

**Town of Wayne
Code Adoption Ordinance**

**Schedule A
Specific Revisions at Time of Adoption of Code**

Chapter 4, Amusements.

Article I, Special Amusement Permits.

Section 4-2A(2) is amended as indicated:

Applications for all special amusement permits shall be made in writing to said Select Board and fully provide information requested on the application form ~~attached, as such form may be amended from time to time at the reasonable discretion of the Select Board (See attached application form)~~ available from the Town office.

Chapter 11, Culvert Installation and Maintenance at Planned Road Entrances.

This chapter is adopted to read as follows:

§ 11-1. Planned entrance. No person shall construct or place any driveway or other planned entrance onto a Wayne Town road without first obtaining a permit from the Town Road Commissioner. Permit application forms are available from the Wayne Town office.

§ 11-2. Permit. If a culvert is necessary, the Road Commissioner shall state the culvert type, diameter, and length on the permit issued. If a culvert is not necessary, the Road Commissioner will so indicate on the permit issued.

§ 11-3. Landowner responsibilities. The landowner is responsible for the purchase, installation, and proper backfilling of said culvert in strict accordance with the then-current installation instructions, a copy of which instructions shall be provided with the approved permit.

§ 11-4. Care and maintenance. After approval of the installation, the Town thereafter becomes responsible for the care and maintenance of the culvert. This includes any necessary replacement.

§ 11-5. Dig Safe notification. Before any digging begins, "Dig Safe" will be notified and a Dig Safe number obtained. The number is 1-800-225-4977.

§ 11-6. Conflict with other provisions. If any standard or requirement stated in this chapter conflicts with a standard or requirement of any other Town ordinance, regulation or policy

regarding the installation or maintenance of culverts, the stricter or more stringent standard or requirement shall be applied to the permit application in question.

§ 11-7. Violations and penalties. Any person constructing or causing to be placed any driveway or other planned opening onto a Town road not in compliance with the provisions of this chapter shall be liable to the Town for all fees and expenses of repairs and shall be subject to penalty provisions as prescribed in 30-A M.R.S.A. § 4452, Enforcement of Land Use Laws and Ordinances.

Chapter 20, Mobile Home Parks and Campgrounds.

A. Section 20-1.

- (1) Subsection C, definition of "mobile home," is amended as indicated:

~~A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site~~ See the definition of "mobile home" in Chapter 60, Zoning, § 60-1B.

- (2) Subsection C, definition of "mobile home park or park" is amended as indicated:

~~A parcel of land under unified ownership approved by the municipality for the placement of three or more manufactured homes~~ See definition of "mobile home park" in § 60-1B.

- (3) Subsection C, definition of "recreational vehicle (RV)," is amended as indicated:

A vehicle primarily designed as temporary living quarters for recreation, camping, or travel; either with its own motive power or mounted on or towed by another vehicle. An RV is used as a temporary shelter, not placed on a foundation or permanently hooked to utilities. An RV shall not be considered as a manufactured home.

- (4) Subsection D(2) is amended as indicated:

Fees, initial permits. A fee of ~~\$150~~ \$250 shall be deposited with the application to the Code Enforcement Officer for parks or campgrounds of 20 spaces or campsites or fewer. For each space or campsite over 20, an additional ~~\$5~~ \$75 per space or campsite shall be added.

- (5) Subsection D(4) is amended as indicated:

Fees for renewal shall be ~~\$25~~ \$35 for parks or campgrounds of 20 spaces or campsites or fewer, plus ~~\$1~~ \$2 for each space or campsite over 20.

- B. Section 20-3C, last sentence, is amended as indicated: "Such central collection points shall be indicated on the plan required pursuant to § 20-1E(1)."

Chapter 34, Road Construction and Acceptance.

- A. Section 34-2A(2) is amended as indicated: "The full name(s) of the developer, licensed professional surveyor, and/or licensed professional engineer."
- B. Section 34-3 is amended as indicated:

~~The following specifications must be met for roads. Any road~~ being constructed for acceptance by the Town of Wayne or as part of a subdivision[:] must meet and be constructed in accordance with Specifications for Town Road Construction in effect at the time the application is submitted. Current Specifications for Town Road Construction shall be available at the Town office from the Road Commissioner. Prior to acceptance, driveway culverts shall be installed in accordance with specifications of this chapter and with Chapter 11, Culvert Installation and Maintenance at Planned Road Entrances, by the owner or developer.

~~A. Roads shall have a minimum right of way of 50 feet. Said right of way shall be cleared of all stumps, roots, rocks, bushes, ledge and perishable materials.~~

~~B. The travelway shall be a width of 20 feet and shall be located in the approximate center of the RoW. The Planning Board may approve travelways of 18 feet where the expected volume of traffic or topography warrants.~~

~~C. The travelway shall be graded to a subgrade minimum of 18 inches base gravel and three inches finish gravel (graded surface gravel).~~

~~D. Shoulders shall be a minimum of three feet with 3:1 fill slopes of the same material as Subsection C above.~~

~~E. Roads shall be paved with one inch of bituminous penetration in accordance with the latest State Department of Transportation specifications.~~

~~F. All drainage shall be designed to safely handle a fifty year storm.~~

~~G. Slopes and drainage ditches shall be stabilized in such a manner as to prevent erosion and/or washing of silt which will obstruct flowage through culverts or catch basins. This shall be accomplished in one of the following manners:~~

~~———— (1) Loam and seed or sod.~~

~~———— (2) Ditches of 12% or greater shall be riprapped with stone, cement slabs or pit screenings.~~

~~———— (3) Hay bales or erosion control mesh.~~

~~———— (4) Any combination of the above.~~

~~H. Culverts shall be placed and sized to meet the drainage condition. Culverts shall not be less than 15 inches; shall be new aluminum or galvanized, corrugated or spiral metal with collars; or recognized equivalents accepted by the Maine Department of Transportation.~~

- ~~I. All dead end roads shall have an approved cul-de-sac having a minimum turning radius of 45 feet and/or an approved turnaround.~~
- ~~J. Easements. Wherever it is required to alter an existing watercourse in constructing or reconstructing a road, the owner or developer will secure a drainage easement from the property owner affected. Wherever the toe of slope for ditches, shoulders, grading and other purposes required by this chapter cannot be adhered to within the RoW limits, and grading or excavation is necessary beyond these limits, it shall be necessary for the builder to secure good and sufficient slope easements from abutting property owners. These drainage and slope easements will be secured by the owner or developer without cost to the Town and such rights properly indemnifying the Town shall be presented and recorded prior to any action for acceptance.~~
- ~~K. Prior to acceptance, driveway culverts shall be installed in accordance with specifications of this ordinance by the owner or developer.~~

- C. Section 34-4C, last sentence, is amended as indicated:

If said road has already been constructed, the Planning Board may, after its investigations, recommend to the municipal officers that they include acceptance of the road on the next Town Meeting warrant.

- D. Section 34-5 is amended as indicated:

~~A. Appeals for variances from the provisions of this chapter will be heard by the Wayne Board of Appeals. Variances. A variation in the strict application of the standards outlined in this chapter may be granted by the Planning Board if it determines that topography, soil conditions, traffic volumes and/or special project design features warrant such variation, provided that public convenience, safety, health and welfare will not be affected adversely and the general intent of the standards are not violated.~~

~~B. A variance may be granted by the Appeals Board only where strict application of this chapter, or a provision thereof, would cause undue hardship to the applicant or would not be in the best interest of the community.~~

~~C. B. Appeals. The Planning Board's denial of an application or granting of a variance may be appealed to the Board of Appeals. The procedure for initiating an appeal and the standard of review for appeals of Planning Board action to the Board of Appeals set forth in Chapter 60, Zoning, shall apply to appeals under this chapter. Following the filing of an appeal ~~for a variance~~, the Board of Appeals shall hold a public hearing on the appeal within 30 days. The Planning Board, Road Commissioner and municipal officers shall be notified at least 20 days in advance of the time and place of the hearing. The Appeals Board shall publish notice of the hearing at least 10 days in advance in a newspaper of general circulation in the area.~~

Chapter 40, Solar Energy Systems.

- A. Section 40-3.

- (1) The lead-in paragraph is amended to change "Zoning Table" to "Land Use Table."
- (2) The table is amended to change the following column heads: "R4 R5 Aquifer/Shoreland" to "R-4/R-5 Shoreland/Resource Protection (Aquifer)" and "R6 Village Shoreline" to "R-6 Village Shoreland." Note C following the table is amended to change "Code Officer" to "Code Enforcement Officer."

B. Section 40-7A(3) is amended as indicated:

Deed ~~registration~~ recording. Any large- or medium-scale SES system shall be incorporated into the description of the real property in the lot/property deed and ~~registered~~ recorded with the Kennebec County Registry of Deeds as a condition of Planning Board approval.

Chapter 46, Subdivision of Land.

A. Section 46-1 is amended as indicated: "This chapter is adopted pursuant to the provisions of ~~Section 4956, Title 30 of the Revised Statutes of Maine~~ 30-A M.R.S.A. § 4301 et seq., as amended."

B. Section 46-4, definition of "subdivision," is amended as indicated:

The division of a tract or parcel of land in a manner defined by ~~Title 30, Section 4956, MRSA, Paragraph 1, Titled "Land Subdivisions,"~~ 30-A M.R.S.A. § 4401, Subsection 4, as amended.

C. Section 46-6E is amended as indicated:

A minimum fee shall be charged for processing subdivision or resubdivision applications as follows: ~~\$30~~ \$250 per application for a minor (three-lot) subdivision; ~~\$40 per application for a four to 10 lot subdivision,~~ \$40 plus an additional \$10 for each lot over 10 for a subdivision of more than 10 lots plus \$250 per application for a major (more than three lots) subdivision, plus \$75 for each lot over three; payable to the Town of Wayne upon application or resubmission of an application to the Planning Board. Fees for resubdivision shall be based on the number of new lots proposed in the resubdivision. The Planning Board may establish a schedule of fees greater than this minimum for subdivision applications. Fees for mobile home parks and campgrounds are set forth in Chapter 20, Mobile Home Parks and Campgrounds, § 20-1D.

D. Section 46-7 is amended to change "Title 30, MRSA, Sections 4956 and 4966" to "30-A M.R.S.A. §§ 4406 and 4452."

E. Section 46-8.

- (1) Subsection C(3) is amended as indicated: "Consultation with other agencies ~~required~~."
- (2) Subsection C(5) is amended as indicated:

Notice of said hearing shall be published at least two times in a newspaper having general circulation in the Town, with the first publication at least seven days prior to the hearing date.

(3) Subsection C(6) is amended as indicated:

Within 30 days of a public hearing, or within 60 days of determination of a complete application if no hearing is held, or within some other time limit as is mutually agreed upon between the applicant and the Board, the Board shall issue an order of findings and fact either granting, granting with conditions, or denying preliminary approval, based upon its review of the application under the ~~following~~ review standards in § 46-9.

F. Section 46-9A is amended as indicated:

The Board shall consider each complete application under the following standards and shall grant preliminary approval, or preliminary approval with conditions, of any complete application if it makes a positive finding that the proposed subdivision meets each of the standards of review. The applicant shall have burden of proof that the proposal meets each standard. The Board may attach such conditions, as it finds necessary, to make a positive finding ~~that:~~ in accordance with the standards of review in Subsection B.

G. Section 46-9B(4) is amended as indicated:

Will not adversely affect, and will not incorporate in any lot to meet minimum lot size or calculate residential density, land areas designated as resource protection areas by Article VII of Chapter 60, Zoning; and will designate such areas as open space with no structural development allowed; and further designate as open space a buffer strip of ~~100~~ 75 feet in width around the perimeter of such areas;

H. Section 46-10A is amended as indicated:

All streets in any subdivision, except for private roads in mobile home parks, shall be constructed in accordance with Chapter 34, Road Construction and Acceptance, adopted May 25, 1982, and any subsequent amendments, and meet all the minimum specifications of that chapter, except:

I. Section 46-11.

(1) Subsection A(8) is amended as indicated:

The seal and certification by a licensed land surveyor in the State of Maine, attesting that such final plan is substantially correct per the standards of the State ~~Board of Registration for Land Surveyors, Title 32, Chapter 24, M.R.S.A.~~ Board of Licensure for Professional Land Surveyors, 32 M.R.S.A. Chapter 141, as amended.

(2) Subsection B is amended as indicated:

A request for final approval shall be accompanied, in writing, by ~~typewritten~~ document(s) in four copies, referencing the plan and detailing any conditions of

approval of the plan, the restrictive covenants to be included in deeds, copies of Articles of Incorporation or formation of lot owners' associations, road maintenance and common area agreements, or any other document relating to conditions of approval of the plan.

Chapter 60, Zoning.

A. Section 60-1B.

- (1) The definition of "agriculture" is amended as indicated:

The following uses are specifically excluded from this definition: poultry houses of flocks more than 500 birds; feed lots in excess of 25 animals, ~~which feed lots of the primary use of which feed lots~~ is the finish feeding and retention of livestock prior to slaughter; and farms principally for the raising of hogs in excess of 25 mature animals.

- (2) The definition of "dog kennel" is amended as indicated:

Any place where ~~four~~ five or more dogs over six months of age are kept or offered for sale; any place where pet boarding for fees is offered.

- (3) The definition of "emergency operations" is amended as indicated:

Emergency operations are, by way of example but not limited to, protection of resources from immediate destruction or loss, and law enforcement operations to rescue human beings or livestock, from the threat of destruction ~~of~~ or injury.

- (4) The definition of "fence" is amended as indicated:

Any fence over six feet will be treated as a structure and will be required to meet the setbacks in respective zones, except that for agricultural uses, farm, farm operations and agricultural composting operations, fence height and setbacks are exempt if the uses meet best management practices as noted in 7 M.R.S.A. §§ 153 to 155.

- (5) The definition of "mobile home" is amended as indicated:

~~A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis, or on an independent chassis, to a building site~~ Mobile/manufactured/modular housing shall be defined according to 30-A M.R.S.A. § 4358, as amended from time to time.

- (6) The definition of "motel" is amended as indicated: "See 'hotels, motels, inns.'"

- (7) The definition of "normal high water or normal high-water mark," Subsection (1), is amended as indicated:

By way of example, such vegetation may be but is not limited to:

- (8) The definition of "professional office" is amended to delete Subsection (1), regarding parking requirements for this use in the R-1 Zone, and to move Subsection (2) to § 60-66B(12).

- (9) The definition of "recreational vehicle," last sentence, is amended as indicated:

In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be registered with the State ~~Division~~ Bureau of Motor Vehicles.

- (10) The definition of "street" is amended as indicated:

~~A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined. See "road."~~

- (11) The definition of "tiny home" is amended as indicated:

~~A "tiny home" as the same meaning as in Title 29-A Motor Vehicles and Traffic, Section 101, 29-A M.R.S.A. § 101, Subsection 80-C. "Tiny home" means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:~~

- ~~(1) Complies with American National Standards Institute Standard A 119.5 on plumbing, propane, fire and life safety and construction of National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles.~~
- ~~(2) Does not exceed 400 square feet in size;~~
- ~~(3) Does not exceed any dimension allowed for operation on public way this Title; and~~
- ~~(4) Is a vehicle without motive power.~~
- ~~(5) "Tiny home" does not include a trailer, semi-trailer, camp trailer, recreational vehicle, or manufactured housing.~~

- (12) The definition of "variance," Subsection (2), is moved to § 60-14C(1)(a) and (b).

- B. Section 60-7A is amended as indicated:

The Select Board shall establish policies and procedures relating to the manner and form of the Code Enforcement Officer carrying out his administrative duties to ensure consistent and fair application of this chapter's requirements.

- C. Section 60-9B is amended as indicated: "The application shall be reviewed ~~as follows:~~ under the following review standards."

- D. Section 60-10A is amended as indicated:

Any person, including any individual(s), partnership, corporation, sole proprietorship, or any other form of legal entity, and/or the authorized agents of said persons who violates any of the provisions of this chapter shall be fined not less than \$100 up to a maximum of \$2,500 per day per violation. The maximum penalty in a Shoreland Zone Resource Protection District shall be a fine of up to \$10,000.

- E. Section 60-14.

- (1) Subsection C(1)(a) and (b) is amended to incorporate the provisions from § 60-1B, definition of "variance," Subsection (2), and further amended as indicated:

(a) Variances may be granted only from the ~~following~~ dimensional requirements ~~including but not limited to, structure height, percent of lot coverage, and setback requirements, and the size of yard or open space~~ of this chapter.

(b) Variances shall not be granted for establishment or expansion of any uses otherwise prohibited by this chapter or because of the presence of nonconformities in the zone or in adjacent zones.

(2) Subsection C(1)(d) is amended as indicated:

The Board shall not grant a variance unless it finds that the strict application of the terms of this chapter would result in undue hardship as defined in § 60-1B, definition of "variance." ~~The term "undue hardship" shall mean:~~

~~[1] That the land in question cannot yield reasonable return unless a variance is granted;~~

~~[2] That the need for a variance is due to the unique circumstances of the property and not to general conditions in the neighborhood;~~

~~[3] That the granting of a variance will not alter the essential character of the locality, and~~

~~[4] That the hardship is not the result of action taken by the applicant or a prior owner.~~

F. Section 60-15 is amended to add "Mobile Home Park Overlay Zone (MHPO)" to the list of districts.

G. Section 60-16, lead-in paragraph, is amended as indicated:

The location of these zones is shown on the Official Zoning Map, which is on file with the Town Clerk and is dated ~~June 13, 2018~~ June 8, 2021, with subsequent amendments.

H. Section 60-17B, the Land Use Table, is amended as indicated:

- (1) Residential activities are moved to the beginning of the table, and activities related to the Shoreland Zone are moved to the end of the table.
- (2) In the R-6 column, "P" is added for shoreland common areas.
- (3) In the R-4, R-5, and R-6 columns, "P" is added for residential and commercial congregate housing of four or more units.
- (4) In the R-4, R-5, and R-6 columns, "P" is added for institutional congregate housing.
- (5) In the R-1, R-2, R-3, R-5 Island/Shorefront, and R-6 columns, "NA" is added for commercial recreation activities.
- (6) In the R-5 Aquifer column, "NO" is added for day-care facilities, nursing homes, government uses, museums and libraries, and public or private schools (all under institutional uses).
- (7) The commercial activity "Junkyard/Automobile" is changed to "Junkyard/automobile graveyard and automobile recycling."
- (8) The commercial activity "Waste Disposal Facility (See Wayne Waste" is changed to "Waste disposal facility (see Waste Disposal Facility Licensing Ordinance)."

- (9) The activity "Mining and Mineral Extracting including" is changed to "Mining and mineral extracting, including gravel pits."
- (10) In the entry for Article VI uses involving hazardous activity, "Title 38 M.R.S.A., Section 482 (2-C)" is changed to "38 M.R.S.A. § 487-A."
- I. Section 60-18.
- (1) Subsection A(5) and (6) are amended to delete the asterisks.
- (2) Subsection C is amended as indicated:
- For residences, excluding ~~mobile~~ manufactured/modular homes, of up to three dwelling units in Zone R-1, the minimum lot size shall be increased by ~~10,000~~ 40,000 square feet for each dwelling unit over one.
- J. Section 60-19, the Table of Dimensional Requirements, is amended to delete the superscript "8" from the "Minimum lot size" dimension entry.
- K. Section 60-23 is amended as indicated:
- Refer to the Land Use Table § 60-17), R-4 column, for a list of permitted uses in the Shoreland Zone. Additional clarifications and requirements regarding these uses are set forth in the following sections.
- ~~A. A residence (Refer to § 60-18A).~~
- ~~B. Home Occupations, provided that parking requirements of § 60-9B are met.~~
- L. Section 60-24.
- (1) A lead-in paragraph is added to read "The following uses are prohibited in the Shoreland Zone:"
- (2) Subsection F(13) is amended as indicated:
- Any use which involves a hazardous activity as defined by ~~Title 38 M.R.S.A., Section 482 (2-C)~~ 38 M.R.S.A. § 487-A.
- M. Section 60-25.
- (1) Subsection H(5) is amended to change "State Soil and Water Conservation Commission" to "State Department of Agriculture, Conservation and Forestry."
- (2) Subsection M is added to read: "Home occupations, provided that parking requirements of § 60-9B are met."
- N. Section 60-26 is amended to add a lead-in paragraph to read "The following shall be conditional uses in the Shoreland Zone:"
- O. Section 60-33E is amended as indicated:
- Noncompliance of this section will result in an assessed penalty ~~of not less than \$100 up to a maximum of \$2,500~~ on a per-day basis to the prior or new title holder as provided under § 60-10 of this chapter and 30-A M.R.S.A § 4452.
- P. Section 60-36 is amended to add a lead-in paragraph to read "The following uses are permitted in the Resource Protection Zone:"
- Q. Section 60-37 is amended to add a lead-in paragraph to read "The following shall be conditional uses in the Resource Protection Zone:"

R. Section 60-39 is amended as indicated:

Conversion of seasonal residences to year-round residences ~~is prohibited in the Resource Protection Zone~~ shall be as provided in the Land Use Table in § 60-17B.

S. Section 60-42 is amended to add a lead-in paragraph to read "The following uses are permitted in the Village Shoreland Zone:"

T. Section 60-43 is amended to add a lead-in paragraph to read "The following shall be conditional uses in the Village Shoreland Zone:"

U. Section 60-58E is amended as indicated:

One temporary sign, either freestanding or affixed to building, and no larger than nine square feet of display area per side, is permitted but only after its use has been permitted as a part of a use requiring review as a conditional use, per commercial establishment. Such sign shall not be flashing, revolving, illuminated, or an illuminated rental. ~~They may be displayed no more than 21 consecutive days or more than 63 days per calendar year.~~ Temporary signs may be placed within the public right-of-way for a maximum of 12 weeks per calendar year, except that a temporary sign may not be placed within the public right-of-way for more than six weeks from January 1 to June 30 or for more than six weeks from July 1 to December 31. A temporary sign may not be placed within 30 feet of another temporary sign bearing the same or substantially the same message. A temporary sign may not exceed four feet by eight feet in size. A sign under this subsection must include or be marked with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the date the sign was erected within the public right-of-way.

V. Section 60-65J(2), third sentence, is amended as indicated:

Clearing or removal of vegetation shall be as specifically regulated in the zone in which the open space lies or, if not regulated, on a selective basis only, according to a plan approved by a licensed state service forester or licensed professional forester in the State of Maine.