

TOWN OF ADDISON

BUILDING PERMIT ORDINANCE

ENACTED: MARCH 14, 2002

REVISED: MARCH 9, 2004

REVISED: MARCH 14, 2006

REVISED: MARCH 13, 2007

REVISED: MAY 13, 2010

ATTEST: A TRUE COPY

DATED: _____

MARY FARNSWORTH

TOWN CLERK

AFFIX SEAL

TOWN OF ADDISON

Building Permit Ordinance

Purpose

New buildings or structures, additions to existing buildings, and conversions of existing buildings to other uses can have a significant effect on the cost, capacity, and efficiency of town services as well as the environment, aesthetics, and well being of this town and its neighborhoods. Among other aspects, such buildings and structures can impact (either positively or adversely) property values of current residents, businesses, schools, water supplies, recreational facilities, traffic, road repair, snow removal services, library facilities, and many other parts of the community we all share. Therefore, it is the purpose of this ordinance to avoid or mitigate any such negative impacts.

Building Permits

A building permit shall be required before the start of any work for the purpose of constructing, expanding, or moving any building or other structure in the Town of Addison. This permit requirement shall apply to reconstruction, expansion, replacement or rebuilding of existing structures, and to conversions of existing structures to another residential, recreational, or business use.

Buildings and structures, include, but are not limited to, houses, garages, sheds, barns, mobile homes, and towers.

Exempt from the requirement of obtaining a building permit are buildings or structures of 100 square feet or less and not greater than 12 feet in height and stand alone (Revised March 9, 2004). Also exempt is routine interior and exterior maintenance. These items are not exempt from meeting the minimum standards set forth in this ordinance.

Application for a building permit shall be made to the Code Enforcement Officer and/or the Planning Board on the application form available at the town office. The completed application shall be dated on the day received at the town office. The application requires the following in order to be complete:

- **Map and Plan**

1. State the map and lot number of the applicable town tax map showing the location of the building lot (you can obtain this information from your tax bill).
2. For property that will contain a drainage/sewer system, a soil test performed by a State approved inspector and a copy of a completed State form HHE 200 showing that sewage can be properly disposed.

3. A detailed site plan showing:
 - a) The size of the lot in square feet and the dimensions of the lot in feet,
 - b) The location and dimensions of any existing buildings/structures on the lot, and the distance from all property lines,
 - c) The location and dimensions of the proposed building/structure or addition on the lot and the distance from all property lines,
 - d) Location of existing or proposed water supply and sewage disposal systems.
 - e) Access to property
4. Note the number of bedrooms in the existing structure and in the proposed plan.

Laws and Ordinances

Any building erected, remodeled or altered under permission granted by this permit must conform to all applicable laws and ordinances.

Minimum Standards

The applicant shall show that the proposal complies with the following local standards in each of the following, which shall be the minimum requirements for approval of the application:

1. Surface Water Drainage:

The proposal must be designed to provide adequate surface water drainage so that removal of surface waters will not adversely affect neighboring properties, downhill water quality or roads.
2. Sizes, Setback, and Other Requirements:
 - Minimum lot size: 20,000 square feet non-shoreline property
30,000 square feet tidal shoreline property
40,000 square feet non-tidal shoreline property
The minimum lot size must be met for each dwelling unit or principal structure on the lot.
 - Height: No building/structure shall exceed 50 feet in height.
 - Height: No building/structure shall exceed 35 feet in height in a resource protection, limited residential, limited commercial or stream protection district of the shoreland zone. *See attached definition.
 - Minimum frontage for tidal area: 150 feet; non-tidal: 200 feet (Refer to Shoreland Zoning Ordinance.)

- Minimum building set-back from a highway right-of-way: 25 feet (Highway is defined as any public way including, but not limited to, state roads, county roads, or town roads (whether currently maintained or discontinued).
 - Minimum building set-back from property lines: 15 feet
 - Minimum building set-back from shoreline: 75 feet
 - Minimum distance between septic system and well: 100 feet or shall conform to state requirements
 - Minimum new permanent road or driveway setback from normal high water mark: 75 feet.
3. Vehicular Access:
- The proposed site layout shall provide safe access to and from public roads.
 - A driveway entrance permit from the Road Commissioner for town roads and from DOT for state roads **is** required.
4. Parking:
- Adequate off-street parking will be provided according to the following standards:
- Dwellings: 2 spaces per unit.
 - Hotels, Motels, Boarding Houses and Bed & Breakfast establishments: 1 space per guest room.
 - Restaurants, Churches, Clubs, Recreation Facilities: 1 space per 4 seats.
 - Stores and Offices: 1 space per 300 square feet of floor space.
 - Buildings not listed: Spaces shall be provided as for the most similar building listed.

Appeals

Anyone aggrieved by a decision of the Planning Board or CEO may appeal such decision to the Board of Appeals and may further appeal to the Superior Court within thirty days after the Board of Appeals' decision as provided by statute. Not later than thirty days from the date of the written decision, the appellant shall submit a written appeal to the Board of Appeals. The appellant shall set forth in writing the specific grounds for this appeal. The Board of Appeals shall forthwith cause to be advertised in a newspaper of general circulation in the town of Addison, a Notice of Appeals stating the property involved, the nature of the appeal and the time and place of the public hearing. The Board of Appeals shall at the same time notify by mail the owners of all property abutting and immediately across the street or way from the property for which the appeal is taken. The appeal shall be in order for hearing within ten days after the first publication of the Notice of Appeal and the date of the hearing so stated in the Notice. The hearing will be held in accordance with State Law. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board or CEO only if it finds a mistake of fact o law or misinterpretation of the terms of this Ordinance. A copy of any such reversal shall be sent to the Planning Board and CEO within ten days of the Board of Appeals' action but no later than thirty days after the public hearing.

Variance Requests

Upon application, the Board of Appeals, following a public hearing in accordance with State Law, may grant a variance only where strict application of this Ordinance, or provision thereof, to the petitioner and his property would cause undue hardship. The words “undue hardship” as used in this subsection mean:

1. That there are exceptional or unique circumstances relative to the property that do not pertain generally to other properties in the same neighborhood; **and:**
2. That property in the neighborhood will not be adversely affected: **and**
3. That such action will not be contrary to the objectives of this ordinance; **and**
4. That any hardship is not the result of action taken by the applicant or a prior owner.

Reconstruction

If any building or structure is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or his agent, it may be restored or reconstructed on its original site within 5 years of the date of said damage or destruction even though the lot may not be of the required size or have the required frontage or setbacks.

Planning Board

The Planning Board of Code Enforcement Officer (unless designated as a Code Enforcement Officer responsibility in an ordinance) shall review the application and issue written notice of approval or denial within 60 days of receipt of a completed application by the town office. Approval shall be by issuance of a building permit. The Planning Board may hold special meetings at its discretion provided that such special meeting is publicly advertised.

Failure of the Planning Board or Code Enforcement Officer to issue written notice of its decision within 60 days from the date of receipt of the application shall constitute denial of a permit. The Planning Board can extend the 60-day time frame by notifying the applicant and establishing a date when the permit will be issued / denied. The Planning Board shall review all applications and permits.

Commencement of Work

Construction shall commence within one (1) year from date of issuance of the permit, otherwise the permit shall expire unless an extension is requested by the applicant and is granted by the Planning Board.

Renewal Procedures

If work has not commenced before the permit has expired a renewal of the application can be requested from the Planning Board. The Planning Board can renew the permit if the planned work has not changed from the original request. If the planned work has changed an application for a new permit will be required. No fees will be charged for renewals,

Enforcement

Any construction undertaken without the necessary permit will result in late fee of \$100.00 in addition to applicable building permit fees. Additional fines may apply as follows: (rev: 03/14/06) Any person or persons, firm or corporation owning or having control of any building or premises or other persons such as subcontractors who assist in the violation of this Ordinance or of any permit issued hereunder, shall be guilty of a civil violation, and upon conviction thereof shall be fined a minimum of \$100.00 and a maximum of \$2500.00 for each offense. Each day that the violation exists shall be considered a separate offense.

The Board of Selectmen or their authorized agent(s), acting in accordance with their duties and responsibilities in connection with the enforcement of this ordinance, shall serve written notice on the owner(s), or others assisting, of such violation or violations. When this action does not result in the correction or abatement of the violation(s), the Board of Selectman are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, seeking injunctions of violations and impositions of fines, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the Town of Addison.

Building Permit Fees

Subdivisions ...(Revised March 9, 2004)...per lot.....	\$100.00
Heavy Commercial (more than 5,000 sq. ft.).....	\$100.00
Light Commercial (5,000 sq. ft. or less).....	\$ 50.00
Shoreland Zoning (rev. 03/14/06).....	\$100.00
All other building permits (Rev: 3/14/2007).....	\$ 50.00
CEO Service Charge Fee (Non-refundable...New 3/13/07..Rev. 5/13/10).....	\$ 35.00
CEO Service Charge Fee (New May 13, 2010) prior to slab/foundation pour.....	\$ 35.00
CEO Service Charge Fee (New May 13, 2010) prior to completion.....	\$35.00
Town Road Driveway Entrance Permit Fee (New 5/13/10)	\$40.00

Severability

If a court declares any section or provision of this ordinance invalid, such decision shall not invalidate any other section or provision of this ordinance.

Amendments

Amendments or revisions of this ordinance may be adopted by the vote of the town's people at a town meeting. A public hearing will be held to review the ordinance at least 10 days prior to the town meeting.

Effective Date

Effective date of this ordinance is March 12, 1996. Copies of this ordinance and all amendments to it shall be filed with the Town Clerk.

*Effective date or revisions is March 9, 2004

*Effective date of revisions is March 14, 2006

*Effective date of revisions is March 13, 2007

*Effective date of revisions is May 13, 2010

Certification of Payment of Sales Tax On New Manufactured Homes

If this building permit application is for placement of a **NEW** manufactured home this form must be completed before a permit can be issued. Manufactured housing is defined to include mobile homes and modular homes.

State regulation provides that no municipality may allow the construction or location of any form of new manufactured housing within the municipality, except by a licensed dealer registered to collect the Maine sales tax, unless the buyer presents evidence that the Maine sales or use tax has been paid on the manufactured housing. Building permits cannot be issued until payment of the sales tax has been certified. In order to certify the payment of the sales tax one of the following must be completed and the appropriate form attached.

1. Is the manufactured housing being installed by a licensed Maine dealer registered to collect Maine sales tax?
 - Yes – attached a copy of the bill of sale indicating the name, address, and sales tax certificate number of the dealer.
 - No – See #2

2. Was the manufactured housing purchased from a Maine dealer?
 - Yes – attached a copy of the bill of sale or invoice from the seller showing that the sales tax was collected at the time of sale.
 - No – See #3

3. If the housing was purchased from a person who is not registered to collect the Maine sales tax, the purchaser is responsible for payment of the tax directly to the State. Attach a copy of the Maine Revenue Services receipt.

TOWN OF ADDISON

BUILDING PERMIT INSPECTION SCHEDULE

This inspection schedule is designed to ensure compliance with the land use standards contained in the Shore Land Zoning and Building Permit Ordinances. Other inspections may be required.

IT IS UP TO THE PERMITEE OR REPRESENTATIVE TO SCHEDULE THESE INSPECTIONS WITH THE TOWN'S CODE ENFORCEMENT OFFICER. FAILURE TO OBTAIN THESE INSPECTIONS SHALL CONSTITUTE A VIOLATION OF THE ORDINANCE.

- Prior to Construction
- Prior to Foundations Pour
- Prior to Completion

The CEO, if necessary can adjust this inspection schedule. The CEO will notify the permittee of any changes in Inspection Schedule at the time the permit is issued.



STANDARD CONDITIONS OF APPROVAL FOR ALL SHORELAND ZONING PROJECTS

1. A copy of this permit must be posted in a visible location on your property during development of the site. Including construction of the structure approved by the permit.
2. This permit is limited to the proposal as set forth in the application and supporting documents, except as modified by specific conditions set forth by the Planning Board or Code Enforcement Officer in granting this permit. Any variations from the application or conditions of approval are subject to prior review and approval by the Planning Board or Code Enforcement Officer.

Failure to obtain prior approval for variations shall constitute a violation of the ordinance.

3. A substantial start (30% of project based on estimated cost) of construction activities approved by this permit must be completed within one (1) year of the date of issue, otherwise, this permit shall lapse, and no activities shall occur unless and until a new permit is issued.
4. The water body and wetland setbacks for all principal and accessory structures, septic systems, driveways, and parking areas must be as specified in the application, or as modified by the conditions of approval.
5. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided with a copy of the approved permit and advised of the conditions of approval.
6. The permittee shall arrange for the Code Enforcement Officer to conduct compliance inspections during construction and prior to occupancy.

Standard Clearing Conditions for Shoreland Zoning

The following shall apply to vegetation clearing for all activities within the shoreland zone.

1. A vegetative buffer strip shall be retained within 100 feet of a great pond or river flowing to a great pond, and within 75 feet of other water bodies, wetland, and tributary streams.
2. Within the buffer strip(s) there shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. A winding footpath is permitted, provided it does not exceed ten (10) feet in width as measured between tree trunks, and does not provide a cleared line of sight to the water. Adjacent to great ponds and rivers flowing to great ponds, the width of the footpath is limited to six (6) feet.
3. Selective cutting of trees within the buffer strip(s) is permitted provided that a well-distributed stand of trees and other vegetation is maintained. Not more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above ground level, may be removed in any ten (10) year period.
4. Within the buffer strip(s) adjacent to great ponds, and rivers and streams flowing to great ponds, existing vegetation under three (3) feet in height and other ground cover shall not be removed, and soil shall not be disturbed, except to provide for a foot path or other permitted use.
5. Pruning of tree branches is prohibited within the buffer strip(s) except on the bottom 1/3 of the tree vitality will not be adversely affected.
6. Within the buffer strip(s), in order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 square feet, these openings shall be replanted with native tree species. When removal of such trees appears necessary, the permittee is advised to consult with the Code Enforcement Officer.
7. Within the shoreland zone, but outside the 75 foot or 100 foot buffer strip(s) described in Standard #1 above, not more than 40% of the volume of trees four (4) inches or more in diameter, measured 4 ½ feet above ground level may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet or 25% of the lot area, whichever is greater, including land previously cleared.
8. Legally existing cleared openings which exceed the above standards may be maintained, but shall not be enlarged except as permitted by the ordinance.
9. Where natural vegetation is removed it shall be replaced by other vegetation (except for areas to be built upon) that is effective in preventing erosion and retaining beauty.

06-096

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Functionally water-dependent uses – those uses that require, for their primary, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that cannot be located away from the waters. The uses include, but are not limited to commercial and recreation fishing and boating facilities, excluding recreation boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining wall, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be locate or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

Great pond - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner,

Great pond classifies GPA – any great pond classified GPS, pursuant to Title 38 Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Height of a structure – the vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Home occupation – an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to the compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Increase in nonconformity of a structure – any change in a structure or property which causes further deviation from the dimensional standard(s) creating the non conformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body or wetland than the closet portion of the existing structure from that water body or wetland. Included in this allowance are expansions, which in-fill irregularly, shaped structures?

Individual private campsite – an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not limited to gravel pads, parking areas, fire places, or tent platforms.

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

Guidelines for Soil Stabilization within Shoreland Zone

Areas of disturbed soil, including but not limited to areas that are filled, graded, or otherwise disturbed during construction, must be stabilized according to the approved erosion control plan proved as part of the permit application, or as modified by specific conditions of approval. The following guidelines provide guidance for the landowner to consider in preparing and executing the soil stabilization portion of the erosion control plan. The goals to be achieved by proper stabilization are avoidance of accelerated soil erosion and sedimentation of water bodies.

In general:

1. Sterile soils such as sands and gravel should be covered with a minimum of 4 inches of compacted topsoil to provide a growth medium for vegetation.
2. Disturbed areas which can be seeded between May 1 and September 15 should be prepared and seeded during that period. The best seeding dates are from May 1 to June 15, Mid-summer seeding will usually require significant watering.
3. Disturbed areas which can not be seeded between May 1 and September 15 should be heavily mulched with hay, straw, or some other suitable materials to keep them as stable as possible over the winter, and particularly during the spring runoff the following year. Generally, one bale of hay for each 500 square feet of disturbed area provides a stabilizing, mulch. For over-winter, mulched must be tied down, as it is easily blown around on frozen ground, leaving areas of exposed soils. Mulched over-winter areas should be prepared and seeded the following spring as soon as conditions allow.
4. Seeding preparation, in addition to providing topsoil or loam if the site is sterile, including the application of lime and fertilizer, which should be lightly raked into the soil prior to seeding. After the area is seeded, it should be lightly watered and then mulched to protect the seed, keep the site stable and moist, and allow the seed to germinate and grow.
5. Lime should be applied at a rate of approximately 138 pounds per 1000 square feet of area. This rate may vary depending on soil conditions, and it is recommended that soil be analyzed to determine specifically what additional nutrients are needed.
6. Fertilizers should be a "quick release" low phosphorus mixture. They should be applied at a rate of approximately 18.4 pounds per 1000 square feet. However, no more fertilizer than necessary should be added since any excess may be washed into the adjacent water body and contribute to lower water quality. Fertilizers should never be applied before thunderstorms or before spring runoff.
7. Minimize the areas of exposed soil during construction, and temporarily or permanently stabilize disturbed areas within one week of the time the area is actively worked. Runoff control features such as hay bales, silt fencing, and diversion ditching must be placed and functioning prior to the start of construction.

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the Building Permit Ordinance.

After enacted by the voters of the Town of Addison, this ordinance shall become effective May 14, 2010.

Given under our hands this _____ day of _____, 2010.

Michael L. Murphy, Selectman

Dale Crowley, Selectman

Thomas Batson, Selectman