop shelters, phone booths, signs, and dog houses

Back Lot – Any parcel that is either landlocked or has less than the required amount of road frontage in the land use district in which it is located. The Town of Thorndike uses the term “back land” in its Comprehensive Plan but is referred to as “back lots” in this ordinance.

Base Parcel – The minimum parcel size allowed in a land use district; the portion of a parcel that satisfies this requirement for building purposes.

Commercial Structure - A structure used for business operations and may not be used as a dwelling unit.

Code Enforcement Officer (CEO) – A person appointed by the Select Board to administer and enforce this ordinance. Refer to the CEO ordinance for their specific duties and authorities.

Conforming – A building, structure, use of land or portion thereof, that complies with the provisions of this ordinance.

Corner Lot – A lot with at least two (2) contiguous sides abutting upon a public road.

Development – A change in land use involving an alteration of the land, water, or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Driveway - See Entrance

Dwelling – Any building or structure or portion thereof designed or used for residential purposes including but not limited to:

- a. **Dwelling unit** - A room or suite of rooms used by a person(s) or family as a habitation that is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing, and sanitary facilities.
- b. **Single Family dwelling** – any building containing only one (1) dwelling unit for occupation by not more than one (1) family.
- c. **Two-family dwelling** – a building containing only two (2) dwelling units, for occupation by not more than two (2) families.
- d. **Multi-family dwelling** – a building containing three (3) or more dwelling units, for occupation by not more than three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

A boarding house, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging or rooming house, nursing home or other similar structure shall not be deemed to constitute a dwelling unit.

Entrance - a vehicular accessway to a public or private road, of which there are two types.

- a. **Driveway Entrance:** a vehicular accessway that connects a public or private road to 1-2 parcel, at least one of which is improved with a structure
- b. **Farm/Logging Entrance/Road:** a vehicular accessway that connects a public or private road to an undeveloped parcel.

Landlocked Lots – A parcel of land with no legally recorded land-based access from a public road.

Lot – an area of land designated for construction or development.

Multi-family Residence – See Dwelling.

Non-Conforming – A building, structure, use of land, or portion thereof, legally existing on the effective date of the adoption or amendment of this ordinance which thereafter fails to conform to all the provisions of the ordinance.

Parcel - is an area of land described by legal boundaries and is undefined in size. It is a quantity of land identified for taxation purposes.

Planning Board – a board of 5 members appointed by the Select Board. The Planning Board will develop land use ordinances guided by the Comprehensive Plan, the Select Board, and as directed by the State of Maine statutes and/or regulations. Refer to the Planning Board ordinance for further information.

Principle Structure –any building or structure in which the main use takes place.

Private Road – road serving more than two 911-addressed structures or parcel over which neither the municipality nor the public has a right to access by vehicle or on foot, or by animal.

Public Road - A way or public easement which the municipality or the public has a right to travel by vehicle, foot, or animal.

Right-of-Way – All public or private roads, state and federal highways, public easements (formerly private ways), land legally providing private access rights to a parcel of land, and land reserved for the purpose of public access, including utility rights-of-way.

Road Frontage – The length of parcel boundary abutting the right-of-way of a public or private road, generally measured in linear feet.

Setback - The perpendicular horizontal distance (defined in Section J) from a lot line or centerline of a public road to the nearest point at which a building or structure, including porches, steps, and railings may be placed.

Structure – Any three-dimensional enclosure made of any material(s) constructed, built, sited, located, placed or erected, on the ground or in the water, or an attachment to something having a fixed location on the ground.

E. REGULATED ACTIVITIES

No person shall undertake any of the following land use activities within the Town of Thorndike without first obtaining the required permit as outlined below:

Activity	Permit	Permit Officer
Create a new parcel	Parcel Permit	CEO
Build new entrance; pave, widen, or alter the grade or drainage of existing entrance intersecting with public road	Entrance or Driveway Permit	Road Commissioner
Install new plumbing, relocate existing plumbing and/or new or replacement septic system; expand usage of existing septic system	Plumbing Permit	Plumbing Inspector
Replacing existing fixtures, as defined by the State of Maine	NO PERMIT REQUIRED	NONE
Build, site, locate, place or erect a commercial structure	Building Permit	CEO
Build, site, locate, place or erect a dwelling	Building Permit	CEO
Build, site, locate, place or erect an addition, over 100 square feet to an existing structure	Building Permit	CEO

Build, site, locate, place or erect a structure or an accessory structure, of over 100 square feet	Building Permit	CEO
Build, site, locate, place or erect an addition, which results in a cumulative structure of over 100 square feet	Building Permit	CEO
Build, site, locate, place or erect a structure or an accessory structure, which results in a cumulative structure of greater than 100 square feet	Building Permit	CEO
Build, site, locate, place or erect an Accessory Dwelling Unit	Building Permit	CEO

Any person who starts construction of any of the regulated activities without first obtaining the proper permit shall pay double the fee for the permit. If any activity undertaken violates the standards outlined within this ordinance, the person may be prosecuted and fined in accordance with Section N and ordered to return the land to its condition prior to the illegal construction.

Setback Regulations:

Principle structures and structures such as garages and barns, and/or an Accessory Dwelling Unit, are not allowed within any setback area.

Wells, walkways, gardens, septic systems, fences, mailboxes, delivery tubes, and temporary signs such as real estate signs, political campaign signs, or event notices are allowed within all setback areas without a permit. Any of the above that is found by the Road Commissioner, Select Board or CEO to present a hazard to road maintenance, or the traveling public may be ordered to be moved or ordered to be removed by the CEO.

All corner parcels must adhere to setback regulations for all bordering public roads (refer to the table in Section J.)

F. DEFINITION OF DISTRICTS

All land in Thorndike is either in the Village District or the Rural District. District boundaries are described below and displayed on the *Thorndike Land Use Map*. Beyond the requirements of this ordinance, there are additional restrictions required by the state and federal governments that apply to land within the shoreland zone or in the 100-year floodplain. These regulated areas are identified

on the *Thorndike Land Use Map*. All ordinances and the map are available at the town office. In addition to this ordinance, anyone desiring to develop property in town should review the *Shoreland Zoning Ordinance and Floodplain Management Ordinance* and maps to see if the property involved is in one or both of those overlay zones. These are available at the town office.

1. Village District

a. Characteristics

This is the historic village center of the town, built around the intersections of Routes 139 and 220. The settlement pattern here is of a higher density than most of the remainder of Thorndike. Many public services, including the Town Office, Post Office, Fire Department and Regional Recycling Center, are located here. A church, lodge hall and railroad crossing also contribute to the district's village character. Several businesses augment the public services to form a core of commercial activity that attracts consumer traffic to the area. Additional commercial and industrial growth, while encouraged throughout town, is especially desirable in the Village District.

b. Boundaries

The Village District is most easily recognized by viewing the *Thorndike Land Use Map*. The following description is based upon a combination of physical and parcel boundaries as recorded on Town tax maps.

The Village District extends counterclockwise as follows: On the west, from the junction of the north boundary of Central Maine Power right-of-way and the Unity town line southward along the Unity town line to the southern boundary of Map 1, Lot 13; across Route 220 to the southern boundary of Map 1, Lot 14 to the Leonard Road intersection; crossing the Leonard Road and heading northward along the eastern boundary of Map 1, Lot 15 and Map 4, Lot 26 to Half-Moon Stream; up Half-Moon Stream to a point which is 1000' from the centerline of Route 220; continuing northward across Map 5, Lot 2 along the line formed by measuring a distance of 1000' feet from the centerline of Route 220 to the southern boundary of Map 5, Lot 3; eastward along the Map 5, Lot 3 lot line to the railroad tracks; northwesterly along the tracks to the southern boundary of Tax Map 11; continuing counterclockwise along the south, east and north boundaries of Tax Map 11 to the north boundary of the Central Maine Power right-of-way; following westerly along the right-of-way boundary, crossing Route 220 and continuing to the Unity Town Line.

2. Rural District

The remainder of Thorndike is in the Rural District. The area is traditionally farmland and forestland, with scattered residential and small commercial uses. Privacy, low density, and traffic safety are prevailing concerns for the Rural District.

G. PARCEL PERMIT

1. Application Requirements

The application for a Parcel Permit must include the following:

Diagram of the proposed parcel, drawn roughly to scale, with dimensions of each proposed boundary line, road frontage and/or right-of-way marked.

If accessed via right-of-way, a copy of the deed guaranteeing right-of-way.

Location of existing or proposed entrance or driveway.

Acreages of proposed parcel and remaining portion of existing parcel.

Tax map and lot number.

Names and lot numbers of the owner(s) of any parcel with one or more common boundaries, or across the street or stream from the parcel in the application.

Identification of any subdivision the proposed parcel lies within.

Copy of deed to existing parcel.

Names of legal owner(s) of existing parcel, and of proposed parcel, if to be conveyed to known party; and any deed restriction or other limitation to be placed on the use of the parcel.

2. Conditions for Approval of Parcel Permit

The CEO shall approve an application for a parcel permit if each of the following conditions are met:

a. Either:

- i. The proposed parcel meets the dimensional standards of the district(s) in which it is located. *Note: These standards are outlined in Section J of this Ordinance and must be considered together with any relevant provisions of the Shoreland Zoning Ordinance or Floodplain Management Ordinance, if located in these overlay districts.* OR
- ii. The proposed parcel does not meet the minimum dimensional requirements of the district(s) in which it is located, but the applicant certifies that the parcel is dedicated to a non-building purpose. For such parcel, the CEO shall require that the deed or other instrument creating the parcel contains the following statement: "This parcel, as of its creation on *(date)*, does not meet the minimum standards required for structural use as per the current Town of Thorndike Land Use Ordinance, due to the following deficiency: *(state deficiency)*." The CEO shall send a copy of any Parcel Permit issued with this requirement to the Waldo County Registry of Deeds.

- b. The creation of the proposed parcel will not cause another parcel to become landlocked.
- c. The proposed parcel has at least one of the following forms of access:
 - i. An existing entrance that was legally established at the time of its creation.
 - ii. An approved Entrance Permit.
 - iii. Deeded access through another property as required for back lots (*see Section J*).
 - iv. A certification by the Road Commissioner that the proposed parcel has at least one permissible entrance location. *Note: The location identified is not binding on a future entrance permit application.*

3. Copy of Deed filed at Town Office

A copy of any deed filed pursuant to the issuance of a parcel permit shall be filed with the Town Clerk within 15 days of the date of filing at the Registry of Deeds.

H. CONDITIONS FOR APPROVAL OF ENTRANCE PERMIT

Entrance permits are required before new entrances are constructed or before existing entrances are paved, widened, or altered in grade or drainage. Only entrances providing access from a public road, abandoned or discontinued roads require a permit. Entrances providing access from a private road do not require a permit.

Note 1: Applicants for proposed entrances that will provide access to Routes 139 or 220 must also obtain a permit from the Maine Department of Transportation prior to construction. Culverts and sight distance on these roads are governed by the State, rather than the Town. Town permits for entrances or driveways accessing Route 139 or Route 220 will be granted based upon satisfying Subsections H 1.b), d) and e) below.

*Note 2: A person proposing to build an entrance that may eventually serve over two addressable lots and therefore become classified as a private road **must** consult the Road Ordinance for the Town of Thorndike for possible future relevancy.*

*Note 3: A person wishing to build an entrance involving a stream crossing **must** obtain a Natural Resources Protection Act permit from the Maine Department of Environmental Protection and a permit from the U.S. Army Corps of Engineers, unless a waiver by each party is obtained, and provided.*

1. New Entrances

For new entrances, the Road Commissioner shall conduct a site visit of the property and issue an Entrance Permit if they find that the following conditions are met:

- a. Adequate sight distance of 10 times speed limit in feet (45 mph zone requires 450 feet) of visibility in each direction. This shall be measured from where the driver's seat of a vehicle would be situated twenty feet from the edge of the shoulder, with the height of eye at 3½ feet, to the top of an object at 4½ feet above the pavement.

Due to unique circumstances of the land and existing conditions, the Road Commissioner may grant an Entrance Permit by special exception if **all** the following conditions are met:

- i. The entrance is located and designed in the safest possible manner along available road frontage (may not be the applicant's preferred location);
 - ii. That the applicant agrees to remove any trees, brush, rocks, or other physical obstacles to achieve the desired sight distance that are possible to remove (this may involve negotiations with neighboring landowners); and
 - iii. That the Road Commissioner finds that the entrance will not create a hazard to the traveling public.
- b. The applicant shall agree that the first 20 feet of the entrance closest to the public road intersection shall be constructed with at least 12 inches of gravel base and be 12 feet wide to support emergency vehicles. The first 20 feet of the entrance shall also have a graded road crown of ¼ inch per foot such that drainage will neither erode the entrance, nor wash directly onto the public road. If possible, they should be constructed so that at least the 2 feet closest to the intersection continues the slope created by the crown of the public road being entered to keep drainage from damaging the public road.
 - c. The applicant shall agree to purchase and install an adequate culvert as directed by the Road Commissioner, unless deemed to be unnecessary by the Road Commissioner. *Note: Adequate is as defined by the Maine DOT regulations.*
 - d. Entrances and rights-of-way over 150 feet long must have an adequate place for emergency vehicles to turn around.
 - e. Entrances and rights-of-way that are over 300 feet long must have one of the following provisions for emergency vehicle access:
 - i. A minimum of 12 feet wide (traveled way) and 12 inches of gravel base.
 - ii. A signed statement from the Fire Chief or designee stating that the proposed entrance design, with specific reference to the proposed base material, appears adequate for emergency vehicle access.

(Process Note: Apply for an emergency vehicle access evaluation at the town office. A fee payable to the Town shall be charged for an emergency vehicle access evaluation. The Select Board shall transfer all such fees collected to the Town Municipal Fire

Department no less than annually. Upon receipt of an application, the Town Clerk shall notify the Fire Chief who shall see that a Fire Department representative contacts the applicant to make a site visit appointment. The Fire Chief or designee will inspect the site and proposed entrance or driveway design and may approve a waiver from the travel way and/or gravel base standards if they feel that the proposed entrance or driveway design is adequate for emergency vehicle use).

- iii. A signed statement from the applicant acknowledging that emergency vehicle access over the proposed entrance may be impossible, involving above average risk to life and property on the site.

2. Altering Existing Entrances

- a. For existing entrances that are to be paved, widened, or altered in grade or drainage, the Road Commissioner shall conduct a site visit of the property and issue an entrance permit if they find that all criteria are met; however, it is provided that the Road Commissioner may grant an entrance permit by special exception pursuant to Section H.1.a.
 - b. For existing farm/logging road entrances that are being upgraded serving 1 or more structures, all applicable criteria in Section H.1 must be addressed.
 - c. For existing farm/logging road entrances that are being altered but remaining as farm/logging road entrances criteria H.1.a) and H.1.c) must be addressed.
3. If any of the applicable conditions are not met, the **Road Commissioner** shall deny the entrance permit application. If the applicant feels that the Road Commissioner has erred in their interpretation of this ordinance, the applicant may file an administrative appeal with the Board of Appeals. (see Section R).

Note: Refer to the Town of Thorndike Board of Appeals Ordinance for procedures of the appeals process.

4. Inspection

The applicant will notify the Road Commissioner at least 24 hours prior to construction so that an inspection may be made both during and after construction to confirm adherence to permit requirements.

I. PUBLIC ROAD DAMAGE

Any drainage or sedimentation that originates from a parcel of private land that either:

1. Presents a public hazard, or
2. Causes road surface and/or subsurface damage to the public road system shall be considered a violation of this ordinance subject to the enforcement provisions in Section N of this ordinance.

Either the Road Commissioner or the Select Board may identify a violation under this section and must provide a written notice of violation and an order to remediate the damaging condition, including the Maine DOT standard of repair required. Depending upon its severity, the landowner will be given 2-10 days to correct the situation or present a plan for corrective action with a timeline. Failure to do so constitutes a violation of this ordinance, and each day such violation continues shall be considered a separate violation. The Road Commissioner may accept or reject the corrective action plan, depending on the severity of the circumstances and show of good faith by the landowner. Following notification, if action is not taken by the landowner in the named timeframe, the Road commissioner is authorized to take corrective action within the public right-of-way (e.g., rerouting drainage, repair, and/or regrading) and present a bill for the work to the landowner. Any bill that remains unpaid on the date the Town's property taxes are due will be considered delinquent. In the event the bill remains unpaid, the Town may petition a court for authorization to file a lien against the property for the unpaid amount, plus costs and legal fees.

J. CONDITIONS FOR APPROVAL OF BUILDING PERMIT

The CEO shall issue a building permit if they find;

1. That the applicant's proposal meets the dimensional requirements for the use and district as prescribed below, and

2. The applicant

Holds all related state and town permits

Entrance or Driveway Permit (if required)

Parcel permit

Plumbing/Waste Disposal Permit (if required)

If the activity is regulated by other ordinances, including but not limited to Subdivision, Site Plan Review, Shoreland Zoning, Floodplain Management, Wind Facility Siting, or Solar Farm additional applicable criteria must be met before a building permit is issued.

Minimum Requirements:

Requirements	Village District	Rural District
Dwelling Type	Parcel Size	Parcel Size
Single Family or Two Family	1.0 acre	2.0 acres
Multi-family	3.0 acres	3.0 acres
Commercial		
Commercial Structure	1.0 acre	2.0 acres
Setback from Centerline:		
Dwelling, Accessory Dwelling Unit or Commercial Structure	50 feet	80 feet
Multi-family residence	75 feet	100 feet
Side and Rear Setback from Property Lines <i>(see Setback Regulations in Section E):</i>	15 feet	15 feet
Road Frontage <i>(see back lot options below):</i>	100 feet	200 feet

The last lot(s) on a dead-end road, entrance, driveway, or right-of-way is (are) exempted from the road frontage requirement.

Back lots:

A back lot may be built on if:

1. It is of the minimum parcel size for the district in which it is located,
2. Meets all setback requirements,
3. The parcel has road frontage or deeded right-of-way from a public road of at least 50 feet in width. The CEO, or Select Board as appropriate, may grant a waiver reducing this access width to as little as 20 feet, if the applicant can prove that the access will never serve more than two parcels.

K. STRUCTURES PER PARCEL

Any structure that includes a dwelling must adhere to all regulations related to dwelling units.

1. Residential Structures (Dwelling Units)

a. Base Parcel

One Primary Dwelling Unit and one ADU may be built, sited, located, placed or erected on the parcel. These units may be attached or detached but may not be separated for future sale. Before an ADU is added to a building, the plumbing inspector must inspect and approve the septic design(s) and installation(s) that will serve the structures. A copy of the plumbing inspector's approval shall be submitted as part of the building permit application.

b. Larger Parcel

One Primary Dwelling Unit and one ADU may be built, sited, located, placed or erected on the additional dwelling units on a parcel must be built, sited, located, placed or erected so that they may each be sold on a separate legal parcel in that district in the future.

More than two new dwelling units built, sited, located, placed or erected on a parcel within a five-year period will require subdivision approval.

2. Commercial Structure(s) and/or Accessory Structure(s)

There is no limit to the number of commercial and/or accessory structures located on a parcel.

L. ACCESSORY DWELLING UNIT

1. The Town allows an Accessory Dwelling Unit to be located on the same parcel as a single-family dwelling, one of which must be owner occupied.
2. Restrictions

An Accessory Dwelling Unit may be constructed only:

- a. Within an existing dwelling on the parcel;
- b. Attached to or sharing a wall with a single-family dwelling unit; or,
- c. As a new or remodeled existing structure on the parcel for the primary purpose of creating an Accessory Dwelling Unit.

3. Setback Requirements

The setback requirements for an ADU shall be the same as the setback requirements of a single-family dwelling unit.

4. Shoreland Zoning

An Accessory Dwelling Unit shall comply with the Town's Shoreland Zoning Ordinance.

5. Water and Wastewater

The owner of an Accessory Dwelling Unit shall provide written certification to the Town's CEO that the Accessory Dwelling Unit is connected to adequate water and wastewater services.

Written certification shall include the following;

- a. Proof of adequate subsurface wastewater sewage disposal. The septic system shall be certified as adequate by the Plumbing Inspector. Plans for subsurface wastewater disposal shall be prepared by a licensed site evaluator.
- b. If an Accessory Dwelling Unit is connected to a well, certification of access to potable water and any tests of an existing well or proposed well shall indicate that the water supply is potable and acceptable for domestic use. This certification shall be provided to the Town's Plumbing Inspector.

6. Subdivision Requirements

A subdivider is not exempt from the Town's Subdivision Ordinance.

7. Restrictive Covenants

Restrictions on Accessory Dwelling Units placed by this ordinance shall not be construed to interfere with, abrogate, or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this ordinance, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

M. NONCONFORMING LOTS OF RECORD AND/OR NONCONFORMING STRUCTURES

A single lot which existed on March 21, 1987, the effective date of Thorndike's original Minimum Lot Size Ordinance, which does not meet the area or frontage requirements, may be used for a residential dwelling provided that such lot is in separate ownership, is not contiguous with any other lot of the same ownership, and that such lot satisfies all other requirements of this ordinance.

Contiguous lots or parcels that were in single ownership of record on March 21, 1987, may not be sold separately or built upon unless each lot or parcel meets the area and frontage requirements of this ordinance. A dwelling or commercial structure which existed on March 17, 1990, is exempted from the applicable setback requirement of this ordinance. With regard to the front setback, such non-conforming structures may be expanded along the same line provided the non-conformance is not increased. Expansions are not permitted within the side and rear setback areas.

N. CONFLICTS WITH OTHER STATUTES, ORDINANCES, REGULATIONS

This ordinance shall not in any way impair or remove the necessity of compliance with any other regulation, permit, ordinance, or statute. In the event that there is a contradiction between the provisions of this ordinance and those of any other ordinance or statute, the more restrictive provision shall apply.

O. ENFORCEMENT

Any entrance, or structure constructed, located, sited, or placed, or any lot created without a permit, or any work performed in violation of the provisions of this ordinance shall be considered in violation and shall be subject to a fine of not less than \$100 for each offense. Each day in which a violation is proved to exist shall constitute a separate offense under this section.

The **CEO shall** enforce the provisions of this ordinance in accordance with the Code Enforcement Officer Ordinance. In addition, the Select Board is authorized, and directed to, institute any action or proceedings that may be required to enforce the provisions of this ordinance. If any legal action is brought by the Town of Thorndike against any person or persons for violating this ordinance, and the Town prevails, then the violators shall be liable and responsible for the Town's legal fees and court cost and any other cost involved in bringing the suit or action.

P. VALIDATION PERIOD

Any permit issued under this ordinance shall expire if the work is not initiated within 2 years of the date of issuance.

Q. SEVERABILITY

If any portion of the ordinance shall be held to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance.

R. APPEALS

All decisions of the CEO, Select Board, or the Road Commissioner pursuant to this ordinance may be appealed to the Board of Appeals within 30 days. The Board of Appeals shall have the authority to grant a variance from the terms of this ordinance. A variance shall be issued only if all four (4) elements of undue hardship are proven. The elements are:

- a. That the land in question cannot yield a reasonable return.
- b. That the need for a variance will not alter the essential character of the locality.
- c. That the granting of a variance will not alter the essential character of the locality.
- d. That the hardship is not the result of the action by the applicant or a prior owner.

Note: Refer to the Town of Thorndike Board of Appeals Ordinance for procedures of the appeals process.

S. AMENDMENTS

At any time, this ordinance is amended, the Town Clerk, upon advice from the Planning Board, is authorized to insert and/or delete amended language, insert and/or delete clearly inconsistent references caused by such amendments, renumber sections of the amended ordinance in a logical and appropriate fashion, and correct typographical errors, provided such changes do not result in any substantive alteration in the meaning of the ordinance and further the clear intent of such amendment.