

**Town of Casco  
Town Meeting Warrant – June \_\_, 2014**

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ARTICLE \_\_: Shall Article 2, Article 4, Article 5, and Article 7 of the Casco Land Use Ordinance, as adopted June 11, 1994 and amended through June 12, 2013, as adopted March 12, 1988 and amended through June 18, 1994, be further amended by adding and deleting the language in italics type as shown below?

*[Note: The use of the word "Article" within the ordinance does not indicate a separate warrant article.]*

**Town of Casco Land Use Ordinance:**

**ARTICLE 2 - DEFINITIONS OF TERMS USED IN THIS ORDINANCE**

Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The word "lot" includes the word "plot" or "parcel". The words "used" or "occupied" as applied to any land or building, shall be construed to include the words, "intended, arranged, or designed to be used or occupied."

Except as specifically defined herein, all words in this Ordinance shall carry their customary dictionary meanings. For the purposes of this Ordinance, certain words or terms used herein are to be construed or defined as follows:

~~Accessory Residential Apartments – Accessory residential apartments~~residential apartments attached or detached, shall be allowed in a residential zone provided that the existing structure and accessory apartment shall not cover the lot by more than thirty (30) percent including the area of the septic system. If the number of bedrooms or potential bedrooms exceed by more than one (1), the number of bedrooms that the existing septic system was designed for, a replacement or expanded system shall be installed before occupancy. If the total number of bedrooms or potential bedrooms increases by ~~one~~one (1), a replacement or expanded septic system shall be designed and recorded in the Registry of Deeds. The accessory apartment shall not comprise more than 720 s.f. of interior floor area excluding stairways. Not more than ~~one~~one (1) accessory residential apartment shall be permitted per lot.

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***Back Lot Driveway** - A driveway within a defined location serving access and frontage purposes for no more than two single family residential back lots, or provide direct access to three or less lots and which originates from a street constructed in accordance with Town of Casco Design Standards for Streets. In no event shall a, multifamily, or any other non-residential primary use be allowed on a back lot.*

***BUFFER***- An area or belt of land covered with existing vegetation, or which is landscaped with trees,

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**Town of Casco  
Town Meeting Warrant – June \_\_, 2014**

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*and/or vegetation, or natural materials such as bark mulch that serves to protect, screen, or provide separation from effects of development from other properties, public or private streets, or from a natural resource such wetlands, waterbodies, or significant wildlife habitats. Specific buffer types are defined below:*

*Landscaped Buffer* - *A designated green area required within specified setback areas that includes a ground cover of bark mulch, grass or other natural green plant material which is then planted with trees or shrubs for all or part of its area. Landscaped buffers of crushed rock materials such as concrete and asphalt and green paint are not acceptable materials for use in landscaping. Landscaped buffers shall be maintained by the property owner(s) or their representative(s).*

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*Natural Vegetated or Forested Buffer* - *A designated and protected green area left in its existing undisturbed natural state, required or offered, within specified setback areas. Natural or Forested buffers shall be established such that no cutting, no stumping, no soil disturbance, or activity to harm vegetation with the buffer, without approval by the Review Authority shall be allowed. Limited maintenance by the property owner(s) ~~or~~ or their representative(s) is allowed for clearing of diseased, dead or fallen trees, and cutting of dead, damaged hanging limbs or branches only with permission from the Road Commissioner, or Code Enforcement Officer.*

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**Eliminate this term-**

~~**Vegetated Strip** - An area of land comprised of maintained grass or existing vegetation.~~

**Eliminate this term**

~~**Inland Wetlands** - Areas enclosed by the normal high water mark of inland waters, and areas otherwise identified on the basis of soils, vegetation and other criteria as inland wetlands, including but not limited to swamps, marshes and bogs.~~

~~**Revise the definition to include planner in Review Authority:**~~

**Reviewing Authority:** The Reviewing Authority is defined as the Code Enforcement Officer (CEO) in conjunction with the Town Planner, or Planning Board. The CEO and Planner may grant permit approval under the provisions of this section, however Planning Board permit approval shall be required for any application seeking a waiver of any submission requirements or any criteria of this section which are allowed to be waived. The CEO and Planner may require that any application be reviewed for approval by the Planning Board if, in their opinion, the staff review is unable to adequately resolve all relevant issues raised by the Back Lot Driveway application.

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~~**Revise this definition by deletion of the last sentence:**~~

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**Town of Casco  
Town Meeting Warrant – June \_\_, 2014**

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**Stream** - Channels between defined banks created by the action of surface water. Intermittent watercourses are included in this definition. Channels that are completely man-made are not included in this definition except where alteration of these channels may cause fill or a structure to fall or be washed into natural channels. For the purpose of this Ordinance, the lines shown as watercourses on the Official Zoning Map shall be considered streams, unless the Planning Board demonstrates that a stream as defined above exists at an unmapped location, or the applicant demonstrates that a stream as defined above does not exist at the mapped location. ~~For the purposes of timber harvesting, stream shall be defined as all perennial streams shown on the USGS 7.5 Map.~~

**Stream (Forestry Definition)** For the purposes of timber harvesting, stream shall be defined as a free-flowing body of water from the outlet of a great pond or the point of confluence of 2 perennial streams as depicted by a solid blue line on the most recent edition of a United States Geological Survey 7.5-minute series topographic map or, if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within a shoreland area.

**Revise this term to reference other wetland terms:**

**Wetland** - A freshwater area identified on the basis of soils, vegetation and other criteria as wetlands, including but not limited to swamps, marshes and bogs. See other wetland terms such as Forested Wetlands, Freshwater Wetlands, Upland Edge of Wetland, Wetland Associated with Great Ponds and Rivers, and Wetlands and Wetlands of Special Significance for specific definitions and criteria.

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**Add this term:**

**Wetlands of Special Significance**- *A freshwater area identified on the basis of soils, vegetation and other criteria as of special significance wetlands and as having one or more of the following characteristics described below:*

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(1) Critically imperiled or imperiled community. *The freshwater wetland contains a natural community that is critically imperiled (S1) or imperiled (S2) as defined by the Natural Areas Program.*

(2) Significant wildlife habitat. *The freshwater wetland contains significant wildlife habitat as defined by 38 M.R.S.A. § 480-B(10). This shall include significant vernal pools as defined by the Maine Department of Environmental Protection.*

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(3) Location near GPA great pond. *The freshwater wetland area is located within 250 feet of the normal high water line, and within the same watershed, of any lake or pond classified as GPA under 38 M.R.S.A. § 465-A.*

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(4) Aquatic vegetation, emergent marsh vegetation or open water. *The freshwater wetland contains under normal circumstances at least 20,000 square feet of aquatic vegetation, emergent*

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**Town of Casco  
Town Meeting Warrant – June \_\_, 2014**

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marsh vegetation or open water, unless the 20,000 or more square foot area is the result of an artificial ponds or impoundment.

(5) Wetlands subject to flooding. The freshwater wetland area is inundated with floodwater during a 100-year flood event based on flood insurance maps produced by the Federal Emergency Management Agency (FEMA) or other site-specific information.

(6) Peat lands. The freshwater wetland is or contains peat lands, except that the Town may determine that a previously mined peat land, or portion thereof, and is not a wetland of special significance.

(7) River, stream or brook. The freshwater wetland area is located within 25 feet of a river, stream or brook.

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**Add to Article 3 –Section 3.2.4 as follows.**

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**Article 3—~~Section~~ Section 3.2.4 Setback Reductions for Nonconforming Single Family Detached Dwelling:**

(a) Authority. The Zoning Board of Appeals may grant setback reductions to the extent provided by this section.

(b) Purpose. The purpose of setback reductions is to validate the sites of mislocated single-family residential structures and those structures accessory thereto, which are not otherwise legally sited by proof of building permit and/or receipt of a certificate of occupancy and which were in existence on January 1, 2012. All residential structures in existence prior to January 1, 2012, which show evidence of Town of Casco approval for the mislocated single family structure, addition, or structure accessory thereto, by approval of permits, certificate of occupancy, or other CEO documentation, will be considered to have met the requirements of this Section.

(c) Procedure. Application for a setback reduction for nonconforming single family detached dwelling shall be submitted to the Code Enforcement/building inspections office. A payment of a nonrefundable application fee, as established from time to time by order of the Town of ~~Casco~~ ~~Selectmen~~ Casco Selectmen to cover administrative costs, shall accompany each application. The application shall be in such form as prescribed by the CEO, and shall contain at least the following information and documentation:

1. The name and address of the applicant and his or her interest in the subject property;

2. The name and address of the owner, if different from the applicant;

**Town of Casco  
Town Meeting Warrant – June \_\_, 2014**

---

3. The address or location and the tax assessor's chart, block and lot number of the subject property;

- 4. The present use and zoning classification of the subject property;

- 5. Plot plan showing sufficient information to indicate the location of all structures existing and proposed in relation to the lot lines. Such a plan must be prepared by a state registered land surveyor. If, in the opinion of the surveyor, sufficient monumentation is not available, then a standard boundary survey will be necessary to meet the requirements of this section.

- (d) Conditions for setback reductions. Setback reductions which may be granted by the Zoning Board of Appeals are subject to the following conditions:

- 1. The sole use of the property is (and, if the application should be granted, will remain) as a single-family detached dwelling.

- 2. The property is located in ~~Village~~(Village (V), Residential(R), Commercial(C), Manufactured housing park (MHP), Limited Residential/~~Recreation~~(Recreation (LRR), Limited Commercial/~~Residential~~(Residential (LCR), Stream ~~Protection~~(Protection (SP), and ~~Watershed~~(Watershed (WS) Districts.

- 3. The reduction sought cannot be reduced by more than 50% of the required district setbacks for which the subject lot or parcel is locate within.

- 4. No relief may be granted under this section in cases where the Zoning Board of Appeals determines that the setback violation was the result of a willful act by either the applicant or a prior owner.

- 5. This section shall only apply to the inadvertent misplacement of a structure.

- 6. Recording of setback reduction: The Zoning Board of Appeals ~~shall~~ Appeals shall provide a signed instrument in recordable form, indicating any setback reduction granted under the terms of this section. The applicant for such reduction shall be responsible for recording this instrument in the Cumberland County Registry of Deeds.

#### **4.4.1 Village District (V)**

##### **A. Intent**

To provide a variety of housing types and services within a compact area while reinforcing existing village characteristics. This district is established to combine the convenience of

**Town of Casco**  
**Town Meeting Warrant – June \_\_, 2014**

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village life with the physical amenities of a rural environment and to encourage development near adequate roads and town services. Toward the achievement of these purposes, the following minimum standards are established.

**B. Permitted Uses**

1. One-Family Dwellings
2. Manufactured Housing that complies with performance standards herein.
3. Accessory Residential Structures
4. Home Occupations that comply with performance standards herein.
5. Timber Harvesting
6. Agriculture

**The following uses require site plan review:**

7. Multiplex
8. Planned Residential Developments that comply with performance standards herein
9. Schools
10. Nursing Homes
11. Churches
12. Day Care Centers
13. Community Living Use
14. Residential Care Facilities
15. Municipal and State Facilities
16. Private Assembly
17. Public Assembly
18. Retail or Convenience Stores ~~not to exceed 2,000\* square feet of first floor area~~
19. Professional Buildings ~~not to exceed 3,000\* square feet of gross floor area~~
20. Restaurants and Take-Out Businesses
21. Motor Vehicle Service Stations
22. Bed and Breakfast Establishments
23. Visual and Performing Arts Buildings
24. Funeral Homes
25. Public Utilities as a Permitted Use (added 6/21/97)

**All other uses are prohibited.**

**C. Space Standards**

1. Minimum lot size: 60,000 square feet
2. Minimum land area per dwelling unit (for multiplex and PRDs):60,000 s.f. of net residential area
3. Maximum building coverage:  
    a. 20 percent of lot area

**Town of Casco**  
**Town Meeting Warrant – June \_\_, 2014**

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4. Minimum road frontage: 150 feet
5. Minimum setbacks:
  - Front: 40 feet
  - Side: 15 feet, except as provided in subsection 5.A below.
  - Rear: 15 feet
- 5.A. Reduced side setback for accessory structure: The minimum side setback for an accessory storage structure of 100 square feet or less of floor area, provided that all of the following conditions are met:
  - a. The accessory storage structure must meet all other setback requirements.
  - b. All structures larger than 100 square feet in area on the property abutting the side of the accessory storage structure shall be setback at least 25 feet from the shared property line.
  - c. The height of the accessory storage structure shall not exceed 12 feet.
  - d. No more than 1 accessory storage structure per lot shall be entitled to the 10 foot side setback. Any additional accessory structures must meet the full 25-foot setback requirement.
  - e. The use of the accessory storage structure shall be exclusively for storage. There shall be no human occupancy of the accessory storage structure and no cooking or bathroom facilities shall be permitted in the structure.
  - f. No variance shall be permitted from this 10-foot setback requirement.
6. Maximum building height: 35 feet

D. Other Standards

1. A 20-foot maintained ~~vegetated strip~~ landscaped buffer is required in front setback for all residential uses. Nonresidential uses shall follow the required buffers for front, side, and rear yards that conform to the Performance Standards as outlined in Section 5.2.5 Buffer Zones.
2. Nonresidential uses are limited to one entrance/exit on Routes 302, 11, 85 and 121 unless a second entrance/exit is proposed by the owner/applicant and the Planning Board determines that all of the following conditions will be met and maintained:
  - a. If an MDOT entrance permit is required in accordance with State standards, the MDOT permit dated after the adoption of this standard (6/11/2003) shall be obtained prior to the Town considering a second curb cut.
  - b. The minimum frontage owned by the applicant in order for the Planning Board to consider a second curb cut shall be one hundred and fifty (150) feet. The Board of Appeals shall not have the authority to reduce this minimum frontage requirement in order for the Planning Board to consider a second curb cut.

**Town of Casco**  
**Town Meeting Warrant – June \_\_, 2014**

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- c. No other reasonable alternative exists, as determined by the Planning Board.
  - d. The request for the second curb cut is based on demonstrated need and not convenience as determined by the Planning Board.
  - e. The width of the second cut shall be the minimum necessary, as determined by the Planning Board, to meet functional requirements.
  - f. The second curb cut shall not create or exacerbate an unsafe condition, as determined by the Planning Board, on the property where the second cut is proposed or for neighboring properties including those located on the opposite side of the road.
- 2. Nonresidential uses limited to one entrance/exit on Routes 302, 11, 85 and 121.
  - 3. Nonresidential uses must meet standards of 4.4.3.D

E. Density Bonus for Affordable Housing

Single-family subdivisions comprised of twenty-five (25) percent or more of affordable housing units as defined shall have minimum lot sizes of 50,000 feet. Multiplex and Planned Residential Developments that include twenty-five (25) percent or more affordable housing units as defined shall have a minimum of 50,000 square feet of net residential area per dwelling unit.

**4.4.3 Commercial District (C)**

A. Intent

To provide suitable locations for the development of particular types of commercial use; to encourage attractive commercial development; to generate convenient shopping areas for local residents, and seasonal residents and visitors, to promote local areas siting for public oriented service; and to promote safe and uninterrupted traffic flow by limiting the number of access points along Routes 302, 11 and 121. Toward the achievement of these purposes, the following Land Use Standards are established.

B. Development

A conceptual plan for residential, and/or commercial use of each parcel shall be submitted to the CEO at the time of application for building permit. When Planning Board review is necessary, the conceptual plan will be included. The plan shall address such issues as curb cuts, waste water management, already existing buildings, and potential lot subdivision and interior roads. Where applicable, clustering shall be possible.

**Town of Casco  
Town Meeting Warrant – June \_\_, 2014**

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C. Permitted Uses

1. One Family Dwellings (See General Townwide Performance Standards)
2. Modular ~~Housing~~ Housing (See General Townwide Performance Standards)
3. Timber Harvesting
4. Agriculture that complies with performance standards herein.
5. Mineral Exploration
6. Home Occupation
7. Businesses (See Site Plan Requirements for Review Authority Applicability)

**The following uses require site plan review**

9. Commercial Subdivisions
10. One (1) Residence and One (1) Commercial Use on the same lot, providing the lot has a minimum of 80,000 square feet and 300' of road frontage.
11. Two (2) or more Businesses in one or more structures on the same lot, providing the lot has a minimum of 80,000 square feet.
12. Retail Trade
13. Commercial Sales and Service: Indoor and Outdoor
14. Business and Professional Offices
15. Motor Vehicle Sales
16. Motor Vehicle Service Stations
17. Motor Vehicle Repair Garages
18. Restaurants
19. Drive-through Facilities
20. Bed and Breakfast Establishments
21. Hotels/Motels
22. Commercial Recreation: Indoor and Outdoor
23. Visual and Performing Arts Buildings
24. Public Utilities
25. Municipal and State Facilities
26. Churches
27. Public Assembly
28. Private Assembly
29. Schools
30. Residential Care Facilities
31. Nursing Homes
32. Medical Facilities/Walk-in Services
33. Day-Care Centers
34. Construction Services
35. Light Industrial Uses That Meet Performance Standards
36. Truck Facilities
37. Enclosed Warehousing and Distribution Facilities
38. Junkyards

**Town of Casco**  
**Town Meeting Warrant – June \_\_, 2014**

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- 39. Mineral Extraction
- 40. Mineral Processing
- 41. Kennels
- 42. Veterinary Services

**All other uses are prohibited.**

D. Space Standards

- 1. Minimum Lot Size: Eighty thousand (80,000) square feet.
- 2. Maximum Impervious Surface to Lot Area: (See Site Plan Review)
  - a. Forty (40) percent
  - b. Forty (40) percent coverage of lot may be expanded up to seventy-five (75) percent with Planning Board approval, dependent on adequate provisions for disposal of surface water.
- 3. Minimum Road Frontage
  - a. On Routes 302, 11 and 121; three hundred (300) feet.
  - b. On Routes 302, 11, and 121, in development of land under one ownership that aggregates more than three hundred (300) feet of continuous road frontage, the Planning Board may require access from service roads.
  - c. On Service and/or Internal Roads: two hundred (200) feet.
- 4. Minimum Setbacks:
  - a. On Routes 302, 11 and 121
    - 1) Front:
      - a) Buildings shall be set back eighty (80) feet from the Right-of-Way.
      - b) Setback shall be measured to the building line.
    - 2) Side: Forty (40) feet.
    - 3) Rear: Forty (40) feet.
  - b. For Service and Interior Roads
    - 1) Front: Fifty-five (55) feet to the front of the building. The first ten (10) feet of the setback shall be developed as a landscaped buffer strip, except for approved curb cuts.
    - 2) Side: If the building is of flammable material, forty (40) feet. If the building is of non-flammable material, twenty (20) feet.
    - 3) Rear: If the building is of flammable material, forty (40) feet. If the building is of non-flammable material, twenty (20) feet.
- 5. Maximum Building Height: Thirty Five (35) feet.

Any request for height greater than thirty five (35') feet but not greater than forty five (45') feet shall require Planning Board approval subject to fire protection.

**Town of Casco  
Town Meeting Warrant – June \_\_, 2014**

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E. Other

1. Standards Curb Cuts
  - a. Lots fronting directly on Routes 302, 11, and 121 shall be limited to one (1) curb cut. Additional curb cuts shall require Planning Board approval.
  - b. Lots fronting on interior or service roads shall be limited to one curb cut. Additional curb cuts shall require Planning Board approval.
2. Buffers: All buffers for front, ~~side~~, side, and rear yards shall conform to the Performance Standards as outlined in Section 5.2.5 Buffer Zones.

~~On Routes 302, 11 and 121~~

3. When two (2) abutters bring a joint proposal to Planning Board, the Board may waive side and/or rear setbacks, and side and/or rear buffers. The Planning Board shall have the authority to require the applicant(s) to record a copy of the Planning Board's final approval at the Cumberland County Registry of Deeds when the setbacks are waived.
4. Outdoor storage areas shall be fenced.
5. Outdoor storage in the front setback of Routes 302, 11, and 121 is prohibited.
6. Outdoor storage in the setback of service and/or interior roads is prohibited.
7. Display of goods and/or products is prohibited in all buffer areas.
8. Signs (See Sign Standards 5.2.24).
9. Hazardous Materials
  - a. The manufacturing and processing of hazardous materials may be permitted with specific Planning Board approval.
  - b. The use of hazardous materials as part of a general operation of a business may be permitted with Planning Board approval.
  - c. Retail sales and/or distribution, and storage of hazardous materials related to same, may be permitted with Planning Board approval.
  - d. Any use, reprocessing, transportation or storage of hazardous materials shall meet all applicable federal, state, and local standards.

**Town of Casco  
Town Meeting Warrant – June \_\_, 2014**

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10. Performance Standards

General Town-wide Performance Standards shall also apply.

**4.4.4 STREAMS AND WETLANDS PROTECTION ~~DISTRICT~~ DISTRICT (SW)**

**Intent**

To protect the water quality of streams and brooks that flow into Crooked River and Casco's lakes and ponds and of significant wetland areas not protected under Shoreland Zoning. Buffering these areas will help protect them from the adverse impacts of development or environmental occurrences and maintain the high quality of Casco's larger water bodies. Toward the achievement of these purposes, the following minimum standards are established.

**Applicability**

These standards shall apply to all land areas within - 75 feet, horizontal distance, of the normal high-water line of any stream or wetland of special significance as defined, exclusive of ponds and rivers protected under Shoreland Zoning.

**Permitted Uses**

1. Recreational uses not requiring structures.

The following uses require ~~Planning Board~~ **Review Authority** review:

2. Timber Harvesting that complies with Shoreland Protection performance standards herein.
3. Road and driveway crossings where necessary to provide access to lots.

**All other uses are prohibited.**

**Dimensional Standards**

1. None -- no structures permitted.
1. Areas within the Streams and Wetlands District composed of buildable land, as defined herein, may be included in determining the net residential area of contiguous land under the same ownership that lies outside the Streams and Wetlands District.

**Town of Casco  
Town Meeting Warrant – June \_\_, 2014**

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**District Performance Standards**

A. Timber Harvesting

1. Harvesting Operations

- a. Harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained.
- b. Harvesting activities shall not create single openings greater than 7,500 square feet in the forest canopy.
- c. In any stand, harvesting shall remove not more than forty percent (40%) of the volume of trees six (6) inches DBH in any ten (10) year period. Removal of trees less than six (6) inches in diameter, measured as above, is permitted in conformance with all other provisions of this section. For the purposes of these standards, a stand means a contiguous group of trees sufficiently uniform in species, arrangement of age classes, and condition, to be identifiable as a homogeneous and distinguishable unit.
- d. Skid trails, log yards, and other sites where the operation of logging machinery results in the exposure of mineral soil shall be left in condition suitable for natural reforestation and in a condition that will not promote soil erosion.
- e. Harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters.
- f. Skid trails, log yards, and other sites where the operation of logging machinery results in the exposure of mineral soil shall be located in such manner that an unscarified filter strip is retained between the exposed mineral soil and the normal high water mark of any designated pond, river, or other water body. The width of this strip shall vary according to the average slope of the land as follows:

Average slope of land between exposed mineral soil and normal high water mark (percent)	Width of strip between exposed mineral soil and normal high water mark (feet meas- ured horizontally)
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**Town of Casco  
Town Meeting Warrant – June \_\_, 2014**

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0	50
10	75
20	100
30	150
40	200
50 and over	250

2. Slash

No accumulation of slash shall be left within fifty (50) feet, measured horizontally, of the normal high water elevation of water bodies or within fifty (50) feet of a road or street. At distances greater than fifty (50) feet, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground.

3. Roads

No roads requiring earthmoving, cut or fill shall be constructed, except for maintenance of existing roadways.

**ARTICLE 5 – PERFORMANCE STANDARDS**

*(Proposed 5.2.4- Back Lots and Back Lot Driveways) other listed uses will be shifted in numerical order to make room in the alphabetical listing format.*

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*Back lots may be developed for single-family residential use if they are served by a back lot driveway approved by the Reviewing Authority pursuant to the following provisions:*

*1. The back lot driveway must be located within a right-of-way with a minimum width of 50 feet. The Planning Board may approve a back lot driveway right-of-way with a minimum width of 40 feet if it determines that no alternative exists. The right of way must be conveyed by deed recorded in the Cumberland County Registry of Deeds to the owner of the back lot.*

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*2. A legal description of the back lot right-of-way by metes and bounds shall be attached to any building permit application for construction on the back lot.*

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*3. A back lot right-of-way shall be created either by:*

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*A.) Over a front lot that meets street frontage requirements along a street that is consistent with Town construction and design standards for a public or private street.*

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**Town of Casco  
Town Meeting Warrant – June \_\_, 2014**

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B.) Or, over a portion of land belonging to the back lot which is a minimum of 50 feet width of frontage and is contiguous with the back lot property, but the lot cannot create its own legal street frontage requirements along the original street that is consistent with Town construction and design standards for a public or private street.

(Lot dimensional size requirements shall be consistent with the Town of Casco Land Use Ordinance at the time of creation of the right of way. If Option (A.) is selected, that portion of the front lot within the right of way shall be considered part of the front lot for purposes of space and bulk regulations. The back lot right-of-way shall be considered the front of the lot for the purposes of determining the front setbacks for both the existing and newly created lot(s). Existing buildings on the front lot need only be set back from the right-of-way by a distance equivalent to the minimum side setback in the applicable zoning district. For front lots that are vacant on the effective date of this ordinance, access to future buildings on the front lot shall be from the right of way. For the purposes of this section, the portion of the back lot driveway within the back lot may not be used to satisfy the back lot's minimum lot area requirement, and the applicable frontage requirement for the back lot shall be met by the portion of the back lot driveway within the back lot.)

The back lot's frontage shall be measured from the back lot driveway right of way for front yard setbacks. In addition all back lot structures shall be more than 200 feet from the originating Town street or private way from which the back lot driveway is originating.

4. A back lot driveway shall originate from a street constructed in accordance with the Town of Casco Design Standards for Streets that meet the minimal requirements as a public or private minor street. The back lot driveway design shall include a turnaround layout that meets the design standards in the Town of Casco Land Use or Subdivision Ordinance and that will accommodate safe emergency vehicle access to the lot. A back lot driveway shall meet the Town's minimum street standards for the section of road 300 feet on both sides of the intersection where the back lot driveway originates. The Planning Board may waive this requirement to no less than 200 feet, if deemed adequate to maintain a safe site distance.

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5. If the front lot is already developed, the existing driveway shall be relocated to the back lot right of way unless there exists a minimum of 100 feet between the existing driveway and the newly proposed right of way, or the Planning Board determines that such relocation is prohibited by site conditions or the orientation of existing buildings.

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6. A back lot driveway shall serve no more than two single family residential back lots, and no more than access to three lots unless it is improved to meet the minimum standards for minor streets as located within the Casco Subdivision or Land Use Ordinance. In the event the creation of both back lots are not part of the same approved plan, prior to the creation of a second back lot, the applicant shall submit for review and approval a proposed revision of the back lot driveway plan previously approved by the Reviewing Authority and a plan for driveway maintenance as described in paragraph

**Town of Casco  
Town Meeting Warrant – June \_\_, 2014**

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7. If more than one ~~residence~~ residence or dwelling unit is unit is to have access to the back lot driveway, the application shall include a plan setting forth how the street/driveway and associated drainage structures and required buffers and stormwater management facilities are to be maintained. Responsibility may be assigned to a lot owners association or to lot owners in common through provisions included in the deeds for all lots that will utilize the back lot driveway for access. The applicant shall submit appropriate legal documentation such as proposed homeowners association documents or proposed deed covenants for Reviewing Authority review. This documentation must address specific maintenance activities such as summer and winter maintenance, long-term improvements and emergency repairs and include a mechanism to generate funds to pay for such work.

8. No more than one back lot right-of-way may be created out of a single front lot unless each subsequent right-of-way is created out of at least an additional amount of frontage as required in the applicable zoning district. The entrances of such rights of way onto the existing road shall be separated by a distance equivalent to at least the required frontage in the zoning district plus half the right of way width.

9. The back lot must comply with all space and bulk regulations in the applicable zoning District as well as the lot standards of Article 4 of the Town of Casco Land Use Ordinance, and the General Requirements of Article 8 of the Town of Casco Land Subdivision Ordinance.

10. ~~The~~ The minimum travel way width of a back lot driveway shall be 12 feet with 2 foot shoulders. The maximum centerline vertical grade shall be 12 percent, and all must be constructed with a maximum grade of 3 percent for the first 50 feet from the existing/originating road surface. The centerline minimum vertical grade shall not be less than 0.5%. The roadway crown shall be ¼" per one foot, except that the roadway crown shall be ½" per one foot for unpaved or gravel road surfaces. The minimum angle of the intersection of the back lot driveway with the roadway shall be 75 degrees.

11. All applications for a back lot driveway to be submitted for review by the Review Authority ~~shall include~~ shall include the following information:

a. Names of applicants and owners of land for the location of the proposed back lot driveway.

b. A statement of any legal encumbrances on the land and a statement regarding any waivers requested for the location of the back lot driveway.

c. The anticipated starting and completion dates.

d. The plans shall be prepared by a registered land surveyor or engineer and shall include the following:

i. Date, scale and magnetic or true north point.

ii. Locations of all existing and proposed overhead and underground utilities including, but

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**Town of Casco**  
**Town Meeting Warrant – June \_\_\_, 2014**

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not limited to, water, sewer, electricity, telephone, fuel storage, lighting and cable television.

iii. The plan shall include any back lots that are to be accessed by the proposed back lot driveway. Such lots shall conform to the requirements of Article 9 Section 9.4.5 Lots/Monuments, and the plan shall include lot bearings, distances and proposed monumentation.

iv. Plans shall include a plan view and typical cross-section of the proposed back lot driveway including a locus map with the locations of any streets or driveways located within 300 feet.

v. Kind, size, location and material of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways. All drainage structures shall be designed and sized in accordance with a stormwater management plan prepared by a registered professional engineer, or other qualified professional, in conformance with the requirements of Article 9, Section 9.4.8 of the Town of Casco Subdivision Ordinance. If deemed appropriate by the Planning Board, an applicant may meet the requirements of the stormwater management plan by allowing the use of land on abutting lots with proof of easement and a legally binding agreement assigning specific maintenance duties and responsibilities.

vi. A phosphorous impact plan must be included in the application package in conformance with the requirements of Article 9, Shoreland Zoning, of the Casco Land Use Ordinance for any back lot driveway entirely or partially located within 250 feet (horizontal distance) of the normal high water line of a great pond or river, 250 feet (horizontal distance) of the upland edge of a freshwater wetland, or 130 feet (horizontal distance) of the normal highwater line of a stream, unless otherwise triggered by State or Federal law.

vii. A soil erosion and sedimentation control plan in conformance with the requirements of Article 5: Performance Standards Section 5.2.8 of the Casco Land Use Ordinance.

12. If the Reviewing Authority determines that due to site conditions, proximity of nearby uses, traffic conditions or similar circumstances that a public hearing is advisable, ~~they may~~ they may refer the application to the Planning Board, which may schedule a public hearing at its next regularly scheduled meeting. The applicant shall submit plans and design information within at least twenty-one (21) days prior to a scheduled Planning Board hearing. The Board shall cause notice of the date, time and place of such hearing to be given to the applicant and all property owners abutting the proposed back lot driveway and lots that are to be accessed by the back lot driveway, to be published in a newspaper of general circulation in the Town of Casco at least 7 days prior to the hearing.

13. The Reviewing Authority shall review the application and determine whether it complies with the requirements of this Section. The Reviewing Authority shall grant or deny approval on such terms and conditions, as it may deem advisable to satisfy all applicable ordinances. In all instances, the burden of proof shall rest upon the applicant. In issuing its decision, the

**Town of Casco  
Town Meeting Warrant – June \_\_, 2014**

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Reviewing Authority shall make a written finding of fact establishing that the application does or does not meet the provisions of applicable ordinances. The Reviewing Authority shall sign the approved plan. The applicant must record the approval in the Cumberland County Registry of Deeds within 30 days of approval. If the applicant does not record the approval within 30 days of approval, then the approval becomes void unless the recording period is extended by the Reviewing Authority of good cause shown.

14. For front lots that are vacant on the effective date of this ordinance, access to future buildings on the front lot shall be from the back lot driveway right of way. For the purposes of this section, the portion of the back lot driveway within the back lot may not be used to satisfy the back lot's minimum lot area requirement, and the applicable frontage requirement for the back lot shall be met by the portion of the back lot driveway within the back lot.

**5.2.5 Buffer Zones**

A. No building shall be erected or any commercial or business use permitted in the Commercial Districts or Village District which abut residential districts unless the following side and rear yard requirements are satisfied:

1. All side and rear yards abutting residential districts shall maintain the district boundary in its natural state to provide a visual screen between districts at least forty (40) feet wide for properties within a Commercial District and thirty (30) feet within the Village District

2. Where no natural buffering can be maintained, all such side and rear yards abutting residential districts shall be a thirty (30) feet minimum landscaped buffer to provide a visual screen between districts. Because of varying site conditions, landscaping for the purposes of this section may include tree plantings, hedges, fencing, walling, fencing, and combinations thereof.

3. Fencing and screening, when necessary, shall be properly maintained and located or constructed in such a manner that it can be maintained from the property.

4. The buffer zone either in natural state or landscaped, shall be located in the nonresidential district.

5. All buffer zones shall be maintained in a tidy and sanitary condition by the owner.

B. The following Performance standards shall apply to all Commercial properties and uses requiring site plan review.

a. For project sites with frontage on Routes 302, 11 and 121

1) Front Landscaped Buffers.

Front landscaped buffers shall be twenty-five (25) feet in depth starting at the front property line, and extending along the entire road frontage

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**Town of Casco  
Town Meeting Warrant – June \_\_, 2014**

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of the lot, except in the area of the curb cut(s). The owner, the owner's agent or the tenant shall landscape and maintain the buffer, which shall consist of a base of bark mulch, stone or grass, with lot shrubs, flowering plants or a combination of both, arranged in such a fashion so as not to obstruct the line of sight of drivers of motor vehicles using the highway and/or access roads.

2) Side and Rear Buffers where Commercial and Residential Uses Abut: When a new Commercial use is located on a lot that adjoins a lot that is presently used primarily for residential purposes, the owner or the owner's agent or tenant shall provide and maintain a fifteen (15) foot deep landscape buffer along the side and/or rear lot lines which abut the residential use or uses; this landscape buffer shall consist of natural features, plantings and/or fencing in order to provide an effective visual and physical screen between commercial and residential uses.

3) Side and Rear Buffers for Commercial Uses:

a) A fifteen (15) foot landscaped buffer consisting of a combination of landscape planting (trees, shrubs, flowering shrubs/plants, with grass, bark mulch, crushed stone) shall be well maintained by the commercial lot owner or the owner's representative.

4) Buffers where the Commercial District abuts with any Village or other Contract Zone District:

a) A forty (40) foot natural or landscaped buffer strip of shrubs and trees that create a visual screen shall be well maintained by the commercial lot owner or the owner's representative.

5.) Buffering on Interior or Service Roads

a) Side and Rear buffering between lots with common access:

A minimum of five (5) feet on each lot abutting the service road.

b) Required buffering shall consist of natural features, low planting and/or fencing, and shall be maintained to provide an effective visual and physical break. (See Site Plan Review)

b. Waiver for Front Buffer or Landscaped Requirements.

If any applicant can clearly demonstrate to the Planning Board that, because of the nature of the applicant's operation or use, that the front yard buffer, or landscaped areas requirements of this section are unnecessary or excessive, the Planning Board shall have the power to approve a site plan that does not meet said requirements, provided the applicant requests a waiver in writing of the specific performance standards they cannot meet, and clearly address the waiver criteria as follows:

1. The need to alter the standard is due to existing physical property limitations due to geometric lot configurations, topography, and presence of a dominant land or structural features, all in existence prior (insert date of adoption of

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**Town of Casco  
Town Meeting Warrant – June \_\_, 2014**

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amendments).

2. The approval of the waiver request will not create a harmful condition, impose on the general welfare, or lesson public safety by implementation of the proposed use and/or site improvements, ~~to~~, to existing pedestrian and vehicular traffic movements.
3. The approval of the waiver request will not in any way impair or harm the environment by means of drainage flow quantity or runoff water quality, nor will have a direct impact on wetlands, streams, flood plains, vernal pools, sensitive waterbody, threatened or endangered wildlife resource, or essential habitat.
4. The approval of the waiver requested will not result in an adverse impact to immediate abutters, or the public, by creating obtrusive noise, lights, dust, odors, vibrations, or by creating negative impacts to scenic views.
5. The approval of the requested waiver is based on evidence of need provided by the applicant, and through documented evidence show that no feasible alternative is available to accomplish the applicant's design criteria such as but not limited to parking requirements-.

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**ARTICLE 7: SITE PLAN REVIEW**

**1.1 PURPOSE**

The purpose of this Article is to provide for site plan review of multi-family residential, commercial, industrial, and institutional projects which are of a scale that they may affect the physical and visual environment, the provision of public services, and the value and rights of adjoining properties and thereby to protect the health, safety and welfare of the citizens of Casco.

**1.2 APPLICABILITY**

7.2.1 Site Plan Review and approval shall be required for the following activities:

- A. Proposals for new construction of non-residential buildings or structures, including accessory buildings or structures.

If the total floor area of proposed new construction is more than ~~2,500~~ 5000 square feet, then the Planning Board shall conduct site plan review.

**Town of Casco  
Town Meeting Warrant – June \_\_, 2014**

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If the applicant for a building permit for a building or structure having a total floor area of ~~2500-5000~~ square feet or less seeks a waiver of one (1) or more standards of this Ordinance, then such a proposal shall receive site plan review by the Planning Board.

When the total floor area of the proposed new construction is ~~2,500~~5,000 square feet or less, and no waiver is requested, the code enforcement officer either shall perform site plan review or refer the application to the Planning Board for site plan review.

- B. Proposals for the enlargement of nonresidential buildings or structures, including accessory buildings or structures.

If the proposal is for the enlargement of a nonresidential building or structure including accessory buildings or structures by more than ~~2,500~~5,000 square feet of total floor area within a five-year period, the proposal shall be reviewed by the Planning Board.

If the applicant for a building permit for an enlargement of a building or structure, where the enlargement has a total floor area of ~~2,500~~5,000 square feet or less within a five-year period, seeks a waiver of one or more standards of this ordinance, then such a proposal shall require site plan review by the Planning Board.

When the square footage of said proposed enlargement is ~~2,500~~5,000 square feet or less within a five-year period, and no waiver is requested, then the Review Authority (code enforcement officer and planner) either shall perform site plan review or refer the application to the Planning Board for site plan review.

- C. Proposals for new construction of multi-family dwellings, or for conversion of single-family to multi-family use, or for enlargement of multi-family dwellings, either by addition of units within an existing structure or expansion of the structure to accommodate new units.

- D. Proposals to convert residential uses to nonresidential uses.

- E. Proposals for land development, to pave, strip, grade or remove earth materials from vegetated areas of more than ten thousand (10,000) square feet, or propose any additional or alter impervious surface of more than (10,000) square feet within a five (5) year period. \_

When the square footage of said proposed development includes any additional or altered impervious surface proposed by an applicant is 20,000 square feet or less within a five-year period, and no waiver is requested, then the Review Authority (code enforcement officer and planner), either shall perform site plan review or refer the application to the Planning Board for site plan review.

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**Town of Casco**  
**Town Meeting Warrant – June \_\_, 2014**

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If the total altered land area of proposed new development includes any additional or altered impervious surface proposed by an applicant is 20,000 square feet or more within a five-year period, then the Planning Board shall conduct site plan review.

- F. Proposals for Manufactured Housing Parks within the Manufactured Housing Park District.
  - G. Uses listed in Article 4, Zoning Districts, and in other sections of this Ordinance, as requiring Site Plan Review, except where the proposed use is to be located in an existing building or structure that is within the Village District or Commercial District and the proposed use is determined by the Code Enforcement Officer to be less adverse in impact than the current or former use of the existing building or structure.
- 7.2.2 No building permit shall be issued for multi-family residential, commercial, industrial and institutional projects as listed in 7.2.1 above until the plans, drawings, sketches, and other documents required under this Article have been reviewed and approved by the Reviewing Authority.
- 7.2.3 Construction, site development and landscaping shall be carried out in accordance with the plans, drawings, sketches, and other documents approved by the Planning Board, unless altered with Planning Board approval. Nothing in this article shall be construed to prevent ordinary maintenance and improvement of existing structures and facilities.
- 7.2.4 When a development is subject both to Site Plan Review and to Subdivision Review, the Planning Board shall conduct a concurrent review. Procedures of Subdivision Ordinance shall be used. Criteria and standards of Site Plan Review shall be employed in addition to the requirements, improvements and standards of the Subdivision Ordinance.