

Thorndike Land Use Ordinance

(Enacted 3/21/87; Amended 3/18/89, 3/17/90, 3/16/91, 3/19/94, 3/18/95, 3/21/15, 3/19/16, and xx/xx/2024)

A. PURPOSE

The purpose of this ordinance is to implement the community goals as expressed in the 1991 Comprehensive Plan and specifically accomplish the following objectives:

1. Regulate the construction and placement of new structures and additions to existing structures to protect the health, safety, and general welfare of town residents.
2. Provide for two land use districts that protect and maintain traditional development patterns in town by differentiating between the dense settlement pattern of Thorndike village and the dispersed development characteristic of the rural district.
3. Establish minimum dimensional standards for building lots to allow for privacy, fire safety, groundwater protection, density control and respect for neighboring property owners.
4. Ensure that proper subsurface wastewater disposal systems are installed in new and expanding structures, in accordance with the State of Maine regulations.
5. Increase access to back land, a term used in the Thorndike Comprehensive Plan, referred to as backlots in this ordinance.
6. Promote traffic safety, effective road drainage, and emergency vehicle access to structures by requiring minimum entrance design and construction standards.
7. Avoid circumstances in which lots that do not meet minimum building requirements are sold as building lots.
8. Encourage the availability of affordable housing by keeping requirements to a minimum.
9. Provide a legal opportunity for two households to share a base lot in separate living quarters, without circumventing the Town's desired minimum lot size and density requirements.

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 3/18/89, 3/17/90, 3/16/91, 3/19/94, 3/18/95, 3/21/15, and 3/19/16.

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 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 land use and/or building permits.

A person wishing to undertake any of the activities regulated under Section E of this ordinance may secure the appropriate application available 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, he or she shall issue the permit. Any conditions, such as specifics of entrance 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, he or she shall deny the permit in writing with the reason(s) detailed. If the applicant disagrees with the ruling of the permitting officer, he or she 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 municipal officers to refund any fee paid to the applicant.

D. DEFINITIONS

1. Abutter – The owner of any property with one or more common boundaries, or across the street or stream from the property involved in an application or appeal.
2. Accessory Dwelling Unit - 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 parcel of land, with a minimum of 190 square feet. [MRSA 30-A, § 4301, sub§ 1-C]
3. Accessory Structure – A use or structure that is customarily both incidental and subordinate to the principal use or structure on the same lot. The term “incidental” in reference to the principal use or structure shall mean:
 - a. subordinate and minor in significance to the principal use structure, and
 - b. attendant to the principal use or structure.
 - c. Such accessory uses, when aggregated, shall not subordinate the principal use of the lot.
 - d. A deck or similar extension of the principal structure, garage, or carport may or may

not be attached to the principal structure by a roof or a common wall.

4. Agriculture – The cultivation of soil, producing or raising crops including gardening as a commercial operation. The term shall also include greenhouses, nurseries, and various thereof, but these two terms when used alone, shall refer specifically to a place where flowers, plants, shrubs and/or trees are grown for sale.
5. Back Lot – Any lot that is either landlocked or has less than the required amount of road frontage required for a building lot 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.
6. Base Lot – The minimum building lot size allowed in any land use district; the portion of a large lot that satisfies this requirement for building purposes, generally the area upon which one or more principal structures either are planned or have been placed on a lot.
7. Building – Any three-dimensional enclosure by any building materials or any space for any use or occupancy, temporary or permanent.
8. Cemetery – Property used for the interment of the dead.
9. Commercial – Any activity carried out for pecuniary gain.
10. Code Enforcement Officer (CEO) – A person appointed by the municipal officers to administer and enforce this ordinance. Refer to the CEO ordinance for his/her specific duties and authorities.
11. Conforming – A building, structure, use of land or portion thereof, that complies with the provisions of this ordinance.
12. Corner Lot – A lot with at least two (2) contiguous sides abutting upon a street or right-of-way.
13. 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.
14. Driveway - A type of access that serves one of the following land uses: residential (up to five dwelling units); home-based occupations; forest management activities; farming; low impact industrial (e.g., substations), unless MaineDOT demonstrates, in accordance with the latest edition of the Institute of Traffic Engineers (ITE) Trip Generation Manual, published by the ITE that the use generates 50 or more vehicle trips per day. (see “ENTRANCE”). Driveways may consist of surface material such as mineral soil, gravel, asphalt or other natural or man-made material constructed or created by repeated passage of on-road vehicles.
15. Dwelling – Any building or structure or portion thereof designed or used for residential purposes including but not limited to:
 - i. 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.
 - ii. Single-family dwelling – any structure containing only one (1) dwelling unit for occupation by not more than one (1) family.
 - iii. Two-family dwelling – a building containing only two (2) dwelling units, for occupation by not more than two (2) families.
 - iv. 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 or other similar structure shall not be deemed to constitute a dwelling unit.

16. Entrance - A type of access that serves one of the following land uses: residential (serving six or more dwelling units); housing developments; retail, office, or service business

- including department store, strip mall, convenience store, gas station, auto repair shop, restaurant, or similar use unless the applicant demonstrates to the satisfaction of MaineDOT, in accordance with the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, published by the ITE that the use generates less than 50 vehicle trips per day. Rules for Entrances are contained in Part B.
16. Green Infrastructure - Systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater in order to protect water quality and associated aquatic habitat.
 17. Landlocked Lots – A parcel of land with no legally recorded land-based access from a public way.
 18. Lot – Same as Lot of Record.
 19. Manufactured Housing – A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported by use of its own chassis or an independent chassis, to a building site.
 20. Multi-family Residence – See Dwelling.
 21. 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.
 22. Permitted Use – A use that is listed as a permitted use in one or more of the districts established by this ordinance. The term shall not include any prohibited uses.
 23. Parcel – Same as Lot of Record.
 24. Planning Board – The Planning Board of the Town of Thorndike as defined and organized in the town ordinance “Establishment of Thorndike Planning Board Ordinance.
 25. Principle Structure – The primary use and chief purpose of a lot or structure, home, main commercial structure on the premises.
 26. Private Road – A privately-owned road serving more than two principal structures or lots over which neither the municipality nor the public has a right to by vehicle or on foot.
 27. Public Way – A way or public easement for highway purposes as defined in 23 MRSA §1903.11 held by any governmental body.
 28. Right-of-Way – All public or private roads and streets, state and federal highways, private ways (now called public easements), and public land reservations for the purpose of public access, including rights-of-way.
 29. Road Frontage – The horizontal straight-line distance between the intersections of the side lot lines with the road right-of-way.
 30. Road – An existing state, county, or town way or street dedicated for public use and shown on a plan duly approved by the Town of Thorndike Planning Board and recorded in the county registry of deeds or a road dedicated for public use and shown on a plan duly recorded in the county registry of deeds prior to the establishment of the Town of Thorndike Planning Board and the grant to the Town of Thorndike Planning Board of its power to approve plans. The term shall also include private undedicated roads that are described in a recorded document. The term “road” shall not include those ways that have been discontinued or abandoned.
 31. Setback - The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps, and railings, with the exception of minor accessory structures in the front setback area. Driveways, wells, walkways, gardens, septic systems, and fences are allowed in *all* setback areas.
 32. Structure – Anything constructed, sited, located or erected, the use which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, billboards, signs, commercial park rides and games, carports, porches, and other building features including stacks and antennas but not

including sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls.

33. Undue Hardship – As used in this ordinance, the words “undue hardship” shall mean all of the following:
- a. That the land in question cannot yield a reasonable return; and
 - 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; and
 - 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 the action taken by the applicant or a prior owner.

A variance is not justified unless all elements are present in the case.

34. Undeveloped Lot – A parcel of land without development.
35. Variance – A relaxation of the terms of this ordinance where such relaxation will 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 applicants, a literal enforcement of the ordinance would result in an undue hardship as defined in the ordinance. Variances permissible under this ordinance are limited to the height of the buildings, structures, lot size, yard and open space sizes, frontage, and setbacks.

E. APPLICABILITY, 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 lot	Lot Permit	CEO
Build new entrance; pave, widen, or alter the grade or drainage of existing entrance intersecting with public road	Entrance Permit	Road Commissioner
Install new plumbing, and/or new or replacement septic system; expand usage of existing septic system	Plumbing Permit	Plumbing Inspector
Build, site, or locate a commercial structure	Building Permit	CEO
Build, site, or locate a dwelling	Building Permit	CEO
Build, site, or locate an addition, over 100 square feet to an existing structure	Building Permit	CEO
Build, site, or locate a structure or an accessory structure, of over 100 square feet	Building Permit	CEO

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

Principal structures and structures such as garages and barns, and/or an accessory dwelling unit, are not allowed within any setback area.

Driveways, wells, walkways, gardens, septic systems, ~~and~~ fences, mailboxes, delivery tubes, and temporary signs such as real estate signs, political campaign signs, or event notices may be placed within the right-of-way, or allowed within all setback areas without a permit. Any of 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 moved or ordered removed by the CEO.

Side and rear setbacks do not apply when property lines occur within a single structure (e.g., condominium units).

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*, which is hereby incorporated into this ordinance, as Appendix 1. 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* that is appended to this Ordinance. The following description is based upon a combination of physical, political 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. Green infrastructure, privacy reduced population density, and traffic safety are prevailing concerns for the Rural District.

G. LOT PERMIT

1. Application Requirements

The application for a lot permit must include the following: Diagram of the proposed lot, 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, copy of deed guaranteeing right-of-way; location of existing or proposed entrance; acreages of proposed lot and remaining portion of existing lot; tax map and lot number; names and lot numbers of abutters; identification of any subdivision the proposed lot lies within; copy of deed to existing lot; names of legal owners of existing lot, and of proposed lot, if to be conveyed to known party; and any deed restriction or other limitation to be placed on the use of the lot.

2. Conditions for Approval of Lot Permit

The CEO shall approve an application for a Lot Permit if each of the following conditions

are met:

a) Either:

i) The proposed lot 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 lot does not meet the minimum dimensional requirements of the district(s) in which it is located, but the applicant certifies that the lot is dedicated to a non-building purpose. For such lot, the CEO shall require that the deed or other instrument creating the lot contains the following statement: "This lot, as of its creation on *(date)*, does not meet the minimum lot 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 Lot Permit issued with this requirement to the Waldo County Registry of Deeds.

b) The creation of the proposed lot will not cause another lot to become landlocked.
AND;

c) The proposed lot 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 (formerly driveway) permit;

iii) Deeded access through another property as required for back lots (*see Section J*);
or

iv) A certification by the Road Commissioner that the proposed lot 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 Lot 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 (including abandoned and 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 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 lots and therefore become classified as a 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.*

1. New Entrances

For new entrances, the road commissioner shall conduct a site visit of the property and issue an entrance permit if he or she finds 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 20 feet of the entrance closest to the public road intersection shall be constructed with at least 12 inches of gravel base and 12 feet of traveled way to support emergency vehicles. The same 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) 12 feet traveled way and 12 inches of gravel base; OR
 - 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. 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 road design and may approve a waiver from the

travel way and/or gravel base standards if he or she feels that the proposed road design is adequate for emergency vehicle use). OR

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 driveway 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 he or she finds 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 to driveway entrances (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 his or her interpretation of this ordinance, the applicant may file an administrative appeal with the Board of Appeals. If the applicant feels that the denial of an entrance permit creates an undue hardship, the applicant may request a variance from the Board of Appeals (see Section Q).

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:

- a) presents a public hazard, or
- b) 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 order remediation of 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 he or she finds;

a) that the applicant's proposal meets the dimensional requirements for the use and district as prescribed below, and

b) the applicant holds all related state and town permits, including entrance and plumbing/waste disposal permits. If the activity is regulated by other ordinances, including but not limited to Subdivision, Site Plan Review, Shoreland Zoning, Floodplain Management or Wind Facility Siting, additional applicable criteria must be met before a building permit is issued.

Minimum Dimensional Requirements for Building Lots:

Requirement	Village District	Rural District
Lot Size:		
Dwelling (1-2 units) or accessory dwelling unit (1 unit only)	1.5 acres	2 acres
Commercial structure	0.5 acre	2 acres
Multi-family residence (3+ units)	3 acres	3 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 or right-of-way is (are) exempted from the road frontage requirement.

Back lots:

A back lot qualifies as a building lot if:

- a) it is of the minimum building lot size for the district in which it is located, and
- b) the following requirement is met:

The lot has road frontage or deeded right-of-way from a public road of at least 50 feet in width. The CEO, or Planning 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 lots, or dwelling(s).

K. PRINCIPAL STRUCTURES PER LOT

1. Residential Structures

a) Base Lot

Up to two dwelling units may be placed on a single base lot. These units may be attached or detached but may not be separated for future sale in place unless each is located on an individual building lot that meets the requirements for a building lot at the time the sale occurs. Before a second unit is added to a base lot with an existing dwelling unit, 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 to the CEO or Planning Board, as appropriate.

b) Larger Lots

Up to 2 dwelling units may be located on the first base lot (i.e., 2 acres in the Rural District and 1 acre in the Village District). Additional residential structures on a lot must be placed so that they may each be sold on a separate legal building lot in that district in the future. Only one base lot is allowed per parcel, upon which the density may be 1 unit per acre in the Rural District and 1 unit per .5 acre in the Village District. Where 2 units are located on a minimum-sized base lot, they may not be separated for sale in place on non-conforming lots. If two residential units are in place on a base lot, any additional residential structures placed on the same parcel are limited to one unit per building lot equivalent.

Example: A six-acre lot in the Rural District could have two units on the first 2 acres, and one unit on each of the other 2 acres, if the additional 2-acre sections each met applicable building lot requirements (though the lots need not be created by deed). Note: Over two new dwelling units created on a parcel within a five-year period will require subdivision approval.

2. Commercial Structures

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

L. ACCESSORY DWELLING UNIT

- 1. The Town allows an accessory dwelling unit, except as provided in MRSA 12, Chapter 423-A,

to be located on the same lot as a single-family dwelling unit in areas in which the Town permits residential housing.

2. Restrictions

An accessory dwelling unit may be constructed only:

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

3. General Requirements

For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements shall be the same as the setback requirements and dimensional requirements of the 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:

- 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 in accordance with subsurface wastewater disposal rules adopted under MRSA 22 §42-3 et seq.
- 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 and shall be provided to the Town's plumbing inspector.

6. Subdivision Requirements

A subdivider is not exempt from the requirements for accessory dwelling units for division of tract or parcel of land in accordance with 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 AND STRUCTURES OF RECORD

A single lot of record which existed on March 21, 1987, the effective date of Thorndike's original Minimum Lot Size Ordinance, that 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, 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 municipal officers are authorized, directed to, and must 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 this ordinance shall be held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

R. APPEALS

All decisions of the Road Commissioner and CEO, 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, where necessary, to avoid undue hardship, provided there is no substantial departure from the intent of this ordinance.

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.