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Chapter 1
GENERAL PROVISIONS

ARTICLE I
Adoption of Code

[HISTORY: Adopted by the Town Meeting of the Town of Wayne as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Adoption of Code

[An ordinance adopting the Code of the Town of Wayne and making certain substantive changes to existing land use ordinances of the Town is presently proposed before the Town Meeting. Upon final adoption, it will be included here as Article I of this chapter.]

Chapter 4

AMUSEMENTS

ARTICLE I Special Amusement Permits

§ 4-2. General provisions.

§ 4-3. Violations and penalties;
severability; when effective.

§ 4-1. Title; purpose; definitions.

[HISTORY: Adopted by the Town Meeting of the Town of Wayne as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Special Amusement Permits [Adopted 6-14-2023]

§ 4-1. Title; purpose; definitions.

- A. Title. This chapter shall be known and may be cited as the "Special Amusement Permit Ordinance of the Town of Wayne" (the "Ordinance").
- B. Purpose. The purpose of this chapter is to control, as authorized by 28-A M.R.S.A. § 1054, as amended, the issuance of special amusement permits for music, dancing or entertainment in facilities, licensed by the state of Maine, to sell liquor to be consumed on the licensed premises in the Town of Wayne.
- C. Definitions.

CONDUCTED INDOORS — The performance occurs entirely within a fully enclosed building or structure; otherwise, the performance is considered to be "conducted outdoors."

ENTERTAINMENT — Includes any amusement, performance, exhibition or diversion, whether live, prerecorded, or otherwise, for patrons or customers of the licensed premises, whether provided by entertainers or full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

LICENSED PREMISES — All parts of the contiguous real estate occupied or controlled by a licensee and used by the licensee in the operation of a business which includes activities that are the subject of this chapter.

LICENSEE — Includes the holder of a license issued under Title 28-A M.R.S.A., or any person, individual, partnership, firm, association, corporation or other legal entity, or any agent or employee of any such licensee.

MUNICIPALITY — The Town of Wayne, Maine.

PERFORMANCE — Any preview, play, show, skit, film, dance, concert or other exhibition or entertainment performed before an audience.

§ 4-2. General provisions.

A. Permit required.

- (1) No licensee for the sale of liquor (malt liquor, wine and spirits) to be consumed on the licensed premises situated in the Town of Wayne shall allow on said licensed premises any dancing or entertainment and any music, except radio or other mechanical device, of any sort unless the licensee shall have first obtained from the Select Board a special amusement permit signed by at least a majority of the members of said Select Board or by its designee on its behalf.
- (2) Applications for all special amusement permits shall be made in writing to said Select Board and fully provide information requested on the application form available from the Town office. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (3) No special amusement permit shall be issued for any thing, or act, or premises, if the licensed premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the Town of Wayne. A letter of compliance must be obtained from the Code Enforcement Officer and submitted with permit application.
- (4) The application fee for a special amusement permit shall be as set by order of the Select Board and on file in the Town Clerk's office and is nonrefundable and must be paid when application is made for the permit.
- (5) The Select Board or its designee shall issue special amusement permits upon request of completed application. Prior to granting a special amusement permit and after reasonable notice to the municipality and the applicant, the Select Board shall hold a public hearing within 15 days of the date the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken.
 - (a) Classes of permits.
 - [1] The classes of special amusement permits granted by the Select Board shall be:
 - [a] Class A.
 - [i] Conducted indoors: entertainment without amplification (between 8:00 a.m. and 10:00 p.m.).
 - [ii] Conducted indoors: entertainment with amplification (between 8:00 a.m. and 10:00 p.m.).
 - [b] Class B.
 - [i] Conducted outdoors: entertainment without amplification (between 8:00 a.m. and 9:00 p.m.).
 - [ii] Conducted outdoors: entertainment with amplification (between 8:00 a.m. and 9:00 p.m.).

- [2] The same licensed premises may have one or both classes of permit.
- (b) Sound levels. The maximum permissible sound pressure level of music or other entertainment on licensed premises under a special amusement permit issued under this chapter is 70 dBA, measured at the lot line of the licensed premises with sound level meters placed at a point at least four feet above the ground and operated so as to not be interfered with by persons conducting the measurements.
- (c) Limits on frequency.
- [1] Class A entertainment conducted indoors with amplification is limited to no more than two days per week (Monday through Sunday).
- [2] Class B entertainment conducted outdoors with amplification is limited to no more than one day per week (Monday through Sunday).
- (6) The Select Board shall grant a permit unless it finds that issuance of the permit will be detrimental to the public health, safety, or welfare, or would violate municipal ordinances, or rules and regulations, articles, or bylaws.
- (7) Limitations of permit.
- (a) A special amusement permit shall be valid only for the license year of the applicant's existing liquor license, and a special amusement permit shall not be issued until evidence that a valid Maine state liquor license has been issued to the applicant is presented.
- (b) Any special amusement permit granted shall be for one of the above-noted classes. A licensee shall not allow on the licensed premises any music, dancing, or entertainment which exceeds that permitted by the class of their special amusement permit, during the period for which their permit is valid as otherwise determined by this chapter.
- (8) During the period for which their license is valid, the licensee may reapply for a new special amusement permit if they elect to permit dancing, music or entertainment which exceeds that permitted by the current permit. Such reapplication shall be governed by all the provisions of this chapter, including the payment of the permit fee. A violation of this section by a licensee shall be grounds to revoke or suspend their permit and/or to refuse to grant a permit upon subsequent application by the same licensee.
- (9) Applications. The application for a special amusement permit shall set forth the type of music and entertainment intended by the applicant to be permitted on the licensed premises and whether dancing is permitted.
- B. Inspections.
- (1) Whenever inspections of the licensed premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or state law or are reasonably necessary to secure compliance with any ordinance provision, including this chapter, or state law, it shall be the duty of the licensee or the person in charge of the

premises to be inspected to admit any officer, official or employee of the municipality authorized to make the inspection at any reasonable time that admission is requested.

- (2) Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or state law, it shall be the duty of the licensee, or person in charge of the licensed premises, to give to any authorized officer, official or employee of the municipality requesting the same, sufficient samples of the material or commodity for analysis.
 - (3) In addition to any other penalty which may be provided, the Select Board may revoke the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official or employee to make an inspection, or who interferes with such officer, official or employee while in the performance of their duty; provided, however, that no license or special amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises at the time it is sought to make the inspection.
- C. Suspension or revocation of a permit. The Select Board may, after a public hearing preceded by notice to interested parties, suspend or revoke any special amusement permits which have been issued under this chapter on the grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety or welfare or violates any municipal ordinances, articles, bylaws, or rules or regulations. Upon complaint or complaints of any person or persons that there are grounds to revoke said permit, and such complaint or complaints having been found by the Select Board to be valid after hearing as herein before provided, the Select Board may warn the licensee that unless the cause or causes of said complaints are removed forthwith, that permit will be revoked or suspended after a subsequent hearing covering same.
- D. Permit and appeal procedure.
- (1) Within 15 days of receiving an application for a special amusement permit, the Select Board shall give the applicant written notice of its decision. If a licensee is denied a permit, the licensee shall be provided with the reasons for the denial, in writing. The licensee may not reapply for a permit within 30 days after an application for a permit has been denied, except with the consent of the Select Board.
 - (2) Any licensee who has requested a permit and has been denied or whose permit has been revoked or suspended may, within 30 days of the denial, suspension, or revocation, appeal the decision to the Board of Appeals. The Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare; or violate municipal ordinances or regulations; or that the denial, revocation or suspension was arbitrary or capricious.
- E. Admission. A licensed restaurant; Class A restaurant/lounge; Class A lounge; hotel; hotel, food optional; bed-and-breakfast; golf course; tavern; qualified caterer, malt liquor (beer); or wine and spirits licensee who has been issued a special amusement

permit may charge admission in designated areas approved by the municipal special amusement permit.

F. Conduct constituting offenses by licensees.

- (1) Nuisances. The licensee shall not allow any licensed premises to be so conducted or operated as to amount to a nuisance in fact under any ordinances, or any sections of any ordinances, articles, bylaws or rules and regulations of the municipality or under any statutes of the State of Maine.
- (2) Indecency. The licensee shall not allow on any licensed premises or aid in, offer, agree to, or allow in or near such licensed premises any public indecency in derogation of any statutes of the State of Maine or performing a lewd act or knowingly permit any person to remain on such licensed premises for any such purpose to aid, abet, allow, permit, or participate in the commission of any such acts.
- (3) Gambling. The licensee shall not allow any licensed premises to be used or occupied for gambling or games of chance as prohibited by the statutes of the of the State of Maine or ordinances, articles, bylaws or rules and regulations of the municipality.

G. Security and safety for events.

- (1) For performances in licensed premises holding a special amusement permit under this chapter, whenever the licensee reasonably anticipates having on the licensed premises more than 500 persons in attendance when entertainment will be provided (an "event"), the licensee shall so inform the Select Board of the same at least two weeks in advance of the date of that event. At its own expense, the licensee shall post a licensed security guard or an individual authorized to act as a law enforcement officer (whether full-time or part-time and whether on-duty or off-duty) on the licensed premises during each performance on the licensed premises and for one hour after each such performance at that event. Depending on of the size the event, the Select Board may require the licensee to hire law enforcement for traffic control (and the Fire Department if a commercial fireworks display is part of the event) to ensure safety of event goes at the expense of licensee.
- (2) The municipality has a consumer fireworks ban. For a commercial fireworks display, the licensee must contact the Fire Marshal's office for a permit. If you plan to have fireworks at your event, you must attach fireworks permit or supply the municipality with permit 60 days before event.

H. Server training. Server training must be completed by all individuals who serve alcoholic beverages on the licensed premises in a program certified by the Bureau of Alcoholic Beverages and Lottery Operations.

§ 4-3. Violations and penalties; severability; when effective.

A. Penalty.

- (1) It shall be the duty of the Code Enforcement Officer (the "CEO") to enforce the provisions of this chapter. If the CEO determines, in the CEO's sole discretion, that any provision of this chapter is being violated, the CEO shall notify in writing the person or persons responsible for such violation, indicate the nature of the violation, order the cessation of such violation, and instruct that the violator(s) have 30 days within which to appeal such violation to the Board of Appeals. The Select Board is hereby authorized and directed to institute any and all legal actions and proceedings necessary to enforce the provisions of this chapter.
 - (2) Whoever violates any provision of this chapter shall be punished by a fine of not more than \$500 for each offense, to be recovered, on complaint, to the use of the municipality. Each day such violation continues shall constitute a separate offense.
- B. Severability. The invalidity of any provision of this chapter shall not invalidate any other part.
- C. Effective date. This chapter shall become effective 30 days after the date of adoption by Town Meeting.

Chapter 11

CULVERT INSTALLATION AND MAINTENANCE AT PLANNED ROAD ENTRANCES

§ 11-1. Planned entrance.

§ 11-2. Permit.

§ 11-3. Landowner responsibilities.

§ 11-4. Care and maintenance.

§ 11-5. Dig Safe notification.

§ 11-6. Conflict with other provisions.

§ 11-7. Violations and penalties.

[HISTORY: Adopted by the Town Meeting of the Town of Wayne at time of adoption of Code (see Ch. 1, General Provisions, Art. I).¹ Amendments noted where applicable.]

§ 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.

1. Editor's Note: This chapter was originally adopted as a policy of the Board of Selectmen 7-6-1998.

§ 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

§ 20-1. Purpose and applicability; definitions; permits and inspections.

§ 20-2. Specific regulations for campgrounds.

§ 20-3. Specific regulations for mobile home parks.

§ 20-4. Enforcement; violations and penalties; general provisions.

[HISTORY: Adopted by the Town Meeting of the Town of Wayne 6-11-2025. Amendments noted where applicable.]

§ 20-1. Purpose and applicability; definitions; permits and inspections. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. Purpose. This Mobile Home Park and Campground Ordinance (the "ordinance") has been drafted with the purpose of promoting the health, safety and general welfare of the Town residents and transient visitors; defining and regulating mobile home parks and campgrounds; establishing the duties of owners and operators of said uses; and establishing penalties for violations.

B. Applicability. This chapter shall apply to all existing, new, and expanded mobile home parks and campgrounds located in whole or in part on property within the boundaries of the Town of Wayne, Maine.

C. Definitions.

CAMPGROUND — Any area or tract of land under unified ownership to accommodate two or more parties in RVs or other temporary living quarters, including, but not limited to, tents, recreational vehicles or other shelters or land upon which two or more campsites are installed, which is used for recreational purposes and retains an open-air or natural character. A campsite incidental to residential use and not associated with a campground use (an "individual private campsite") is excluded from the definition of "campground."

CAMPSITE — The minimum prescribed dimension and land area for placement of RVs or other temporary living quarters reserved for use by occupants of that area.

MOBILE HOME — See the definition of "mobile home" in Chapter 60, Zoning, § 60-1B.

MOBILE HOME PARK or PARK — See definition of "mobile home park" in § 60-1B.

PARK SPACE or CAMPSITE — The minimum prescribed dimension and area for each mobile home park space or campsite in § 60-75 of Chapter 60, Zoning, which area is reserved for use by the occupants of that area.

PERSON — As used in this chapter, persons, partnerships, firms, corporations, owners, lessees or licensees or their agents.

RECREATIONAL VEHICLE (RV) — 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.

D. Permits required:

- (1) Initial permit. It shall be unlawful for any person to operate a mobile home park or campground without first obtaining a permit from the Town of Wayne Code Enforcement Officer. Application for an initial permit shall be governed by this chapter.
- (2) Fees, initial permits. A fee of \$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 \$75 per space or campsite shall be added.
- (3) Renewal permits. Applications for renewal shall be made no later than May 1 of each year to the Code Enforcement Officer. A renewal permit shall be issued contingent with compliance with all regulations in this chapter and in approvals issued to the mobile home park or campground under Chapter 60, Zoning.
- (4) Fees, renewal permits. Fees for renewal shall be \$35 for parks or campgrounds of 20 spaces or campsites or fewer, plus \$2 for each space or campsite over 20.

E. Application and review process. Applications for initial permits and renewal permits shall be in writing on forms approved by the Select Board and shall have attached:

- (1) A plan or set of plans, drawn to a scale of not less than 100 feet to the inch, showing:
 - (a) The area and dimensions of the tract of land; map and lot number.
 - (b) The location, number, and size of all park spaces or campsites within the tract.
 - (c) Location and use of existing and/or proposed buildings and structures.
 - (d) Setbacks of all park or camping spaces, buildings, structures, common areas, roads, streets, and walkways from property lines, normal high-water mark, or watercourses, as applicable.
 - (e) Location of all subsurface wastewater disposal systems and of all wells and/or sources of potable water on the mobile home park or campground parcel.
 - (f) Location of common utility areas and structures on the mobile home park or campground parcel.
- (2) Data on the existing water quality from wells in the mobile home park or campground.

- (3) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.
- F. Inspection. The Code Enforcement Officer is authorized and directed to make an annual inspection, and more frequent inspections as the Code Enforcement Officer reasonably deems appropriate, of all parks and campgrounds in order to determine compliance with this chapter and to safeguard health, safety, and welfare of the occupants of said parks and campgrounds. The Code Enforcement Officer shall have the right to enter at reasonable hours any private or public park or campground relating to uses governed by this chapter in the pursuit of these responsibilities herein.

§ 20-2. Specific regulations for campgrounds.

- A. Service facilities. Facilities which meet the following specifications shall be provided and continuously maintained in sanitary and good operating order at all times when the campground is open for business:
- (1) A source for a continuous, adequate (in volume for the number of campsites), safe, and potable supply of water.
 - (2) Not less than one toilet for each sex, operated by running water, and meeting the State Subsurface Wastewater Disposal Rules,¹ for the first five campsites. Additionally, one toilet as above for each sex shall be provided for each additional 10 campsites.
 - (3) For any campground of more than five campsites, one service building containing one lavatory for each sex, one shower with hot and cold running water for each sex, and one additional lavatory and shower for each sex for every 10 additional campsites or fraction thereof.
 - (4) The storage, collection, and disposal of refuse shall be in closed containers which shall not harbor rodents, insects, or create health hazards or odor. Covered refuse containers will be provided throughout the campground and the refuse deposited removed daily to a central collection point.
- B. Additional requirements.
- (1) Campgrounds shall not operate for business prior to the third Friday in May nor after the third Sunday in October.
 - (2) It shall be the responsibility of the campground owner to file a complete list of all RVs, camping vehicles or other temporary living quarters stored on the premises during the off-season with the Code Enforcement Officer no later than November 1 each year.
 - (3) Noise. Campgrounds must observe and enforce quiet hours between 10:00 p.m. and 8:00 a.m. Outdoor events and activities sponsored by the campground owner shall not extend beyond 9:00 p.m.

1. Editor's Note: See 10-144 CMR Ch. 241.

§ 20-3. Specific regulations for mobile home parks. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

A. Utilities.

- (1) Each mobile home shall remain connected to an approved septic disposal system according to the State of Maine Subsurface Wastewater Disposal Rules² with no more than four mobile homes being connected to a common subsurface system.
- (2) Electrical entrances shall continue to be provided for each space, and installation and connections shall continue to be in accordance with applicable state and local codes.
- (3) A potable and safe water supply shall be piped underground to each space in sufficient volume to provide 300 gallons per day per space at an average pressure of 40 psi.

B. Fire protection. Existing water sources on the parcel shall remain suitable for fire protection, and dry hydrants shall remain at all available sources. Such sources will be noted on the plan.

C. Refuse and garbage disposal. The storage, collection, and disposal of refuse shall continue not to create a health hazard, rodent harborage, insect breeding area, accident hazards, or odor. All such wastes shall continue to be stored in covered, watertight, and animal-proof containers. Collection shall continue to be sufficiently often to prevent overflowing of refuse. Central collection points shall continue to have container racks, holders, or other means for containing the refuse until collection. Such central collection points shall be indicated on the plan required pursuant to § 20-1E(1).

D. The provisions of this section shall remain the responsibility of the park owner.

§ 20-4. Enforcement; violations and penalties; general provisions.

A. It shall be the responsibility of the Code Enforcement Officer to investigate and document alleged violations of this chapter. The Code Enforcement Officer shall prescribe, in writing to the persons owning or operating a mobile home park or campground regulated under the purview of this chapter, their actions required to remedy the violation(s) and shall set the time limits for compliance. Failure to correct said violations in the time and manner prescribed shall require further action and remedies as provided by law and in equity as provided in 30-A M.R.S.A. § 4452. The Select Board is authorized and shall bring such actions in equity or law as are proper, either upon request of the Code Enforcement Officer or of its own volition, to restrain, correct, or punish violations of this chapter.

B. Penalties. Any person who violates any provision of this chapter shall, upon conviction, be punished by a fine of not less than \$100 or more than \$2,500 per violation for each day that the violation continues.

2. Editor's Note: See 10-144 CMR Ch. 241.

- C. Conflict in ordinances. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the Town of Wayne, State of Maine or federal law or regulation, the provision which establishes the higher standard shall prevail.
- D. Savings clause. If any section, subsection, paragraph, sentence, clause, or phrase of this chapter should be declared invalid for any reason, such decision shall not affect the remaining portions of the chapter, which shall remain in full force and effect, and to this end, the provisions of this chapter are hereby declared to be severable.
- E. Amendment. This chapter may be amended by majority vote of a legally called Town Meeting. Such amendments shall be referred to the Planning Board for review and recommendations, and the Board may have 120 days prior to presentation at Town Meeting to consider their review. Amendments submitted by petition of voters or those to be voted by referendum shall follow the procedures required by law.
- F. Effective date. This chapter is effective on its date of passage and repeals and supersedes the Mobile Home Park and Recreational Vehicle Park Ordinance of the Town of Wayne, Maine, dated March 1, 1971, and subsequent amendments thereto.

Chapter 34

ROAD CONSTRUCTION AND ACCEPTANCE

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| § 34-1. Purpose and general provisions. | § 34-4. Acceptance procedures. |
| § 34-2. Application for Town acceptance. | § 34-5. Variance appeals. |
| § 34-3. Construction specifications. | Road Construction Specifications |

[HISTORY: Adopted by the Town Meeting of the Town of Wayne 6-30-1982. Amendments noted where applicable.]

§ 34-1. Purpose and general provisions.

- A. The purposes of this chapter are:
- (1) To provide an application procedure for Town acceptance of roads and to adopt minimum specifications to which such ways must conform prior to consideration for acceptance.
 - (2) To instruct the Wayne Planning Board to assure that these minimum specifications are met in any development plans which are brought before the Board.
- B. Limitations. The Town can accept roads only by vote at a legal Town Meeting. Roads dedicated, laid out, partially constructed, or used for public or private use prior to passage of this chapter shall comply with the requirements of this chapter before formal acceptance by the Town. Nothing in this chapter shall be construed as a prior commitment by the Town to accept any new road, irrespective of its condition or of any work performed in anticipation of acceptance by the Town.
- C. Severability. Should any section or provision of this chapter be found to be illegal by the courts, only that section will cease to be effective until an amendment is made and adopted. The illegality of any section will therefore have no bearing on the effectiveness of the rest of this chapter.
- D. Conflict. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, safety or other ordinance of the Town of Wayne, the provision which establishes the higher standard for the future maintenance of Town roads and the promotion and protection of the health and safety of the people shall prevail.
- E. Effective date. This chapter shall take effect upon passage by majority vote of the Town.

§ 34-2. Application for Town acceptance. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. An application for acceptance of a street or road shall be submitted, in writing, to the Planning Board with a copy to the municipal officers and a copy to the Road Commissioner. The application shall include the following information:
- (1) The full name(s) of the owners(s) of the land containing the road to be accepted.
 - (2) The full name(s) of the developer, licensed professional surveyor, and/or licensed professional engineer.
 - (3) A statement of the starting and ending points of the road with relation to existing roads, buildings or landmarks.
 - (4) A statement of any legal encumbrances on the property.
 - (5) The name of the proposed road.
 - (6) The proposed completion date of construction of the road if not complete at time of application.
- B. The application shall also be accompanied by three copies of the original plan of the road, showing the following:
- (1) Drawn to scale (50 feet to one inch).
 - (2) Magnetic North.
 - (3) Delineation of the starting and ending points of the road in relation to established roads, buildings and landmarks.
 - (4) Ownership and length of frontage of all abutting lots.
 - (5) The rights-of-way (RoW) lines relation to existing buildings and landmarks.
 - (6) Dimensions, both linear and angular, necessary for locating boundaries and necessary for locating subdivisions, lots, easements and building lots.
 - (7) All natural waterways and watercourses within or in land contiguous to the said road.
 - (8) References to suitable permanent markers or monuments placed in the field to fully identify the proposed road.
 - (9) Special construction features (guardrails, fences, curbing).
 - (10) A profile plan of the road drawn to a longitudinal scale of 50 feet to one inch and a vertical scale of five feet to one inch, showing:
 - (a) The profile of the center line of the road.
 - (b) The proposed and existing grades thereof.
 - (c) The proposed provisions for culverts and bridges.

- C. The application shall also be accompanied by three sets of cross sections drawn to a scale of five feet to one inch. The cross sections shall be shown at a minimum of 100-foot intervals, or lesser intervals as conditions warrant.

§ 34-3. Construction specifications. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

§ 34-4. Acceptance procedures. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. Prior to the acceptance of the road by the Town, the Planning Board shall certify, in writing, to the municipal officers, with a copy to the Road Commissioner, that the requirements of this chapter have been met.
- B. The Road Commissioner has the duty to make sufficient inspections of a road under construction or, if already constructed, to have knowledge of compliance or noncompliance with this chapter and to report the same to the Planning Board.
- C. Following careful consideration of the application, plans and on-site investigation, the Planning Board is authorized to give clearance for the construction or reconstruction of a road within the limitations of this chapter, but without prejudice of rights as to final recommendation for acceptance, or as to acceptance, by the Town. 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. Following completion of the road and a positive recommendation by the Planning Board, a road may be accepted or rejected as a Town way by a majority vote at Annual Town Meeting.

§ 34-5. Variance appeals. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. 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. 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

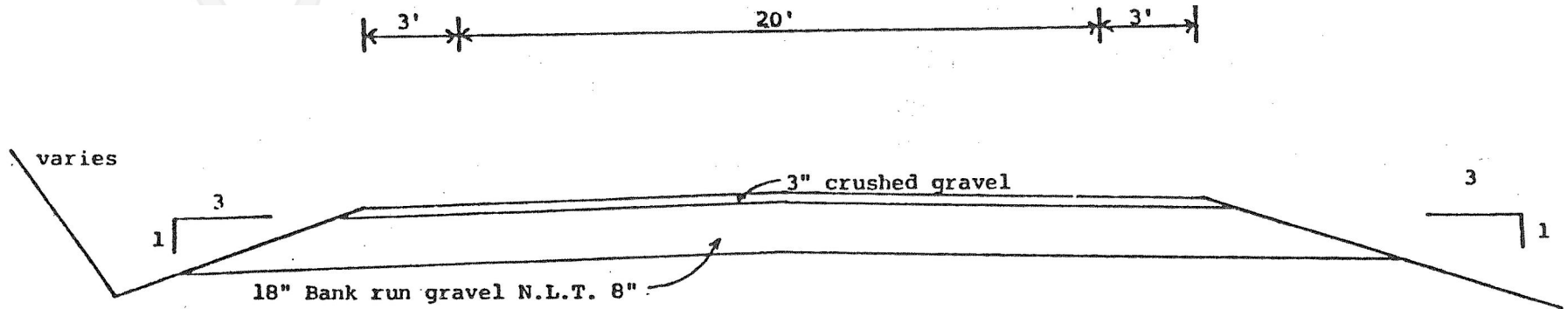
standard of review for appeals of Planning Board action to the Board of Appeals set forth in Chapter 60, Zoning, shall apply to appeals under this chapter. Following the filing of an appeal, the Board of Appeals shall hold a public hearing on the appeal within 30 days. The Planning Board, Road Commissioner 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.

ROAD CONSTRUCTION AND ACCEPTANCE

34 Attachment 1

Town of Wayne

Road Construction Specifications



- 50' right of way
- 20' travel way
- 3' shoulders
- crown = 1/4" per foot

Chapter 40

SOLAR ENERGY SYSTEMS

- | | |
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| <p>§ 40-1. Title.</p> <p>§ 40-2. Purpose.</p> <p>§ 40-3. Applicability.</p> <p>§ 40-4. Definitions.</p> <p>§ 40-5. Application and permit fees.</p> <p>§ 40-6. Specific application requirements.</p> <p>§ 40-7. Standard for approval.</p> | <p>§ 40-8. Decommissioning and removal.</p> <p>§ 40-9. Modifications.</p> <p>§ 40-10. Statutory authority; severability.</p> <p>§ 40-11. Effective date and duration.</p> <p>§ 40-12. Enforcement; violations and penalties.</p> |
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[HISTORY: Adopted by the Town Meeting of the Town of Wayne 10-11-2022; amended 6-15-2023. Subsequent amendments noted where applicable.]

§ 40-1. Title.

This chapter shall be known and may be cited as the "Solar Ordinance."

§ 40-2. Purpose.

The purpose of this chapter is to establish a municipal review procedure and performance standards for solar energy systems (SES), including those typically characterized as "solar farms." These standards are intended to:

- A. Establish clear guidelines, standards, and time frames for the Town to regulate solar energy systems;
- B. Permit the Town to protect public health, safety, and welfare fairly and responsibly;
- C. Minimize any potential adverse effect of solar development on surrounding zoning;
- D. Provide for the decommissioning/removal of panels and associated utility structures that are no longer being used for energy generation and transmission purposes; and
- E. Support the goals and policies of the Comprehensive Plan, including orderly development, efficient use of infrastructure, and protection of natural, scenic, and agricultural resources.

§ 40-3. Applicability. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Solar energy systems (SES) are subject to location and permitting requirements as set forth in the Land Use Table (see § 60-17) of Chapter 60, Zoning. A solar energy system approved for construction prior to the effective date of this chapter shall not be required to meet the terms

and conditions of this chapter. Any physical modification to any existing SES, whether or not existing prior to the effective date of this chapter, that expands or relocates the footprint of the SES shall require approval under this chapter. Routine maintenance or replacements do not require a permit.

Wayne Zone	R-1 Village Residential	R-2 Low-Density Residential	R-3 Rural Residential	R-4/R-5 Shoreland/ Resource Protection (Aquifer)	R-6 Village Shoreland
Infrastructure					
Solar energy system, large-scale	N	P	P	N	N
Solar energy system, medium-scale	N	P	P	N	N
Solar energy system, small/ accessory-scale ground mounted	P	P	P	P	P
Solar energy system, small/ accessory-scale roof mounted	C	C	C	C	C

N - Not allowed

P - Planning Board

C - Code Enforcement Officer

§ 40-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

KILOWATT (kW) — A unit for measuring power that is equivalent to 1,000 watts.

MEGAWATT (MW) — A unit for measuring power that is equivalent to 1,000,000 watts, or 1,000 kilowatts.

MEGAWATT HOUR (MWh) — A megawatt hour is equal to 1,000 kilowatt hours (kWh). It is equal to 1,000 kilowatts of electricity used continuously for one hour.

PURE TONE — The simplest periodic sound; a constant sound created as a pressure disturbance that fluctuates sinusoidally as a fixed frequency.

RATED NAMEPLATE CAPACITY — The maximum rated output of electric power production of the photovoltaic system in watts of direct current (DC).

SOLAR ARRAY — A grouping of multiple solar modules with the purpose of harvesting solar energy.

SOLAR ENERGY — Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR ENERGY SYSTEM (SES) — A solar photovoltaic cell, module, or array; or solar hot air or water collector device, including all solar-related equipment, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED — A solar energy system that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium-, or large-scale).

SOLAR ENERGY SYSTEM, LARGE-SCALE — A solar energy system whose physical size based on total airspace projected over the ground is equal to or greater than four acres (174,240 square feet) and/or that generates a nameplate capacity of one MW or greater.

SOLAR ENERGY SYSTEM, MEDIUM-SCALE — A solar energy system whose physical size based on total airspace projected over the ground is equal to or greater than 3,000 square feet but less than four acres (174,240 square feet) and/or that generates a nameplate capacity of 20 kW up to, but not including, one MW.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED — A solar energy system that is mounted on the roof of a building or structure; may be of any size (small-, medium-, or large-scale).

SOLAR ENERGY SYSTEM, SMALL-SCALE — Also known as an "accessory-scale system." A solar energy system whose physical size based on total airspace projected over the ground is less than 3,000 square feet and/or that generates a nameplate capacity of less than 20 kW. Such a system may consist of one or more freestanding ground-, or roof-mounted, solar arrays, or solar-related equipment, and is intended to primarily reduce on-site consumption of utility power or fuels. Such a system generally occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW or less).

SOLAR FARM — See "solar energy system."

SOLAR-RELATED EQUIPMENT — Items including a solar photovoltaic cell, module, or array; or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, fencing, foundations or other structures used or intended to be used for collection and management of solar energy.

§ 40-5. Application and permit fees.

A. Application fee:

- (1) Solar energy system, large-scale. The application fee is \$2,500.
- (2) Solar energy system, medium-scale. The application fee is \$500.
- (3) Solar energy system, small-scale. The application fee is \$75.

B. Permit fee (large/medium) is \$1 per kW, with a minimum fee of \$25.

§ 40-6. Specific application requirements.

In addition to the requirements listed in Chapter 60, Zoning, an application for a large- or medium-scale solar energy system permit must also include the following, at the cost of the applicant:

- A. A description of the owner of the SES, the operator if different, and detail of qualifications and track record to run the facility.

- B. If the operator will be leasing the land, a copy of the agreement (minus financial compensation), clearly outlining the relationship, inclusive of the rights and responsibilities of the operator, landowner and any other responsible party with regard to the SES and the life of the agreement.
- C. A description of how and to whom the energy produced will be sold.
- D. A copy of the agreement and schematic details of the connection arrangement with the transmission system (most likely Central Maine Power), clearly indicating which party is responsible for various requirements and how they will be operated and maintained.
- E. The layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with local ordinances and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- F. A description of the panels to be installed, including make and model, and associated major system components.
- G. A construction plan and time line, identifying known contractors, site control and anticipated online date.
- H. An operations and maintenance plan, including site control and the projected operating life of the system. Such a plan shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation. Additionally, such plans shall include efforts to promote beneficial flora and fauna (e.g., honey bees, butterflies, etc.) as well as an identification of pest control (e.g., pesticides, herbicides, fungicides, and/or insecticides).
- I. An emergency management plan for all anticipated hazards.
- J. A stormwater management plan, certified by a licensed Maine engineer, which demonstrates stormwater from the SES will infiltrate into the ground beneath the SES at a rate equal to that of the infiltration rate prior to the placement of the system.
- K. A background noise measurement for the site location as performed by a qualified professional.
- L. Proof of financial capacity to construct and operate the proposed facility.
- M. A decommissioning plan, including:
 - (1) A description of the trigger for implementing the decommissioning plan. There is a rebuttable presumption that decommissioning is required if 10% or less permitted capacity of electricity is generated for a continuous period of 12 months. The applicant may rebut the presumption by providing evidence, such as a force majeure event that interrupts the generation of electricity, that although

the project has not generated electricity for a continuous period of 12 months, the project has not been abandoned and should not be decommissioned.

- (2) A description of the work required to physically remove all solar energy system and solar-related components, including associated foundations, buildings, cabling, electrical components, and any other associated facilities, to the extent they are not otherwise in or proposed to be placed into productive use. All earth disturbed during decommissioning must be graded and reseeded unless the landowner of the affected land requests otherwise, in writing and subject to Planning Board approval.
 - (a) At the time of decommissioning, the applicant may provide evidence of plans for continued beneficial use of any or all of the components of the solar energy system. Any changes to the approved decommissioning plan shall be subject to review and approval by the Planning Board.
- (3) An estimate of the total cost of decommissioning value of the equipment and itemization of the estimated major expenses, including the projected costs of measures taken to minimize or prevent adverse effects on the environment during implementation of the decommissioning plan. The itemization of major costs may include, but is not limited to, the cost of the following activities: panel removal, panel foundation removal and permanent stabilization, building removal and permanent stabilization, transmission corridor removal and permanent stabilization and road infrastructure removal and permanent stabilization.
- (4) Demonstration in the form of a performance bond, surety bond, letter of credit, or other form of financial assurance as may be acceptable to the Planning Board that, upon the end of the useful life of the solar energy system, the applicant will have the necessary financial assurance in place for 150% of the estimated total cost of decommissioning, subject to a review of such cost by the Code Enforcement Officer. The financial assurance shall include a provision granting the Town the ability to access the funds and property and perform the decommissioning if the facility is abandoned or the applicant or subsequent responsible party fails to meet their obligations after reasonable notice, to be defined in the agreement and approved by the Planning Board. For a medium-scale SES, the applicant may propose securing the necessary financial assurance in phases, as long as the total required financial assurance is in place a minimum of five years prior to the expected end of the useful life of the solar energy system.
 - (a) Note the applicant may apply to the Code Enforcement Officer for release of the guarantee at such time that it or its assignees remove the system and associated abandoned structures and such completed removal is found to be satisfactory by the Planning Board.

§ 40-7. Standard for approval.

In addition to the site review standards and requirements included in Chapter 60, Zoning, the following standards must also be met:

- A. Large- and medium-scaled ground-mounted solar energy systems.
- (1) Lots. SES shall not exceed 30% coverage of a lot area. Lot coverage shall be calculated based on the total SES airspace projected over the ground. All SES should be designed and located to ensure solar and physical access without reliance on and/or interference to/from adjacent properties.
 - (2) Legal responsibilities. The applicant must provide proof that it has authorization to construct, use and maintain the property and any access drive for the life of the project and including the decommissioning of the project. The roles and responsibilities of the system owner, operator, landowner and any other party involved in the project must be clear and meet the satisfaction of the Planning Board that the public interest is protected. The owner or operator of a ground-mounted solar energy system shall build and maintain it in compliance with all relevant federal, state and local laws, regulations, and ordinances.
 - (3) Deed recording. Any large- or medium-scale SES system shall be incorporated into the description of the real property in the lot/property deed and recorded with the Kennebec County Registry of Deeds as a condition of Planning Board approval. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (4) Setback. Structures within a SES shall be set back a minimum of 100 feet from all lot lines. Any solar photovoltaic cells or arrays shall be subject to a maximum height of 15 feet above the ground surface, measured from the ground to the top of the solar panel structure. Associated SES structures shall be subject to the maximum height regulations specified for principal and accessory buildings within the applicable zoning district.
 - (5) Prohibited locations. Components of a ground-mounted SES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.
 - (6) Utility notification. No grid-intertied photovoltaic system shall be installed until evidence has been given to the Planning Board that the applicant has an agreement with the utility to accept the power. Off-grid systems are exempt from this requirement.
 - (7) Fence. Ground-mounted solar energy systems shall be protected by a perimeter fence. Such fences shall allow for small wildlife passage and movement.
 - (8) Signage. A sign shall be required to identify the owner/operator and provide a twenty-four-hour emergency contact phone number. Solar energy systems shall not be used for displaying any advertising. A clearly visible warning sign shall be

placed at the base of all pad-mounted transformers and substations and on the any fence surrounding the SES, informing individuals of potential voltage hazards.

- (9) Screening. Lots on which ground-mounted solar energy systems are located shall utilize buffers/screening from roads and residences by plantings, berms, and natural topographical features. Ground-mounted SES shall be screened from view to the greatest extent practical of any adjacent property that is residentially zoned or used for residential purposes, as well as any public way. The screen shall consist of a vegetative barrier which provide a visual screen. In lieu of a vegetative screen, a fence that provides visual screening, and meets requirements of the controlling ordinance, may be allowed only if a vegetative screen is deemed impractical by the Planning Board.
- (10) Glare. All SES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
- (11) Noise. No noise generated by the SES or solar-related equipment shall be 10 decibels (dB) greater than the preconstruction/existing background level or generate a pure tone. The background noise limit will be based on background noise during the quietest period of the night, typically 3:00 a.m.
- (12) Lighting. Lighting shall be limited to that required for safety and operational purposes and shall be shielded from interference with abutting properties. Lighting of the SES shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution and shall otherwise comply with the provisions of Article XI, § 60-60, of Chapter 60, Zoning. Other than required lighting, lighting shall not be used/visible between 9:00 p.m. and 7:00 a.m.
- (13) Impervious assessment. The surface area of the arrays of a ground-mounted SES, regardless of the mounted angle of any solar panels, may or may not be considered impervious, contingent upon conformity with the stormwater management plan.
- (14) Utility connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be aboveground if required by the utility provider.
- (15) Emergency services. The SES owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request, the owner or operator shall coordinate with local emergency services in developing an emergency response plan. A 3200 Series Knox Box®, or agreed equivalent, shall be provided and installed by the operator to be used to allow emergency service personnel continuous access. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- (16) Maintenance conditions. The SES owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, vegetative screening, fences, landscaping and plantings, and

integrity of security measures. The SES must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring; loose fastenings; being in an unsafe condition or detrimental to public health, safety or general welfare. Site access shall be maintained to a level acceptable to the Fire Chief for emergency response. The owner or operator shall be responsible for the cost of maintaining the SES and any access road(s), including regular plowing of snow to maintain road access.

- (17) Installation. Only pile-driven or ballast-block footing shall be used so as to minimize the disturbance of soils during installation.
 - (18) Site work hours. During the installation and construction process, as well as any subsequent upgrades, repairs, or maintenance, work shall only be performed at the SES site between the hours of 7:00 a.m. and 7:00 p.m. to reduce noise disturbance to neighboring properties.
 - (19) Satisfaction with all aspects of capacity and plans submitted. The Planning Board must find that the applicant has the capacity to finance, safely operate and decommission the SES.
 - (20) Removal. When any portion of a ground-mounted SES is removed, any earth disturbance must be graded and reseeded unless authorized for another developed use.
 - (21) Alternatives assessment. As determined by the Planning Board, if a proposed ground-mounted SES does not meet the standards in this chapter, associated Town LUO standards, or goals and objectives as established in the Town's Comprehensive Plan, then other potential suitable alternative area(s), on the lot(s) included in the application, where a SES can meet the Town's standards, goals, and objectives needs to be evaluated by the applicant. Alternative lot areas should be evaluated against those same ordinance standards and Town goals and objectives.
 - (22) Preservation of Town's character. All reasonable efforts, as determined by the Planning Board, shall be made to ensure any SES is consistent with the maintenance of scenic views, maintenance of open space land and farms, and the Town Comprehensive Plan and associated Town planning documents.
 - (23) Preservations of agricultural use. All SES proposals shall include a soils analysis. Least-productive agricultural soils shall be considered first for development unless it can be demonstrated to the Planning Board that non-prime farmland is not reasonably available on the subject property. Dual use, agricultural and/or grazing is encouraged in development.
- B. Small-scaled ground-mounted solar energy systems:
- (1) Lots. SES shall not exceed 10% coverage of a lot area. Lot coverage shall be calculated based on the total SES airspace projected over the ground. All SES should be designed and located to ensure solar and physical access without reliance on and/or interference to/from adjacent properties.

- (2) **Setback.** Structures within a SES shall be set back a minimum of 50 feet from the side and rear property lines and meet the front setback requirements for structures within the zoning district. Any solar photovoltaic cells or arrays shall be subject to a maximum height of 15 feet above the ground surface, measured from the ground to the top of the solar panel structure. Associated SES structures shall be subject to the maximum height regulations specified for principal and accessory buildings within the applicable zoning district.
 - (3) **Prohibited locations.** Components of a ground-mounted SES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.
 - (4) **Signage.** Solar energy systems shall not be used for displaying any advertising.
 - (5) **Screening.** Lots on which ground-mounted solar energy systems are located shall utilize buffers/screening from roads and residences by plantings, berms, and natural topographical features. Ground-mounted SES shall be screened from view of any adjacent property that is residentially zoned or used for residential purposes, as well as any public way. The screen shall consist of a vegetative barrier which provides a visual screen. In lieu of a vegetative screen, a fence that provides visual screening, and meets requirements of the controlling ordinance, may be allowed only if a vegetative screen is deemed impractical by the Planning Board.
 - (6) **Glare.** All SES shall be situated to eliminate concentrated glare onto nearby structures or roadways.
 - (7) **Lighting.** Lighting shall be limited to that required for safety and operational purposes and shall be shielded from interference with abutting properties. Lighting of the SES shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution and shall otherwise comply with the provisions of § 60-60 of Chapter 60, Zoning. Lighting shall not be used/visible between 9:00 p.m. and 7:00 a.m.
 - (8) **Preservation of Town's character.** All reasonable efforts, as determined by the Planning Board, shall be made to ensure any SES is consistent with maintenance of scenic views, maintenance of open space land and farms, and the Town Comprehensive Plan and associated Town planning documents.
- C. **Roof-mounted solar energy systems:**
- (1) The owner shall provide evidence certified by an appropriately licensed professional that the roof is capable of supporting the collateral load of the SES.
 - (2) SES mounted on roofs of any building shall be subject to the maximum height regulations specified for principal and accessory buildings within the applicable zoning district.
 - (3) **Glare.** All SES shall be situated to eliminate concentrated glare onto nearby structures or roadways.

- (4) For firefighter access, a minimum three-foot buffer zone is required from the ridge and one edge of the roof or parapet.
- (5) Preservation of Town's character. All reasonable efforts, as determined by the Planning Board, shall be made to ensure any SES is consistent with the maintenance of scenic views, maintenance of open space land and farms, and the Town Comprehensive Plan and associated Town planning documents.

§ 40-8. Decommissioning and removal.

- A. Any ground-mounted solar energy system that has reached the end of its useful life, ceases to generate power or has been abandoned shall be removed pursuant to a plan approved by the Planning Board during the application process. The landowner or SES owner or operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail, return receipt requested, of the proposed date of the discontinued operations and plans for removal.
- B. Decommissioning shall consist of:
 - (1) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site;
 - (2) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations; and
 - (3) Stabilization or revegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruptions to vegetation.
- C. Absent a notice of a proposed date of decommissioning or written notice of extenuating circumstances, a ground-mounted solar energy system shall be considered abandoned when it fails to generate 10% or less permitted capacity of electricity for a continuous period of 12 months without having first obtained the written consent of the Code Enforcement Officer. Determination of abandonment shall be made by the Code Enforcement Officer.
- D. If the owner or operator of a ground-mounted solar energy system fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Town of Wayne retains the right to use the performance guarantee and any and all legal or available means necessary to cause an abandoned, hazardous or decommissioned solar energy system to be removed.

§ 40-9. Modifications.

- A. Any physical modification to any existing SES, whether or not existing prior to the effective date of this chapter, shall require review and approval under this chapter.

- B. Any modifications to a medium- to large-scale ground-mounted solar energy system made after issuance of the required Town permit(s) shall require approval by the Planning Board.
- C. Any modifications to a small-scale ground-mounted solar energy system made after issuance of the required Town permit(s) shall require approval by the Code Enforcement Officer.
- D. Application fees for modifications shall be consistent with the overall size of the SES, not solely the modification.
- E. Permit fees for modifications shall be based on the modified portion of the SES.

§ 40-10. Statutory authority; severability.

- A. This chapter is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1, of the Maine Constitution, provisions of 30-A M.R.S.A. § 3001, Ordinance power, the provisions of 30-A M.R.S.A. § 4352, Zoning ordinances, and the provisions of 30-A M.R.S.A. § 4312 et seq. (Planning and Land Use Regulation, or "Growth Management Act").
- B. To the extent that any provision of this chapter is deemed invalid by a court of competent jurisdiction, such provision shall be removed from this chapter, and the balance of this chapter shall remain valid.

§ 40-11. Effective date and duration.

This chapter shall take effect on October 11, 2022, upon enactment by the Town of Wayne unless otherwise provided and shall remain in effect until it is amended or repealed.

§ 40-12. Enforcement; violations and penalties.

This chapter shall be enforced by the CEO or their designee. Violation of this chapter shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452, Enforcement of land use laws and ordinances.

Chapter 46

SUBDIVISION OF LAND

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| <p>§ 46-1. Authority.</p> <p>§ 46-2. Title.</p> <p>§ 46-3. Purpose.</p> <p>§ 46-4. Definitions.</p> <p>§ 46-5. General provisions.</p> <p>§ 46-6. Administration.</p> <p>§ 46-7. Violations and penalties;
remedies.</p> | <p>§ 46-8. Application procedures and preliminary plan.</p> <p>§ 46-9. Review standards.</p> <p>§ 46-10. Streets and access roads.</p> <p>§ 46-11. Final plan.</p> <p>§ 46-12. Amendment.</p> |
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[HISTORY: Adopted by the Town Meeting of the Town of Wayne 11-17-1987. Amendments noted where applicable.]

§ 46-1. Authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

This chapter is adopted pursuant to the provisions of 30-A M.R.S.A. § 4301 et seq., as amended.

§ 46-2. Title.

This chapter shall be known and cited as the "Subdivision Regulations of the Town of Wayne."

§ 46-3. Purpose.

The purpose of this chapter shall be to promote the general health and welfare of the Town of Wayne; to assure, in general, development of areas in harmony with the Comprehensive Plan of the community; to assure proper arrangement and coordination of streets and ways within a subdivision in relation to other or planned streets and utilities by the subdivider; to prevent unsound or unsafe development of land by reason of the lack of water supply, drainage, sewage disposal, transportation or other public services; and to promote the amenities of the Town through provisions for parks, playgrounds, and other recreation areas, preservation of trees and natural features in the Town of Wayne.

§ 46-4. Definitions.

For the purpose of this chapter, certain terms used herein are defined as follows:

ACCESS ROAD — Any public easement, private road, or private right-of-way connecting a subdivision to a public way.

RESERVE STRIP — Includes any area for which future public use is intended for street connections or for pedestrianways.

RESUBDIVISION — The relocation of any street or lot line in a subdivision, or a change in restrictive covenants or agreements required for final approval, at any time after the approval of a final plan has been granted by the Planning Board.

STREET — Includes any street, avenue, boulevard, road, alley and any other right-of-way, excluding driveways serving not more than one lot, constructed within the boundaries of a subdivision to serve interior lots and connecting them to an access road or public way.

SUBDIVISION — The division of a tract or parcel of land in a manner defined by 30-A M.R.S.A. § 4401, Subsection 4, as amended. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 46-5. General provisions.

- A. This chapter shall pertain to all land within the boundaries of the Town of Wayne.
- B. This chapter shall be in effect from the time of its adoption by the vote of a majority of the voters present and voting at a Town Meeting and repeals and supersedes the Subdivision Regulations of the Town of Wayne, Maine, adopted March 13, 1971, with subsequent amendments.
- C. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance, regulation, code or covenant in effect in the Town of Wayne, the provision which imposes the higher standard or is more restrictive shall apply.
- D. The invalidity of any section, subsection, paragraph, sentence, clause, phrase, or word of this chapter shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase or word of this chapter.

§ 46-6. Administration. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. The Planning Board of the Town of Wayne, hereinafter called the "Board," shall administer this chapter and is the approval authority.
- B. Whenever any subdivision or resubdivision is proposed or before any contract for the sale of or offer to sell such subdivision or resubdivision or any part thereof shall have been negotiated and before any permit for the erection of a structure shall be granted, the subdividing owner or his agent shall obtain final approval of such subdivision or resubdivision from the Board.
- C. No transfer of ownership shall be made of any land in a proposed subdivision or resubdivision until a final plan of such subdivision or resubdivision has been approved by the Board nor until a duly approved copy of such final plan has been filed with the Planning Board and recorded by the County Register of Deeds.
- D. The Register of Deeds shall not record any plan of a proposed subdivision or resubdivision until it has been approved by the Board and approval is attested by the

signatures of a majority of the members of the Board on the original tracing of the final plan of such subdivision or resubdivision.

- E. Application fees. A minimum fee shall be charged for processing subdivision or resubdivision applications as follows: \$250 per application for a minor (three-lot) subdivision; \$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.

§ 46-7. Violations and penalties; remedies. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

In addition to any penalties that may be imposed under 30-A M.R.S.A. §§ 4406 and 4452, or amendments thereto, or any other state law, any person who conveys or agrees to convey any land by reference to a plan which has not been approved as required by this chapter and recorded by the proper Register of Deeds shall be punished by a fine or not more than \$200 for each lot conveyed or agreed to be conveyed, except that nothing herein contained shall be deemed to bar any legal or equitable action to restrain or enjoin any act in violation of these regulations.

§ 46-8. Application procedures and preliminary plan. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. The Planning Board is authorized and directed to develop an application form which requires the submission of information and plans which it deems necessary in order to adequately review an application under the terms of Chapter 60, Zoning; these regulations; and other applicable state or local ordinances and/or regulations.
- B. The applicant shall:
- (1) Submit a written application, the form and substance of which having been adopted by the Planning Board, to the Board at a regular meeting. The written application shall be accompanied by:
 - (a) A preliminary plan, which plan shall be at a scale of not less than 100 feet equals one inch, and other plans and documents as specified by the application form.
 - (b) A copy of the USGS Topographical Map or a Town of Wayne Map, with the area outlined of the proposed subdivision, and has contour lines indicated at a contour interval of 10 feet.
 - (c) A supplementary map showing the relationship of the parcel to be subdivided to abutting properties, and public ways or access roads, at a scale of not less than 500 feet equals one inch.

- (2) Pending application. An application for subdivision review shall be considered "pending" upon its submission at a regular meeting of the Planning Board, provided that the application form itself is fully filled in with the complete information required and is accompanied by the plans, documents, and maps required by the application form and these regulations; and after an on-site inspection has been made.

C. The Board shall:

- (1) Within 30 days of receipt of a fully filled-in application and the documents required by the application form, schedule an on-site inspection. An on-site inspection by the Board is required to consider an application complete. The on-site inspection must be held at a time when the land is not covered by snow, or at any time that the Board cannot readily observe lot boundaries, location of soils test areas, character of the land, and/or other physical features of the parcel. If such conditions exist to prevent an adequate inspection, in the opinion of the Board, the applicant shall be notified in writing and any time limits imposed by these regulations for review shall be extended accordingly until an on-site inspection can be made.
- (2) At its next regular meeting following the on-site inspection, the Board shall determine and so notify the applicant, in writing, of any additional information, documentation, plans, or reports of consultants it may require to consider the application complete. For subdivisions of greater than 10 lots and/or those requiring access road construction, the Board may require additional plans drawn at different scales than 100 feet equals one inch to adequately visualize and review the proposed subdivision. If no additional information, documents, and/or plans are required, the Board shall determine the completeness of the application at this meeting.
- (3) Consultation with other agencies. When deemed necessary to adequately review the application, the Board may consult, at any time in the review process, with agencies or persons of recognized special authority in the fields of traffic engineering, environmental protection, land use, fish and wildlife management, geology, air or water quality, solid or liquid waste disposal, or other such fields. Consultation from sources without fee shall be employed first, if available. If not, any fees incurred for such consultation shall be the responsibility of the applicant, who will be notified by the Board of the estimated costs of the consultation in advance. The amount of said fees shall be paid by the applicant before preliminary approval is granted, and time limits for review and approval extended accordingly until such reports are obtained.
- (4) A "complete application" shall be one which contains all of the information, documents, plans, proposed detail of restrictive covenants, and/or proposed forms of maintenance agreements for roads, streets, and common areas, as required by the application form or the Board. The Board shall formally determine an application complete at a regular meeting and so notify the applicant, in writing.
- (5) Within 30 days of determination that an application is complete, the Board may hold, at its discretion, a public hearing. 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.

- (6) 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 review standards in § 46-9.

§ 46-9. Review standards. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Each complete application will be reviewed as follows:

- A. General. 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 in accordance with the standards of review in Subsection B.
- B. Standards of review. The proposed subdivision:
 - (1) Will not result in degradation of land or water as evidenced by:
 - (a) Compliance with the Town of Wayne Floodplain Management Ordinance, adopted June 24, 1987, and any subsequent amendments;
 - (b) The nature of the soils and subsoils are able to absorb water, preventing runoff into and/or phosphorus loading of ponds, lakes, streams, or rivers; and has incorporated all natural and constructed drainageways and their easements so that no flooding occurs and stormwater can be adequately disposed of;
 - (c) The degree of slope of the land will not prevent adequate erosion control measures and no part of the proposed use will cause soil erosion or sedimentation of surface waters.
 - (2) Will not have an adverse effect on existing potable water supplies serving the subdivision or abutting properties;
 - (3) Will not adversely affect significant groundwater aquifers as defined in Section 482 of the Site Location of Development Act of the State of Maine, as amended¹;
 - (4) 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

1. Editor's Note: See 38 M.R.S.A. § 482.

space with no structural development allowed; and further designate as open space a buffer strip of 75 feet in width around the perimeter of such areas;

- (5) Will not incorporate, in any lot, land which must be filled or drained because of the water table being at or within six inches of the surface at any time in order to meet minimum lot size;
- (6) Will provide for adequate wastewater disposal according to the State Plumbing Code;²
- (7) Will preserve and maintain natural features such as trees, watercourses, and scenic assets in the layout of lots, roads, open space and common areas;
- (8) Has adequate water supply for fire protection within comparative community standards for the location of the subdivision. Dry hydrants shall be installed, where water sources permit, according to specification of the Wayne Fire Department. Adequate easements shall be granted to the Town for their access by fire equipment and for maintenance;
- (9) Will not cause or aggravate highway, access road, street, or public road congestion or unsafe conditions with regard to their use;
- (10) Will provide for the year-round maintenance of streets and access roads until such time as said streets and access roads may be accepted by the Town for such maintenance;
- (11) Will adequately provide for the cleanliness and maintenance of all common areas and, if such areas are permitted and within the Shoreland Zone, comply with the common shoreland access provisions of Article VI, § 60-26E, of Chapter 60, Zoning;
- (12) Is in conformance with all duly adopted local subdivision regulations, zoning ordinances, road ordinances, building ordinances, or other applicable ordinance or code, and applicable state laws and regulations;
- (13) Will construct all streets and roads according to the provisions of Chapter 34, Road Construction and Acceptance, adopted May 25, 1982, and any subsequent amendments, or to standards permitted in these regulations;
- (14) Is in conformance with the multiple dwelling unit development provisions of Chapter 60, Zoning, Article XI, § 60-65.

§ 46-10. Streets and access roads. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. 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:

2. Editor's Note: See 32 M.R.S.A. § 3403-B.

- (1) The applicant may apply to the Board, in writing, as a part of the application, for a waiver of Chapter 34, Road Construction and Acceptance. Said request for waiver shall include:
 - (a) Reasons for the request.
 - (b) Specifications of street construction proposed.
 - (2) The Board may approve such a request with respect to width of travelways, width of rights-of-way, and type of surface only. It may approve a request based on special circumstances relating to existing conditions in the location of the subdivision and not the action of the applicant. Any approval of such a request shall not diminish safe access to the subdivision as measured by other criteria.
- B. Access roads. The Board may require the applicant to reconstruct and/or improve access roads, as necessary, for adequate access to the subdivision and participate until all lots are sold, along with owners of subdivision lots, in maintenance of said access roads. It shall be the responsibility of the applicant to make such agreements as necessary, which are fair and equitable, with the abutters of an access road, which abutters are not included in the subdivision and which abutters are part of a shared maintenance agreement of any form of the access road. Proposed details of road maintenance agreements shall be submitted as a part of the application.
- C. Town acceptance of streets and access roads. Acceptance by the Town of subdivision streets and roads as Town roads is dependent upon a majority vote of the voters present at a legally called Town Meeting. Recommendation for acceptance or nonacceptance shall be made by the Planning Board at such meeting based on the provisions of Chapter 34, Road Construction and Acceptance.

§ 46-11. Final plan. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. A request for final approval of a subdivision shall be accompanied by a final plan of such subdivision legibly and clearly drawn in ink at a scale of 100 feet to the inch or at some other scale required by the Board: three on stable-base, translucent material suitable for reproduction and two dark-line copies. Size of sheets shall not measure more than two feet by three feet, or as required by the Board. The final plan shall show:
- (1) All changes required by the Board for preliminary approval.
 - (2) The name of the subdivision, location and boundaries of the land to be subdivided, scale, North arrow, name and address of the owner of record, subdivider, and designer.
 - (3) Street lines, lot lines, rights-of-way, reservations for public purposes, and drainage easements.
 - (4) Dimensions in feet and decimals of feet; acreage of each lot.
 - (5) Lot numbers and lot letters in accordance with the prevailing policy on existing Tax Maps.

- (6) Prominent reference monuments on all street corners and angles and street lines where, in the opinion of the Board, such monuments are necessary to properly determine the location on the ground.
 - (7) Designation of the location, size and dimension, landscaping and planting of all parks, esplanades, common areas, buffer strips, and/or open spaces as required by the Board for preliminary approval.
 - (8) 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 Licensure for Professional Land Surveyors, 32 M.R.S.A. Chapter 141, as amended.
 - (9) An area for signatures of the Wayne Planning Board, indicating approval of the plan and the date.
 - (10) An area to indicate the presence of and reference to any conditions of approval.
- B. A request for final approval shall be accompanied, in writing, by 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. Space shall be provided for signatures of the members of the Planning Board. One copy shall be delivered by the subdivider to the Registry of Deeds and shall be recorded along with the final plan. Two copies shall be retained by the Board and one returned to the applicant.
- C. A request for final approval shall be accompanied by three copies of the preliminarily approved road plan for streets and access roads, which plan shall show the information and be in the form required by Chapter 34, Road Construction and Acceptance, § 34-2B and C.
- D. Performance bonds. The subdivider shall file with the Board, at the time of submission of the final plan, a bond in the amount sufficient to cover the cost of the construction of streets and access roads and other required improvements. The Bond shall be approved as to form and surety by the Town's Attorney and conditioned upon the completion of such streets and access roads and other improvements within two years of the date of such bond.
- (1) Waiver. The Board may waive the requirements to post a performance bond upon presentation by the applicant of financial statements and supporting documents which clearly, in the judgement of the Board, indicate financial capability and may grant conditional final approval providing that no lots be sold until specified streets and access roads and required improvements are satisfactorily constructed according to the approved plan. A release of these conditions shall be executed and delivered to the subdivider, following satisfactory completion of the specified streets and access roads and other required improvements. An inspection by the Planning Board or its agent is required before releasing the conditions. Any fees required for such inspection shall be paid by the applicant before release of the conditions.

E. Time limit of approval of the final plan.

- (1) Upon submission of a request for approval of the final plan, which request shall be made at a regular meeting of the Board and which request shall include the required documents and plans as above, the Board may have 30 days, or some other mutually agreed upon time, in which to grant, conditionally grant, or deny approval. The Board shall not withhold final or conditional approval if all the conditions of the preliminary approval have been met and the request for final approval or conditional final approval meets the requirements herein.
- (2) The approval of the final plan shall be attested on three copies suitable for reproduction. One shall be retained by the Board, one shall be delivered by the subdivider to the County Registry of Deeds, and one shall be returned to the subdivider.
- (3) The Board may approve upon request final approval of a section of an entire subdivision, which entire subdivision has been previously granted preliminary approval, which section contains the improved streets and access roads. The Board may approve only that portion so improved as shown on the final plan.

§ 46-12. Amendment.

This chapter may be amended by a majority of the legal voters present and voting at a Town Meeting. The Planning Board shall have at least two months to review any proposed amendment prior to the calling of a Town Meeting to amend this chapter and shall make its recommendations at such Town Meeting. Amendments submitted by petition or voted on by referendum shall proceed under the requirements of law for such petitions or referendums.

Chapter 60

ZONING

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Official Zoning Map

[HISTORY: Adopted by the Town Meeting of the Town of Wayne 6-18-1992, as amended through 6-12-2024.¹ Subsequent amendments noted where applicable.]

1. Editor's Note: Prior amendment dates have been retained at the request of the Town.

ARTICLE I
General Provisions

§ 60-1. Definitions and word usage.

A. In this chapter, all words, other than the terms specifically defined, shall have their ordinarily accepted dictionary meanings as implied by the context or as customarily used in the practice of zoning.

B. Definitions.

ACCESS ROAD — A road connecting a Town way to a campground or mobile home park. [Added 6-11-2025]

ACCESSORY DWELLING UNIT — A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. For purposes of this definition, "self-contained" shall mean that each unit contains living, cooking, and bathroom facilities.

ACCESSORY USE OR STRUCTURE — A use of structure which is customarily both incidental and subordinate to the principal use or structure on the same lot. The term "incidental" in reference to the principal use of structure shall mean both subordinate and minor in significance to the principal use of structure, and attendant to the principal use of structure. For example, a mobile home dwelling unit is not customarily subordinate and minor in significance to the principal structure even when used only for storage. Such accessory uses, when aggregated, shall not subordinate the alleged principal use of the lot.

ADDITION — Structures, including porches and decks, which are attached to or can be entered into or on from an existing building. Also, placement of a foundation under an existing building. Also, structures erected which increase the height of an existing building or structure.

AFFORDABLE HOUSING DEVELOPMENT — A residential housing development in which:

- (1) **FOR RENTAL HOUSING** — A household whose income does not exceed 80% of the area median income for the community, as defined by the U.S. Department of Housing and Urban Development, and can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing expenses, including rent and utilities.
- (2) **FOR OWNED HOUSING** — A household whose income does not exceed 120% of the area median income for the community, as defined by the U.S. Department of Housing and Urban Development, and can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs, including mortgage payments and insurance, and certain other taxes and fees.

AGRICULTURAL LAND — Land in excess of one acre which has been tilled, harvested, mown (except lawns and similar which are customarily incidental to residential use) and/or used for the production of field crops, including commercial

orchards, pasture, and pick-your-own fruit crops, which use has been within five years of the date of application for subdivision review and/or development under these provisions. Included is land separating tilled areas, which separation is for proper agricultural practice and/or access.

AGRICULTURE — Those uses associated with the growing of produce or livestock on farms. These include field crop farming; fruit growing; tree, shrub or flower nurseries; truck gardening; roadside stands for sale of agricultural produce; the keeping of bees; livestock raising and feeding; and "pick-your-own" vegetables and fruits. The following uses are specifically excluded from this definition: poultry houses of flocks more than 500 birds; feed lots in excess of 25 animals, 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. These exclusions are elsewhere defined as "conditional use agriculture." **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

BASEMENT — Any portion of a structure with a floor-to-ceiling height of six feet or more and having more than 50% of its volume below the existing ground level.

BED-AND-BREAKFAST FACILITIES — A use accessory to the principal use of building as a single-family residence, in which transient guests are furnished sleeping accommodations for a fee in residence bedrooms. Said guests shall be furnished with breakfast only, as a part of the accommodation, which is prepared in the residence kitchen facility. The furnishing of additional meals to guests shall deem the use to be an "inn."

BUFFER/SCREENING — "Buffers/screening" are fences, vegetation, landscaping, berms, and mounds used to minimize any adverse impacts or nuisance conditions as experienced on the site or adjacent areas.

BUILDING — A structure built for the support, shelter, or enclosure of persons, animals, goods or property of any kind (see "structure").

CAMPGROUND — Any area or tract of land under unified ownership to accommodate two or more parties in RVs or other temporary living quarters or land upon which two or more campsites are installed, which is used for recreational purposes and retains an open air or natural character. A campsite incidental to residential use and not associated with a campground use (an "individual private campsite") is excluded from the definition of "campground." **[Amended 6-11-2025]**

CAMPING — The occasional use of land on a temporary and intermittent basis for cooking and sleeping, and using temporary shelter customarily associated with such activity. Included is the occupancy of recreational vehicle parked on any lot.

CAMPSITE — The minimum prescribed dimension and land area for placement of RVs or other temporary living quarters reserved for use by occupants of that area. **[Amended 6-11-2025]**

CODE ENFORCEMENT OFFICER — A person appointed by the municipal officers to administer and enforce this chapter, also referred to as the "CEO."

COMMERCIAL USE — The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of

income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

COMMON AREAS, SHORELAND — A parcel of land containing shore frontage, which parcel is a part of a planned development, such as subdivision, or a landowners association, or similar organization, and which parcel provides access to the shoreland zone of water bodies for nonshoreland lot owners in the development subdivision or association. Access for lot owners to such common areas may be by formal easement, rights-of-way, informal agreement adoption of bylaws, or similar method.

CONDITIONAL USE — A use permitted only after review and approval of the Planning Board. A "conditional use" is a use which would not be appropriate without restriction but which, if controlled under the provisions of this chapter, would promote the purposes of this chapter. Such uses may be permitted if specific provision for each conditional use is made in this chapter.

CONDITIONAL USE AGRICULTURE — The maintenance of poultry houses in excess of 500 birds, feed lots in excess of 25 animals, which feed lots' primary use is the feeding or storage of animals during the final finishing period prior to shipment for slaughter. Also included are farms for the raising and keeping of hogs for slaughter in excess of 25 mature animals.

CONGREGATE HOUSING — A building or group of buildings designed, intended, or used primarily for four or more multifamily habitation and living purposes. Food preparation facilities may be provided in both private and common parts of the structure for residents and their guests.

DENSITY — The number of campsites allowed per acre of land determined suitable for development. **[Added 6-11-2025]**

DOG KENNEL — Any place where five or more dogs over six months of age are kept or offered for sale; any place where pet boarding for fees is offered. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

DRIVEWAY — A vehicular accessway less than 500 feet in length serving two single-family dwellings or one two-family dwelling, or less.

DWELLING — A building designed, intended and/or used for habitation and living purposes; further, the occupancy of land or building for habitation and living purposes on a regular basis, as opposed to "camping."

DWELLING UNIT — A room or group of rooms customarily designed, intended, capable of providing, equipped and/or occupied for living quarters of one family, which room or rooms customarily include provisions for living area, sleeping, cooking, eating and toilet facilities.

EARTH — Topsoil, sand, gravel, clay, peat, rock, or other minerals.

EMERGENCY OPERATIONS — Emergency operations shall include operations conducted for the public health, safety, or general welfare. 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 or injury. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

ESSENTIAL SERVICES — Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

EXCAVATION — Any removal of earth as defined from its original position.

EXPANSION OF A STRUCTURE — An increase in the footprint or height of a structure, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses.

EXPANSION OF USE — The addition of one or more months to a use's operating season, or the use of more footprint of a structure or ground area devoted to a particular use.

FAMILY — One or more persons occupying premises and living as single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house, or hotel.

FENCE — A barrier that encloses an area or separates different areas, usually constructed with posts that are connected by boards, rails, wire or netting. A fence differs from a wall in that it does not have a solid foundation that runs along its length. All fences are limited in height to six feet or less except for the following. Any fence over six feet in height is subject to spite fence provisions under 17 M.R.S.A. § 2801. 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. The Planning Board may require screening or fencing over six feet in height for certain uses through its conditional use review process. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

FIRE PROTECTION — The establishment of fire protection implements, water sources, or access to same.

FLOOD — A temporary rise in water flow that results in water overtopping its banks and inundating adjacent areas.

(1) **ANDROSCOGGIN LAKE FLOOD ZONE** — All lands bordering the Androscoggin Lake watershed below the 286.4-foot contour (286.4 feet above sea level according to the USGS quadrangles) are considered to be floodplain area having special flood hazards.

FLOODPLAIN — The lands adjacent to a water body which have been or may be covered by the regional flood.

FLOOR AREA — The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

FOOTPRINT — The entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

FORESTED WETLAND — A freshwater wetland dominated by woody vegetation that is six meters tall (approximately 20 feet) or taller.

FOUNDATION — The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

FRESHWATER WETLAND

- (1) Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:
 - (a) Of 10 or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
 - (b) Inundated or saturated by surface water or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soil.
- (2) Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

FRONT LOT — A lot which fronts on a road or street.

FRONTAGE, SHORE — The horizontal distance, measured at the high-water mark and in a straight line, between the intersections of the side lot lines with the normal high-water mark.

FRONTAGE, STREET — The horizontal distance, between the intersection of the side lot lines, with the right-of-way line of any road street, public or private.

FUNCTIONALLY WATER-DEPENDENT USES — Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, waterfront dock and port facilities, shipyards and boatbuilding facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes and uses that primarily provide general public access to inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

GREAT POND — Any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres except for the purposes of this chapter, where the

artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

GREAT POND CLASSIFIED GPA — Any great pond classified GPA, pursuant to 38 M.R.S.A. § 465-A. This classification includes some, but not all, impoundments of rivers that are defined as great ponds.

GROUND COVER — Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

HABITABLE SPACE — Enclosed space in a residence which is designed, intended, occupied, or is capable of supporting the activities of living in a residence.

HAZARD TREE — A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to, hurricanes, hurricane-force winds, tornadoes, microbursts, or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A "target" is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

HEIGHT OF A STRUCTURE — The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

HOME OCCUPATION

- (1) An activity carried on in a single familiar residence or a building accessory to said residence by a member of the family residing in said residence, which activity is clear, incidental and secondary to the uses of the premises for residential purposes, the result of which produces items or services which the family member wishes to offer for sale to the general public, in way of example, but not limited to, knitted articles, crafts, baked goods, paintings, typing services or surplus produce from a garden plot designed to serve the residence. Also, the maintenance of an office in a residence for an activity primarily conducted outside the residence, such as a commission salesperson or manufacturer representative. The following shall disqualify an activity as home occupation and shall be deemed a retail business, service business or agriculture:
 - (a) Employment on the premises and in the activity of a person unrelated by blood or marriage to the persons occupying the residence.
 - (b) Offering items for sale on the premises purchased for resale or on consignment.
 - (c) The placement or construction of a structure whose primary purpose is to support the home occupation activity and is not customarily accessory to residential use.

- (2) In Zone R-1, if the nature of the home occupation is such that customers come to the business location to transact business, a minimum of two parking spaces shall be provided. On-street parking otherwise permitted may provide those two spaces, provided they are within 100 feet of the premises. If on-street parking is not available as above, two off-street parking spaces shall be provided on the premises.

HOTELS, MOTELS, INNS — A building or group of buildings designed, intended, or used primarily for providing temporary living accommodations, which may include provisions for sleeping space, cooking, bathing, and eating. Restaurant facilities may be provided within the building or buildings for guests or the general public.

INCREASE IN NONCONFORMITY OF A STRUCTURE — Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity, such as, but not limited to, reduction in property line; right-of-way line; water body, tributary stream, or wetland setback distance; increase in lot coverage; or increase in the height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase on the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconforming with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does the 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 closest portion of the existing structure from the water body or wetland, and provided that no other setback requirement is violated. Included in this allowance are expansions that infill 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 10 individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fireplace, or tent platform.

INDUSTRIAL — The assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals.

INSTITUTIONAL — A nonprofit or quasi-public use or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

INTERIOR ROAD — A road which provides connection(s) from campsites within a campground or spaces within a mobile home park to an access road or to service locations within the mobile home park or campground. **[Added 6-11-2025]**

JUNK — The accumulation of metals, bottles, cotton or mill yarns, paper products, rubber products, used appliances, scrap building materials, plumbing fixtures, two or more unregistered motor vehicles, automobile parts or other vehicle parts, or other secondhand articles on the exterior of buildings.

JUNKYARD — A commercial use involving the storing and salvaging of "junk," as defined.

LIGHT INDUSTRY — Industrial activity involving the manufacturing, fabricating, packaging, assembly or distribution of finished products from previously prepared material; included, by way of example only, are bakeries, bottling, printing and publishing pharmaceuticals, machine shops, welding shops fabricating products precision instruments, wood products assembly of electrical components, tool and die shops and packaging of foods. Light industry does not include the processing of raw materials for salvaging operations.

LOT — A parcel of land described by metes and bounds.

LOT AREA — The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

LOT DEPTH — The dimension of the side lot line of least dimension as measured in a straight line from its intersection with the front lot line to its intersection with the rear lot line. On a shoreland lot, the dimension of the side lot line of least dimension as measured in a straight line from its intersection with the normal high-water mark to its intersection with the right-of-way line of road or street or rear lot line. On a corner lot, the side lot line of least dimension measured in a straight line from both front lot lines and normal high-water marks to the line opposite.

LOT LINES — The lines bounding a lot as follows:

- (1) **FRONT LOT LINE** — On an interior lot, the line separating the lot from the right-of-way line of the street or road. On a corner lot, the line separating the lot from the right-of-way line of either street or road.
- (2) **FRONT LOT LINE, REAR LOT** — The rear lot line of the abutting front lot, including its extension beyond the points at which it abuts the rear lot, or the line of the rear lot which parallels the public or private way right-of-way line of the front lot.
- (3) **REAR LOT LINE** — The lot opposite the front lot line. On a lot pointed at the rear, the "rear lot line" shall be an imaginary line between the side lot lines parallel to the front lot line, not less than 10 feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of the least dimension.
- (4) **SIDE LOT LINE** — Any lot line other than the front lot line or rear lot line.

LOT OF RECORD — A parcel of land, the dimensions of which is shown on a document or map on file with the County Register of Deeds.

LOT WIDTH — The horizontal distance between the side lot line measured at the setback (in the zone in which it lies) from the front lot line. In the Shoreland Zone, lot width is measured at the setback from the normal high-water mark. On a corner lot, width is measured from the setback of both front lot lines, using one lot line as a side lot line for the purpose of determining width.

LOTS, SHOREFRONT — A lot within 250 feet horizontal distance of a pond, lake, river, tributary stream, or upland edge of a freshwater wetland.

MARINA — A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

MARKET VALUE — The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

MINERAL EXPLORATION — Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land, and which include reasonable measures to restore the land to its original condition.

MINERAL EXTRACTION — Any operation within any twelve-month period which removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

MINIMUM LOT WIDTH — The closest distance between the side lot lines of a lot. When only two lot lines extend into the Shoreland Zone, both lot lines shall be considered to be side lot lines.

MINING AND QUARRYING — The removal of rock, gravel, sand or similar earth materials as a commercial activity.

MOBILE HOME — Mobile/manufactured/modular housing shall be defined according to 30-A M.R.S.A. § 4358, as amended from time to time. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

MOBILE HOME PARK — A parcel of land under unified ownership approved by the municipality for the placement of three or more manufactured homes. **[Amended 6-11-2025]**

MOTEL — See "hotels, motels, inns." **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

MULTIFAMILY RESIDENCE — A building containing more than one dwelling unit.

NATIVE — Indigenous to the local forests.

NONCONFORMING CONDITION — Nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this chapter or subsequent amendment took effect.

NONCONFORMING LOT — A single lot of record which, at the effective date of adoption or amendment of this chapter, does not meet the area, frontage, or width requirements of the district in which it is located.

NONCONFORMING STRUCTURE — A structure which does not meet any one or more of the following dimensional requirements: setback, height, lot coverage or footprint but which is allowed solely because it was in lawful existence at the time this chapter or subsequent amendments took effect.

NONCONFORMING USE — Use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated but which is allowed to remain solely because it was in lawful existence at the time this chapter or subsequent amendments took effect.

NONNATIVE INVASIVE SPECIES OF VEGETATION — Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

NORMAL HIGH WATER or **NORMAL HIGH-WATER MARK**

- (1) That line on the shore and banks of water bodies which is apparent because of the contiguous different character of the soil or vegetation due to prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominately aquatic to predominately terrestrial. By way of example, such vegetation may be but is not limited to: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (a) Aquatic vegetation; includes the following plants or plant groups: water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes and marsh grasses.
 - (b) Terrestrial vegetation; includes the following plants or plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms, and maples.
- (2) In places where the shore or bank is of such character that the normal high-water mark cannot be easily determined, the normal high-water mark shall be estimated from places where it can be determined from the above method.
- (3) In the case of wetlands adjacent to lakes, ponds and stream, the normal high-water mark is the upland edge of the wetland and not the edge of the open water.
- (4) The normal high-water mark on Androscoggin Lake shall be indicated on and by a permanent marker set at or near the Town Landing at Lake Street and shall be used in lieu of other methods defined above.
- (5) On January 5, 2023, the marker reads "Normal High-Water Mark (277.7' National Geodetic Datum, 1929)."
- (6) The point of placement shall be approved by the Wayne Planning Board under the following criteria:
 - (a) That elevation which marks the extent of the annual spring flood of the lake, which is characterized by the observation over several years by the Board of the accumulation of debris and the high-water mark left on trees and other objects at the Lake Street shore.

OPEN SPACE — On undeveloped parcels, woodland, fields or agricultural land. On developed parcels, land that is woodland, fields or agricultural land in excess of the minimum lot size for a single-family dwelling or conditional use in the zone. "Developed parcels" are those which contain residence or commercial and/or farm structures.

OUTLET STREAM — Any perennial or intermittent stream, as shown on the most recent highest-resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, which flows from a freshwater wetland.

PARKING SPACE — A minimum area of nine feet wide and 18 feet long, exclusive of drives, aisles or entrances, fully accessible for the parking of vehicles.

PARKS AND RECREATION AREAS

- (1) A lot(s) to which the general public is admitted with or without fee; and/or
- (2) A lot(s) used for gatherings, meetings, assembly and/or recreation by a corporation, partnership, association, fraternal or religious organization or similar entity, which entity is comprised of more than 25 persons, members, stockholders, partners or employees. Such entities may be the owners of the lot or invitees of the owner. Excluded from this connotation are occasional permissions for such use granted by the lot owner, which owner is not an entity as above; and/or
- (3) Lot(s) used for the gathering of people in excess of 25 for the commercial purposes of rallies, concerts, shows, carnivals or similar events. "Commercial purposes" include donations, collections, entrance fees and sharing of costs. Excluded from this connotation is use of municipal lots for public events, which events are approved by the Select Board and occasional gatherings clearly incidental to residential use.

PERMANENT — Installed on a foundation, implanted in the ground securely, attached to the land or structures, intended or designed to remain in the place located, or other similar measure.

PERSON — An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

PIERS, DOCKS, WHARVES, BRIDGES — And other structures and uses extending over or beyond the normal high-water line or within a wetland.

- (1) **TEMPORARY** — Structures which remain in or over the water for less than seven months in any period of 12 consecutive months.
- (2) **PERMANENT** — Structures which remain in or over the water for seven months or more in any period of 12 consecutive months.

POND — Ponds, or portions thereof, in the Town of Wayne shall include Lovejoy Pond, Pickerel Pond, Berry Pond, Pocasset Lake, Androscoggin Lake, Muddy Pond, Wilson Pond, Wayne Village Mill Pond, and Dexter Pond.

PRINCIPAL STRUCTURE — A structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

PRINCIPAL USE — A use other than one which is wholly incidental or accessory to another use on the same lot.

PROFESSIONAL OFFICES — Offices of those in the fields of medicine, dentistry, architectural design, accountancy, or law. Also, offices of those who are consultants in specialized fields of endeavor, and who receive compensation primarily for advice to clients, relating to the consultant's specialized knowledge and expertise. (See "home occupation" for other offices). **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

PUBLIC FACILITY — Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated or funded by a governmental body or public entity.

REAR LOT — A line whose front line (defined) does not abut the right-of-way of a road or street.

REAR LOT RIGHT-OF-WAY — An easement across and over a front lot, from a road or street to a rear lot, for the purpose of vehicular travel and other access to a rear lot or lots.

RECENT FLOODPLAIN SOILS — The following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

RECREATION AREA — See "parks and recreation areas."

RECREATIONAL FACILITY — A place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities, excluding boat-launching facilities.

RECREATIONAL VEHICLE — A vehicle that is either self-propelled or towed by a consumer-owned tow vehicle; is primarily designed to provide temporary living quarters for recreational, camping or travel use; complies with all applicable federal vehicle regulations and does not require special highway movement permits to legally use the highways. "Recreational vehicle" includes motor homes, travel trailers, fifth-wheel trailers and folding camping trailers. 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 Bureau of Motor Vehicles. **[Amended 6-11-2025; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

REGIONAL FLOOD — The maximum known flood on a water body; either the 100-year-frequency flood, where calculated, or the flood of record.

REPLACEMENT SYSTEM — A system intended to replace:

- (1) An existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure; or

(2) Any existing overboard wastewater discharge.

RESIDENCE — A building or portion thereof containing the dwelling unit(s), or a building by its design that is capable of supporting or is occupied for activities normally associated with dwelling and habitation purposes. A residence includes mobile homes but not camper trailers or recreational vehicles.

RESIDENTIAL DWELLING UNIT — A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities, regardless of the time period rented. Recreational vehicles are not residential dwelling units.

RETAIL BUSINESS ESTABLISHMENT — A commercial activity primarily selling tangible goods. By way of example, grocery stores, gift shops, restaurants, takeout foods, clothing stores, antique shops, pet shops or kennels, or similar.

RIPRAP — Rocks, irregularly shaped and at least six inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two units horizontal to one unit vertical or less.

RIVER — A free-flowing body of water, including its associated floodplain wetlands, from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

ROAD — 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.

ROW — Abbreviation for "right-of-way."

RULES — Abbreviation for the State of Maine Subsurface Wastewater Disposal Rules.

SAPLING — A tree species that is less than two inches in diameter at 4.5 feet above ground level.

SEASONAL DWELLING — A residence which has not been physically utilized as a year-round dwelling during the five-calendar-year period, inclusive, preceding the date of passage of this chapter. Also defined as a residence without a freeze-proof water supply or one designed and constructed as customary to be used for regular occupancy only during the non-freeze months of May through October.

SEEDLING — A young tree species that is less than 4.5 feet in height above ground level.

SERVICE BUSINESS/ESTABLISHMENT — A commercial activity primarily providing services, as opposed to one primarily providing or selling tangible goods, which selling of goods is defined as a "retail business." By way of example, professional offices employing more than two people, in addition to the professional, real estate sales, securities dealers, insurance agencies, auto repair, body shops, appliance repair, small engine repair, furniture refinishing or repair, welding service not fabricating products for resale.

SERVICE DROP — Any utility line extension which does not cross or run beneath any portion of a water body, provided that:

- (1) In the case of electric service:
 - (a) The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - (b) The total length of the extension is less than 1,000 feet.
- (2) In the case of telephone service:
 - (a) The extension, regardless of length, will be made by the installation of telephone wires to existing utility poles; or
 - (b) The extension requiring the installation of new utility poles or placement underground is less than 1,000 feet in length.

SETBACK — In each instance, the minimum horizontal distance from a lot line to the nearest part of a structure, or from a lot line to the perimeter of a parking space or storage area, or from a lot line to the perimeter of a prescribed land area, the setback for which area or parking space is defined in this chapter.

SETBACK FROM WATER — The minimum horizontal distance from the normal high-water mark to the nearest part of a structure, perimeter of a parking space, storage area or other defined object or prescribed land area.

SHORELAND ZONE — The land area located within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; or within 75 feet, horizontal distance, of the normal high-water line of a stream.

SHORELINE — The normal high-water line or upland edge of fresh water.

SIGN — A name, identification, description, display or illustration which is affixed to painted or represented, directly or indirectly, on a building, structure, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises.

SIGNIFICANT WILDLIFE HABITAT — "Significant wildlife habitat" means:

- (1) The following areas to the extent that they have been mapped by the Department of Inland Fisheries and Wildlife or are within any other protected natural resource; habitat, as defined by the Department of Inland Fisheries and Wildlife in 38 M.R.S.A. § 480-I, for species appearing on the official state of federal list of endangered or threatened animal species; high- and moderate-value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; and
- (2) Except for solely forest management activities for which "significant wildlife habitat" is defined and mapped in accordance with 38 M.R.S.A. § 480-I by the Department of Inland Fisheries and Wildlife, the following areas that are defined by the Department of Inland Fisheries and Wildlife and are in conformance with

criteria adopted by the Department of Environmental Protection or are within any other protected natural resource:

- (a) Significant vernal pool habitat;
- (b) High- and moderate-value waterfowl and wading bird habitat, including nesting and feeding areas; and
- (c) Shorebird nesting, feeding and staging areas.

SINGLE-FAMILY DWELLING OR RESIDENCE — A building that contains one dwelling unit.

SOIL AND WATER CONSERVATION — Activities designed and intended to prevent or stop soil erosion.

STREAM — A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams, as depicted on the most recent, highest-resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel form downstream of the water body or wetland as an outlet, that channel is also a stream.

STREET — See "road." [**Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)**]

STRUCTURE — Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. "Structure" does not include fences six feet or less in height; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface wastewater disposal systems as defined in 30-A, M.R.S.A. § 4201, Subsection 5; geothermal heat exchange wells as defined in 32 M.R.S.A. § 4700-E, Subsection 3-C; or wells or water wells as defined in 32 M.R.S.A. § 4700-E, Subsection 8.

SUBSTANTIAL START — Completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

SUBSURFACE SEWAGE DISPOSAL SYSTEM — Any system designed to dispose of waste or wastewater on or beneath the surface of the earth; includes, but is not limited to, septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. § 414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system..

SUSTAINED SLOPE — A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

TEMPORARY — Designed, intended or constructed as customary to be easily capable of removal or changed in location; by way of example, not secured by foundations, implantation in the ground or firmly attached to the ground or structures. Also, any use that is occasional, transient, not regular or continuous.

TIMBER HARVESTING — See definition in Bureau of Forestry Rules, Chapter 21, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, incorporated herein by reference.²

TIMBER HARVESTING AND RELATED ACTIVITIES — See definition in Bureau of Forestry Rules, Chapter 21, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, incorporated herein by reference.

TINY HOME — A "tiny home" as the same meaning as in 29-A M.R.S.A. § 101, Subsection 80-C. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

TREE — A woody perennial plant with a well-defined trunk(s) at least two inches in diameter at 4.5 feet above the ground, with a more or less definite crown, and reaching a height of at least 10 feet at maturity.

TRIBUTARY STREAM — A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" as defined elsewhere in this chapter, and only applies to that portion of the tributary stream located within the Shoreland zone of the receiving water body or wetland. Water setback requirements apply to tributary streams within the shoreland zones.

UPLAND EDGE OF A WETLAND — The boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation, or where the soils support the growth of wetland vegetation but such vegetation is dominated by woody stems that are six meters (approximately 20 feet) tall or taller.

USE — The purpose for which land or a structure is arranged, designed, intended or occupied or the purpose for which land or structure may be occupied.

VARIANCE — A permission granted by the Zoning Board of Appeals to an applicant for deviation from the provisions of this chapter, where strict application of the chapter, or a provision thereof to the applicant and his property, would cause undue hardship. The words "undue hardship" as used here shall mean: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

- (1) That the land in question granted yield a reasonable return unless a variance is granted; and

2. Editor's Note: See 01-669 CMR Ch. 21.

- (2) That the need for a variance is due to the unique circumstance of the property and not to the general conditions in the neighborhood; and
- (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 prior owner.

VEGETATION — All live trees, shrubs, and other plants, including, without limitation, trees both over and under four inches in diameter, measured at 4 1/2 feet above ground level.

VELOCITY ZONE — An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources.

VOLUME OF A STRUCTURE — The volume of all portions of a structure enclosed by a roof and fixed exterior walls, as measured from the exterior faces of these walls and roof.

WAREHOUSING — The primary use of receiving, housing, or stockpiling of finished materials or products either inside or outside of structure prior to their redistribution.

WATER BODY — Any great pond, river or stream.

WATER CROSSING — Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland, whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber-harvesting equipment and related activities.

WETLAND VEGETATION — Plants and plant groups which require water, either flowing or standing, as a substrate for propagation and/or culture; by way of example, but not limited to, water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses.

WETLANDS — "Freshwater wetlands" as defined in this chapter; wet meadows, swamps, bogs, or other areas where groundwater, flowing or standing surface water, or ice provides a significant part of the supporting substrate for a plant community of wetland vegetation, typically adapted for life in saturated soils either seasonally or permanently. A wetland can be contiguous with or isolated from ponds, lakes, streams, rivers, and brooks. Included in this definition are freshwater wetlands mapped and numbered by the Department of Environmental Protection.

WILDERNESS PARK CAMPGROUND — A campground or designated area of a campground for which the development requirements have been reduced to provide a more rustic outdoor camping experience. **[Added 6-11-2025]**

WOOD PROCESSING — A site or facility on a lot, including any assigned structures, for the processing of logs or pulp into dimension lumber, wood chips, firewood or products related thereto for commercial purposes. Wood processing adjunct to residential use is excluded, as are the temporary operations associated with wood harvesting.

WOODY VEGETATION — Live trees or woody, nonherbaceous shrubs.

YEAR-ROUND — Excluding temporary absences, a residence which is, or is designed and/or constructed to be, occupied 12 months of the year, as evidenced by a freeze-proof water system, methods of heating, and/or other features customarily associated with ease of occupancy during the months of November through April.

YOUTH CAMP — A "youth camp" is a combination of program and facilities established for the primary purpose of providing a group living experience for children with social, recreational, spiritual, and educational objectives and operated and used for five or more consecutive days during one or more seasons of the year. "Youth camp" includes day camps, residential camps and trip and travel camps. "Youth camp" does not include programs coordinated by and taking place on the properties of municipalities and educational institutions. Youth camps are not included in the definition of "campground."
[Added 6-11-2025]

§ 60-2. Conflict with other provisions.

In any case where provisions of this chapter are found to be in conflict with another provision of this or any other ordinance, statute, regulation, or code of the Town of Wayne, the State of Maine or the United States of America, the provision which establishes the higher standard or greater restriction shall apply.

§ 60-3. Severability.

The invalidity of any provision, section, subsection, phrase, clause, reference, or sentence shall not affect the validity of any other provision, section, subsection, phrase, clause, reference, or sentence.

§ 60-4. When effective.

This chapter repeals and supersedes, on the date of its passage, the Wayne Zoning Ordinance enacted April 28, 1973, together with any subsequent amendments thereto, and is effective on the date of passage.

§ 60-5. Amendments.

- A. The Wayne Planning Board and/or the Wayne Zoning Board of Appeals shall have the right to review all proposed amendments to this chapter and may have up to four months to make its recommendations to the Select Board concerning such amendments. The Select Board shall not call a Town Meeting unless legally required to do so, concerning such amendments, until it has received the recommendations of the Planning Board and/or Board of Appeals.
- B. This chapter may be amended by a majority vote of any legally called Town Meeting. Prior to calling such a meeting involving amendments to this chapter, the proposed amendments shall be given a public hearing, which hearing has been given a 10 days' notice in the same manner for posting Town meetings. The public hearing shall be conducted by the Planning Board.

- (1) The purpose of the public hearing shall be to receive information from the public regarding the amendments proposed, explain the effects of such amendments, and to put the public on notice that amendments to this chapter are being proposed or considered.
- (2) As a result of information received at said public hearing, changes to amendments presented for said hearing can be made as long as such changes are presented in the warrant of the Town Meeting at which they are to be voted, said Town Meeting being sufficient hearing of the changes.
 - (a) Amendments submitted by petition of voters under the legal requirements of submission of articles by petition shall not be altered and shall be presented at a time and in a manner prescribed by law.
 - (b) Amendments to be voted by referendum shall follow the procedure prescribed by law for such voting method. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by majority vote of any legally called Town Meeting and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within 45 days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the Town of Wayne within the forty-five-day period shall be governed by the terms of the amendment if such amendment is approved by the Commissioner.

ARTICLE II

Administration and Enforcement

§ 60-6. Select Board. [Amended 6-11-2025]

It shall be the duty of the Select Board, and the Select Board is hereby given the power and authority, to enforce the provisions of this chapter, on its own initiative or upon receipt of information from the Code Enforcement Officer that a violation exists. The Board may seek such remedies in equity and/or in law that are available and proper.

§ 60-7. Code Enforcement Officer. [Amended 6-11-2025; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

It shall be the duty of the Code Enforcement Officer, or any other person duly authorized by the Select Board, to enforce the provisions of this chapter. If the Code Enforcement Officer shall find that any provision of this chapter is not being met, the Code Enforcement Officer shall notify, in writing, the person responsible for the violation and the owner of the property. The written notice shall specify the nature of the violation, the action necessary to correct the violation and a time frame for complying. If, after such notice and demand, such violation has not been corrected and abated within the required time, the Code Enforcement Officer shall refer the case to the Select Board for appropriate legal action. A written notice shall not

be conditioned precedent to the Town instituting enforcement action for any violation of this chapter.

- A. The Code Enforcement Officer is directly responsible to the Select Board in an employer/employee relationship, and both shall follow the requirements of this chapter in matters of law and procedure. 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.
- B. The Code Enforcement Officer shall remove himself from the permit process of which he is the issuing authority in any application in which he has any financial, familial, or other personal interest and refer such applications to the Select Board, who is authorized to process, review and issue or deny permits required. The Select Board is also authorized to review and issue permits for which the Code Enforcement Officer is the issuing authority in cases of his incapacity for any other reason.
- C. A Code Enforcement Officer shall be appointed or reappointed annually by the Select Board and shall not be a person who is engaged in the building construction trades within the Town of Wayne.

§ 60-8. Permits and fees. [Amended 6-11-2025]

- A. Permit fees and applications.
 - (1) Permit fees for the construction or alteration of a building or structure, use, conditional use or other permits shall be proposed from time to time by the Planning Board and sent to the Select Board for approval. A schedule of such fees is on file in the Town office.
 - (2) Applications for a building, use, conditional use or other permits required by this chapter shall be in writing on forms and in content approved by the issuing authority or by the Select Board, if appropriate. They shall be directed to the issuing authority and signed by the owner of the property, who shall certify that the information in the application is complete and correct.
- B. Approval of permits shall proceed in a manner stipulated by this chapter. Within 35 days of the date of receiving written application, the Planning Board or Code Enforcement Officer shall notify the applicant, in writing, either that the application is complete or, if the application is incomplete, that specified additional material is needed to make the application complete. The issuing authority shall approve, approve with conditions, or deny all permit applications, in writing, within 35 days of receiving a completed application. Permits shall not be denied if the use is found to be in conformance with the provisions of this chapter with respect to such use. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purpose and provisions of this chapter. No approval shall be granted for an application involving a structure or use if it would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any state law which the municipality is responsible for enforcing.

- C. Expiration of permit. Permits issued under this section expire one year after the date of issuance for Zones R-4, R-5, and R-6 and expire two years after the date of issuance for Zones R-1, R-2, and R-3. If neither substantial construction nor use has commenced and one year has elapsed since the date of issuance, then the applicant must apply for and obtain a new permit. A permit may be extended for one additional year only if the applicant applies to the Code Enforcement Officer prior to the expiration of the original permit and any provision of this chapter that applies to the permitted project has not been amended. As used in this subsection, "substantial construction" means completion of 30% of the work authorized by the permit, measured as a percentage of total estimated cost.
- D. Code Enforcement Officer. The Code Enforcement Officer shall approve or deny those applications which he or she is empowered to issue. Approval shall be only in those cases where the application clearly meets all the provisions of this chapter. In those matters where, in his or her opinion, there is doubt about compliance and which require interpretation of this chapter, he or she shall deny the permit and refer the applicant to the Board of Appeals. This shall not prevent him or her seeking advice and counsel from the Planning Board or Select Board to resolve such doubts concerning matters relating to applications for permits and the provisions of this chapter.
- E. Plumbing permits. No building permit shall be issued for any structure or use involving construction, installation, or alteration, or use involving plumbing facilities and/or septic systems, unless a permit for such activity has been obtained by the applicant or his designated agent from the local Plumbing Inspector according to the requirements of this chapter and the State of Maine Subsurface Wastewater Disposal Rules.³
- F. Installation of public utility service. No public utility, water district, sanitary district, or any utility company of any kind may install services to any new structure located in Wayne unless written authorization, attesting to the validity and currency of all local permits required under this or any previous ordinance, has been issued by the appropriate municipal officials.

§ 60-9. Conditional use permits. [Amended 6-11-2025; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Conditional use approval is required for all new uses and all expansions of existing uses that are listed in the Land Use Table in Article V of this chapter as requiring a conditional use permit from the Planning Board. The Planning Board shall be the issuing authority for conditional use permits required by this chapter. In reviewing a conditional use application, the Board shall approve, deny, or approve with conditions all applications submitted to it and shall notify the applicant, in writing, of its decision.

- A. Burden on applicant; additional information. The applicant shall have the burden of proof that his or her application and proposal is in compliance with the requirements of this chapter and the review standards for conditional uses. The Board may request additional information from the applicant, written or oral, to determine that the application and proposal meets this chapter and the standards for conditional uses.

3. Editor's Note: See 10-144 CMR Ch. 241.

B. Review. The application shall be reviewed under the following review standards. After receipt of a complete application, said complete application, including all of the information requested by the application form and any additional information requested by the Board, the Board shall approve an application or approve it with conditions if it makes positive finding that the proposed use:

- (1) Will maintain safe and healthful conditions.
- (2) Will adequately provide for the disposal of all wastewater septic wastes, organic wastes and solid wastes.
- (3) Will not have an undue adverse effect or impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.
- (4) Will conserve shore cover under the timber harvesting and related activities regulations in § 60-25B or clearing or removal of vegetation regulations in § 60-25C and preserve visual access to water bodies, and actual access where such exists and is available to the general public.
- (5) Will comply with the following standards of land use:
 - (a) Is in compliance with the Town of Wayne Floodplain Management Ordinance, adopted June 24, 1987, and subsequent amendments.
 - (b) Will have safe access to the site from existing or proposed roads and that the proposal will not cause or aggravate undue traffic congestion or hazards. Safe access shall comply with the sight distance standards defined in § 60-72 of this chapter.
 - (c) Will not cause water pollution, erosion or sedimentation.
 - (d) Adequate land for off-street parking according to the standards of § 60-66. If a proposed use does not fit one of the categories in § 60-66, the Board may prescribe the required number of spaces based upon the projected use and volume of traffic to the proposed site.
 - (e) Adequate land for the exterior storage of vehicles, boats, trailers, or other types of equipment and/or materials used in connection with the proposed use. Adequacy shall be determined by the following:
 - [1] Storage areas shall be apart from parking areas, roads or driveways, and related rights-of-way.
 - [2] The storage areas shall meet the setbacks for buildings in the zone in which they lie.
 - (f) The proposed use will not have an adverse impact on the visual and aesthetic character of the property as viewed from roads, streets, and abutting properties. The Board shall review the application using the following standard:
 - [1] Storage areas permitted under Subsection B(5)(e), above, shall be screened, whether naturally by existing evergreen vegetation, or by planted evergreen vegetation, or by the construction of wood fencing

or screening, so as not to be visible from abutting properties, roads, or streets during any season.

- [2] General merchandise of a type customarily displayed on the inside of buildings shall not be displayed outside of buildings.
 - [3] Exterior storage areas may be used for display of merchandise for sale, provided they meet the requirement of Subsection B(5)(e), above, and this subsection, except display shall not be limited to the hours of operation and such merchandise is of a type not normally stored in buildings because of its size, such as vehicles, boats trailers, RVs, tractors and other farm equipment and/or logging or excavating equipment. Such storage areas also used for the display of such merchandise must be screened as in Subsection B(5)(f)[1] above.
- (6) Will not incorporate any areas which are wetlands, or areas where the groundwater table is at or within six inches of the surface at any time, in meeting the minimum lot size for the use proposed or be within 100 feet of the perimeter of such areas.
 - (7) Will have adequate water supply to meet the demands of the proposed use with respect to the operations of septic disposal systems, potable water supply, and fire protection purposes.
 - (8) Meets with all other requirements of this chapter, other Town ordinances, or applicable state laws and regulations.
 - (9) Will adequately preserve open space according to the following standards:
 - (a) Exterior storage areas, combination storage/display areas, and/or parking areas for patrons and/or occupants shall not comprise more than 33% of the open space on a lot.
 - (b) Maximum lot coverage (ground-floor square footage) of all structures and unvegetated surfaces, existing and proposed, shall be no more than 20% of the lot area.
 - (10) Will not generate noise on the exterior of buildings in excess of that customarily and generally generated by the predominate use within 500 feet of any of the applicant's property lines. Predominant use shall be determined by the use of the majority of lot and/or the land area of lots within 500 feet of the proposed use. Example: If the majority of lots within 500 feet of the proposed use were in residential use, then the noise customarily and usually generated by residential use would be the upper limit of acceptable noise level for the proposed use; i.e., lawn mowers, occasional use of chain saws, etc.
- C. Fees for special consultation. When deemed necessary, and at any time in the review process, the Board may consult with agencies or persons of recognized special authority in the field of traffic engineering, environmental protection, land use, fish and wildlife management, geology, air or water quality, solid or liquid waste disposal, or other such fields so that it may make a positive finding on related parts of its review. Consultation from sources without fee shall be employed first if available. If not, any fees charged

for such consultation shall be the responsibility of the applicant. The applicant shall be informed of the estimated fee in advance of proceeding with the consultation. Time periods for review shall be adjusted accordingly until reports have been received. A permit shall not be issued until such fees are paid.

- D. The Planning Board is authorized and directed to develop an application form and procedures for its consideration and review of requests for the issuance of conditional use permits, including without limitation requiring the submission by the applicant of all information and plans which the Planning Board deems necessary in order for it to adequately review such an application under the terms and standards of review set forth in this chapter. A schedule of fees for processing an application for a conditional use permit shall be set by the Board, and any fees shall be due at the time the application is submitted.
- (1) The application for a conditional use permit and any accompanying materials shall be submitted to the Town at least 10 days prior to a regularly scheduled Planning Board meeting. The Planning Board will review the application at the next regularly scheduled Planning Board meeting solely to determine if additional information and materials are needed for it to conduct its review or if the application as submitted is complete. The Board may conduct an on-site inspection of the parcel or building connected with the proposed use before considering the application complete. The on-site inspection shall be at a time and in weather conditions which permit adequate inspection of physical features of the land. If the Planning Board finds the application incomplete, either because it elects to conduct an on-site inspection or for any other reason, it shall notify the applicant of any information and materials necessary for it to find the application complete.
 - (2) Upon the Planning Board determining at a regularly scheduled meeting that an application for a conditional use permit is complete, the applicant shall have seven days from such determination to notify, by certified mail, all property owners whose property is within 500 feet of where the proposed use is to be located of the application for a conditional use permit. The applicant shall provide to the Planning Board the names and addresses of all such property owners and proof that notice by certified mail as required herein has been provided.
 - (3) Within 30 days of determining that an application for conditional use is complete, the Board may hold, at its discretion, a public hearing on the application. Notice of the public hearing shall be published at least seven days prior to the hearing date.
 - (4) Within 30 days of the completion of such public hearing, or within 60 days of determination of a complete application if no public hearing is held, or within some other, longer time limit mutually agreed upon by the parties, the Board shall act upon the application and issue an order granting, granting with conditions, or denying the application for conditional use, setting forth its findings and facts supporting its decision based upon its review and the standards contained herein. The Planning Board may attach such conditions to a conditional use permit as it finds necessary to make a positive finding of each of the standards set forth in

§ 60-9B above; violation of any such conditions shall be a violation of this chapter.

E. To whom issued.

- (1) Conditional use permits for all other activities or uses are issued to the property owner(s). Permits issued under this section expire one year after the date of issuance for Zones R-4, R-5, and R-6 and expire two years after date of issuance for Zones R-1, R-2, and R-3. If neither substantial construction nor the use has commenced, and one year has elapsed, since the date of issuance, then the applicant must apply for and obtain a new permit. A permit may be extended for one additional year only if the applicant applies to the Planning Board prior to the expiration of the original permit, and any provision of this chapter that applies to the permitted project has not been amended. As used in this section, "substantial construction" means completion of 30% of the work authorized by the permit, measured as a percentage of total estimated cost. Unless the use or activity for which it is issued is commenced in full within six months and completed within one year of issue, the permit is void.
- (2) While the permit is still valid, it is transferable to new owners of the property upon their written application to the Planning Board in the exact scope, purpose, and conditions as the original permit. Any change requires reapplication.

§ 60-10. Enforcement; violations and penalties. [Amended 6-11-2025; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. 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.
- B. Any person, having been given written notice of violation and order by the Code Enforcement Officer or Select Board that a violation exists and having been given a period of time so stated in the notice of violation and order to correct such violation(s), who fails to correct and continues said violations shall have each day of continuance of said violation(s) considered to be a separate offense. Further, the Select Board, either at the request of the Code Enforcement Officer or of its own volition, may seek fines, recovery of attorneys' fees and equitable relief as provided by 30-A M.R.S.A. § 4452 to enforce violations of this chapter.

ARTICLE III
Board of Appeals

§ 60-11. Establishment. [Amended 6-11-2025]

The Select Board shall appoint a Board of Appeals and determine its compensation.

§ 60-12. Organization.

- A. The Board shall consist of five members, serving staggered terms of three years or so that no more than two terms expire in any one year. The Board shall elect annually a Chairperson and Secretary from its membership at the next regular meeting after the Annual Town Meeting.
- B. Neither a municipal officer nor his/her spouse may be a member of the Board.
- C. Any question of whether a particular issue involves conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member being challenged.
- D. A member of the Board may be dismissed for cause by the municipal officers before expiration of his or her term.

§ 60-13. Procedures. [Amended 6-11-2025]

- A. The Chairperson shall call meetings of the Board as required, or when requested by a majority of the members, or by the municipal officers. A quorum of the Board necessary to conduct an official Board meeting shall be three members. The Chairperson shall preside at all meetings of the Board and shall be the official spokesman of the Board. In the absence of the elected Chairperson, a temporary Chairperson may be elected by the members present.
- B. The Secretary shall maintain a permanent record of all Board meetings and all correspondence of the Board and shall maintain those records which are required as a part of the various proceedings which may be brought before the Board. Copies of decisions, findings, and supporting documents shall be maintained at the Town office as well. All such records are deemed public and may be inspected at reasonable times at the Town office.
- C. The Board may provide by rule, which shall be recorded by the Secretary, for any matter to the conduct of any hearing, except any rule may be waived by majority vote of the members present.
- D. The Board may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party shall have the right to present his or her case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct a cross-examination as may be required for a full and true disclosure of the facts.
- E. The transcript or recorded tapes, if any, and exhibits, together with all documents filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions upon all the material issues of fact, law, or discretion presented and the appropriate order, relief, or denial thereof. Notice of any decision shall be mailed to every party within days of each decision.
- F. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with state laws

within 45 days of the date of any decision of the Board of Appeals as provided under 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

§ 60-14. Powers and duties. [Amended 6-11-2025; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Board of Appeals shall have the following powers and duties:

- A. Administrative appeals.
 - (1) To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Code Enforcement Officer in the administration of this chapter. Only the administrative decisions of the Code Enforcement Officer and not enforcement orders are appealable.
 - (2) To hear and decide where it is alleged there is an error in any order, requirements, decision or determination made by the Planning Board regarding its administration of conditional use permits or other permits for which the Board is the issuing authority under this chapter.
- B. Interpretation appeals. To consider applications for interpretation of issues involving the granting of permits under this chapter, whenever there is uncertainty as to the meaning and/or intent of any part of this chapter, the Board having the power to interpret such parts. The issuing authority shall be governed by the Boards findings in issuing or denying said permits and may be present at the hearing of the appeal. Reasonable notice shall be given the issuing authority and/or the Select Board of the hearing date, time, and location.
- C. Variance appeals.
 - (1) Variances may be permitted only under the following conditions:
 - (a) Variances may be granted only from the dimensional requirements 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.
 - (c) The Board shall not grant a variance unless it finds that the proposed structure or use would meet the provisions of this chapter, except for the specific provisions which have created the nonconformity and from which relief is sought.
 - (d) 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."
 - (2) A copy of all variances granted in the Shoreland Zone (R-4), and Resource Protection Zone (R-5) and Village Shoreland Zone (R-6) shall be submitted to the Maine Department of Environmental Protection within 14 days of the decision.

- D. Parties. The Board shall reasonably notify of any hearing the petitioner, the Planning Board, the municipal officers, and the Code Enforcement Officer, and such persons shall be made parties to the action. All interested persons shall be given a reasonable opportunity to have their views expressed at any hearing.
- E. Time limit for appeals. In all cases, a person aggrieved by a decision of the Code Enforcement Officer or Planning Board shall commence his or her appeal within 30 days after a decision is rendered by such issuing authority.
- F. Procedure for appeals:
- (1) The appeal shall be in writing on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds of the appeal.
 - (2) Before taking action on any administrative or variance appeal, the Board shall hold a public hearing and the Secretary shall publish notice of such public hearing at least seven days in advance of the hearing. The Board shall give notice via the U.S. Postal Service, first class mail, sent to the address which appears in the assessment records of the Town, to property owners within 500 feet of the property involved. Names and addresses of such property owners shall be furnished to the Board with the application. Fees for notification and administrative costs shall be set by the Board. No fee is required regarding interpretation appeals.
 - (3) Following the filing of an application for an administrative appeal or variance appeal, the Board of Appeal shall hold a public hearing on the appeal within 30 days. The public hearing portion of the appeal proceeding may be held in conjunction with a meeting at which the Board takes action on the application. In the case of interpretation appeals, the Planning Board and Code Enforcement Officer shall be notified seven days in advance of the hearing date.
 - (4) At any hearing, a party may be represented by an authorized agent or attorney. Hearings shall not be continued to other times except for good cause.
 - (5) The appellant's case shall be heard first. To maintain orderly procedures, each side shall proceed without interruption. All persons at the hearing shall abide by the order of the Chairperson.
 - (6) Within 20 days of a public hearing, the Board shall reach a decision on an appeal. In reaching a decision, the Board may reverse or modify the decision of the Planning Board or Code Enforcement Officer only upon a finding that the decision is contrary to specific provisions of this chapter or based on a finding that the decision was unsupported by substantial evidence in the record. The Board shall inform, in writing, the appellant, Code Enforcement Officer, and municipal officers of its decision within seven days of the decision.
 - (7) Upon notification of the granting of an appeal by the Board, the Code Enforcement Officer and/or the Planning Board shall, within 10 days, issue a permit in accordance with the conditions of approval. Said permit shall be conditional and subject to any appeals made according to state law.

- (8) A variance secured by a vote of the Board shall expire if the work or change is not commenced within one year of the date on which the appeal was granted and if the work or change is not substantially completed within two years of the date on which the appeal was granted.
- G. Appeal to Superior Court. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with state laws within 45 days of the date of any decision of the Board of Appeals, as provided under 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.
- H. The Board of Appeals may reconsider any decision, upon request for reconsideration filed, within 10 days of its prior decision, as provided under 30-A M.R.S.A. § 2691. The Board may conduct additional hearings and receive additional evidence and testimony.

ARTICLE IV Zoning Districts

§ 60-15. Zoning districts established. [Amended 6-11-2025; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Town of Wayne, Maine, is divided into the following zones:

- R-1: Village Residential Zone (VR)
- R-2: Low-Density Residential Zone (LR)
- R-3: Rural Residential and Farming Zone (RR)
- R-4: Shoreland Zone (SR)
- R-5: Resource Protection Zone (RP)
- R-6: Village Shoreland Zone (VS)
- Mobile Home Park Overlay Zone (MHPO)

§ 60-16. Zoning Map; interpretation of district boundaries. [Amended 5-20-1978; 11-17-1987; 6-11-2025; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The location of these zones is shown on the Official Zoning Map, which is on file with the Town Clerk and is dated June 8, 2021, with subsequent amendments. Where uncertainty exists with respect to the location of the boundaries of the various zones as shown on the Zoning Map, the following criteria shall be used to determine the boundary locations:

- A. Boundaries indicated as approximately following the center line of streets, highways or alleys shall be construed as following such center lines.
- B. Boundaries indicated as approximately following well-established lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following municipal limit shall be construed as following municipal limits.

- D. Boundaries indicated as following shorelines shall be construed to follow the normal high-water mark or line.
- E. Village Residential Zone boundaries.
- (1) The eastern boundary of the Village Residential "R-1" Zone, as it pertains to the "Wayne Village" section of the zone, shall be defined as follows: starting at the zone's intersection with the westerly side of Gott Road, northerly along such side of Gott Road to its intersection with Old Winthrop Road, then northerly in a direct line to the corner of the stone wall on Route 133 located at the southwestern corner of the property now or formerly of W. S. Libbey, then northerly along the wall to the intersection of the wall and Pocasset Lake near the Libbey pier.
 - (2) The western boundary of the Village Residential "R-1" Zone, as it pertains to the "Wayne Village" section of the zone, shall be the western perimeter of a 500-foot-deep strip, measured at the perpendicular, northerly of Route 133 from the boundary of the wetland zone of Muddy Pond to the intersection of Pond Road and westerly of Pond Road from such intersection to the northern boundary of the Wayne Elementary School.
 - (3) The western boundary of the Village Residential "R-1" Zone, as it pertains to the "North Wayne Village" section of the zone, shall be the western perimeter of a 500-foot-deep strip, measured at the perpendicular, northerly of North Pond Road (renamed "Walton Road") from the zone's intersection with such road to the intersection of Lovejoy Pond Road and westerly of Lovejoy Pond Road from such intersection to the zone's intersection with Lovejoy Pond Road.
- F. Boundaries of the R-4 Shoreland Zone are determined by actual measurement of 250 feet, horizontal distance, from the normal high-water mark, defined in this chapter, of any great pond, lake, river, stream, and upland edge of a freshwater wetland.
- G. Boundaries of the R-5 Resource Protection Zone are determined by actual observation of the wetlands, marshes and other vulnerable areas described in § 60-35 of this chapter.
- H. Boundaries of Village Shoreland Zone R-6.
- (1) Village Shoreland Zone "R-6." In Wayne Village, beginning at the center line of the intersection of Route 133 with Back Street (renamed "Memorial Park Lane"); thence running southerly along the westerly side of Route 133 to the southeasterly corner of Lot 56, Map 12; thence westerly along the southerly boundary of Lot 56, Map 12, to its intersection with the normal high-water mark of the Wayne Village Mill Stream; thence running across said stream, in a straight line, to the point of intersection with the normal high-water mark of said stream and the southerly boundary of Lot 11, Map 12; thence along the southerly boundary of Lot 11, Map 12, a distance of 250 feet; thence northerly and then easterly following a line, any point on which is 250 feet from the normal high-water mark of the Wayne Village Mill Stream or Wayne Village Mill Pond, to its point of intersection with the westerly side of Route 133; thence southerly on the westerly side of Route 133 to the point of beginning.

- (2) Village Shoreland Zone "R-6." In North Wayne Village, beginning at the southeasterly corner of Lot 14, Map 17; thence running along the northwesterly side of Church Street to the northeasterly corner of Lot 16, Map 17, at its intersection with Church Street; thence running northwesterly along the northerly boundary of Lot 16, Map 17, in a straight line, across Lovejoy Stream, to the northwesterly corner of Lot 4, Map 17; thence running southwesterly to the southwesterly corner of Lot 2, Map 17; thence running easterly along the northerly side of North Pond Road (renamed "Walton Road") to the point of beginning.
- I. Resolution of conflicts and uncertainties.
- (1) Boundaries indicated as being parallel to or extensions of features indicated in Subsections A through D, above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. Any conflict between the Zoning Map and a description of metes and bounds in a deed shall be resolved in favor of the metes and bounds.
- (2) Where physical features existing on the ground are at variance with those shown on the Official Zoning Map or if any other uncertainty remains regarding the items covered in Subsections A through H, the Board Appeals shall determine the zone boundaries.
- J. Division of lots by zone boundaries. Where the boundary line of a zone divides a lot, the provisions of this chapter applying to the less-restricted zone shall extend no more than 30 feet into the portion of the lot which is more restricted. This subsection, however, shall not permit the depth of the Shoreland Zone (R-4), and Resource Protection Zone (R-5), and Village Shoreland Zone (R-6) to be reduced.

ARTICLE V

Use and Dimensional Requirements

§ 60-17. Land Use Table for all zones. [Amended 6-11-2025; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. Please refer to § 60-18 for specific requirements to be met for uses in R-1, R-2 and R-3. Refer to Article VI for specific requirements for uses in R-4. Refer to Article VII for specific requirements for uses in R-5. Refer to Article VIII for specific requirements for uses in R-6. Land uses permitted are shown on this table by the type of review required or not required within each land use zone under this chapter.
- B. Required permit review shall be secured prior to obtaining appropriate building, plumbing or other applicable permits in accordance with the procedures and processes described in the applicable Town ordinances.

"NO" means the activity is not allowed in the zone as a new or expanded use.

"P" means the activity may be allowed through conditional use permit from the Planning Board.

"YES" means the activity is allowed in the zone with no permit, but must comply with all applicable state, federal and local standards and regulations, including but not limited to this chapter.

"C" means the use requires review and permit from the CEO or local Plumbing Inspector (LPI).

"NA" means not applicable.

Wayne Land Use Table, All Zones							
Activity	R-1 (VR)	R-2 (LR)	R-3 (RR)	R-4 (SR)	R-5 (RP) (Islands, see § 60-37A) (Shorefront, see Art. VII)	R-5 (RP) (Aquifer, R-2 or R-3; see § 60-36G) (See Zoning Map)	R-6 (VS) (See Art. VIII and § 60-53)
Residential (including driveways)							
Accessory structure (to allowed uses)	C	C	C	C	P	C	C
Single-family dwelling	C	C	C	C	C/P	C	C
Two-family dwelling	C	C	C	C/P ¹	C/P ¹	C	P
Three-unit dwelling	C/P ¹	C/P ¹	C/P ¹	C/P ¹	C/P ¹	C/P ¹	C/P ¹
Accessory dwelling unit	C	C	C	C/P ¹	C/P ¹	C/P ¹	C/P ¹
Mobile/manufactured home	C	C	C	C	C/P ¹	C	C/P ¹
Mobile home parks (in Mobile Home Park Overlay Zone)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Subdivisions	P	P	P	P	P	P	C/P ¹
Conversion of seasonal homes	C	C	C	C	C/P ¹	C	C
Congregate housing (4 or more units)	P	P	P	P	P	P	P
Commercial							
Abattoir	NO	NO	P	NO	NO	NO	NO
Congregate housing (4 or more units)	NO	P	P	P	P	P	P
Poultry processing	NO	NO	P	NO	NO	NO	NO
Principal and accessory structures	P	P	P	P	NO	NO	P
Restaurants/bars	P	P	P	P	NO	NO	P
Recreation	NA	NA	NA	P	NA	YES	NA
Auto sales/repair; body shop	P	P	P	NO	NO	NO	NO
Bed-and-breakfast	P	P	P	P	NO	NO	P
Car wash	NO	P	P	NO	NO	NO	NO
Fish processing	NO	NO	P	NO	NO	NO	NO
Gasoline service station	NO	P	P	NO	NO	NO	NO
Office, business professional/medical	YES	YES	YES	P	NO	NO	P
Printing/photography	P	P	P	NO	NO	NO	NO
Bottle redemption center	P	P	P	NO	NO	NO	NO
Retail business	P	P	P	P	NO	NO	P
Service business	P	P	P	P	NO	NO	P

Wayne Land Use Table, All Zones							
Activity	R-1 (VR)	R-2 (LR)	R-3 (RR)	R-4 (SR)	R-5 (RP) (Islands, see § 60-37A) (Shorefront, see Art. VII)	R-5 (RP) (Aquifer, R-2 or R-3: see § 60-36G) (See Zoning Map)	R-6 (VS) (See Art. VIII and § 60-53)
Junkyard/ automobile graveyard and automobile recycling	NO	NO	P	NO	NO	NO	NO
General merchandise	P	P	P	P	NO	NO	P
Grocery store	P	P	P	P	NO	NO	P
Hotel/motel/inn	P	P	P	NO	NO	NO	NO
Home occupation	YES	YES	YES	YES	P	P	P
Light industry	NO	NO	P	P	NO	NO	P
Vehicle service and/ or repair facilities	NO	P	P	NO	NO	NO	NO
Wood processing	NO	NO	P	NO	NO	NO	NO
Warehousing	NO	NO	P	NO	NO	NO	NO
Waste disposal facility (see Waste Disposal Facility Licensing Ordinance)	NO	NO	P	NO	NO	NO	NO
Industrial							
Accessory structure	P	P	P	NO	NO	NO	NO
Light industry	NO	NO	P	NO	NO	NO	NO
Heavy industry	NO	NO	NO	NO	NO	NO	NO
Recycling operation	NO	P	P	NO	NO	NO	NO
Sludge spreading	NO	NO	NO	NO	NO	NO	NO
Institutional							
Accessory structure	C	C	C	NO	NO	NO	NO
Community centers/ clubs	P	P	P	P	NO	NO	P
Congregate housing	NO	P	P	P	P	P	P
Day-care facilities	P	P	P	P	NO	NO	P
Nursing home	P	P	P	NO	NO	NO	NO
Government uses	P	P	P	P	NO	NO	P
Museum/library	P	P	P	P	NO	NO	P
Public/private school	P	P	P	P	NO	NO	P
Youth camps	NO	NO	P	P	NO	NO	NO
Outdoor, resource-based uses							
Agriculture	NO	YES	YES	P	NO	YES	P
Conditional use agriculture	NO	NO	P	P	NO	NO	NO
Individual campsites	C	C	C	P	P	P	P
Dog kennels	P	P	P	P	P	NO	P
Piers and docks							
Temporary	NA	NA	NA	C	P	C	YES

Wayne Land Use Table, All Zones							
Activity	R-1 (VR)	R-2 (LR)	R-3 (RR)	R-4 (SR)	R-5 (RP) (Islands, see § 60-37A) (Shorefront, see Art. VII)	R-5 (RP) (Aquifer, R-2 or R-3: see § 60-36G) (See Zoning Map)	R-6 (VS) (See Art. VIII and § 60-53)
Permanent	NA	NA	NA	NO	NO	NO	NO
Common areas, shoreland	NA	NA	NA	P	P	NA	P
Mining and mineral extracting, including gravel pits	NO	NO	P	NO	NO	NO	NO
Infrastructure							
Parking areas	C	C	C	P	NO	C	P
Roads, public and private (see Ch. 34, Road Construction and Acceptance)	P	P	P	P	NO	P	P
Culverts (see Ch. 11, Culvert Installation and Maintenance)	C	C	C	C	C	C	C
Signs, commercial (see § 60-58)	P	P	P	P	P	NA	P
Signs, residential (see § 60-59)	YES	YES	YES	YES	YES	YES	YES
For uses below, see Article VI							
Chemical and bacteriological labs	NO	NO	P	NO	NO	NO	NO
Storage of chemicals, including pesticides or fertilizers, other than amounts normally associated with individual households or farms	NO	P	P	NO	NO	NO	NO
Commercial painting, wood preserving, and furniture stripping	NO	NO	P	NO	NO	NO	NO
Dry-cleaning establishments	NO	P	P	NO	NO	NO	NO
Electronic circuit assembly	NO	P	P	NO	NO	NO	NO
Laundromats	NO	P	P	NO	NO	NO	NO
Metal plating, finishing or polishing	NO	P	P	NO	NO	NO	NO
Photographic processing	NO	P	P	NO	NO	NO	NO
Printing	NO	P	P	NO	NO	NO	NO
Beauty parlors	P	P	P	NO	NO	NO	NO
Any use which involves a hazardous activity as defined by 38 M.R.S.A. § 487-A, and subsequent amendments	NO	NO	P	NO	NO	NO	NO

Wayne Land Use Table, All Zones							
Activity	R-1 (VR)	R-2 (LR)	R-3 (RR)	R-4 (SR)	R-5 (RP) (Islands, see § 60-37A) (Shorefront, see Art. VII)	R-5 (RP) (Aquifer, R-2 or R-3: see § 60-36G) (See Zoning Map)	R-6 (VS) (See Art. VIII and § 60-53)
Installation of underground petroleum storage tanks	NO	P	P	NO	NO	NO	NO
Housing, corralling or grazing of livestock	NO	P	P	NO	NO	P	NO
Removal of sand or gravel from natural beaches	NA	NA	NA	NO	NO	NO	NO
Earth cuts, fills, grading, lagooning, dredging or altering existing patterns of water flow which would result in erosion or in detriment to water bodies, fish or aquatic life	NO	NO	NO	NO	NO	NO	NO
For requirements of uses below, see § 60-25							
Piers, docks, floats and similar installations, seasonal	NA	NA	NA	C	P	P	C
Timber harvesting and related activities (oversight by the Maine Forest Service, Bureau of Forestry, Ch. 21)	NA	NA	NA	YES	YES	YES	YES
Clearing or removal of vegetation other than timber harvesting and related activities	NA	NA	NA	C	C	C	C
Erosion and sedimentation control requirements	C	C	C	P	C	C	P
Agriculture involving the tillage of soil for field crops only	P	YES	YES	P	NO	P	P
Individual private campsites	C	C	C	C	C	C	C
Uses permitted as conditional uses (see §§ 60-26 and 60-9)							
Marinas	NO	P	P	P	NO	NO	NO
Campgrounds	NO	NO	P	P	NO	NO	NO
Parks and recreational areas	P	P	P	P	NO	P	NO
Excavation, earthmoving, filling, grading, and drilling within 100 feet of the normal high-water mark (also see § 60-26D)	NA	NA	NA	P	P	P	P

Wayne Land Use Table, All Zones							
Activity	R-1 (VR)	R-2 (LR)	R-3 (RR)	R-4 (SR)	R-5 (RP) (Islands, see § 60-37A) (Shorefront, see Art. VII)	R-5 (RP) (Aquifer, R-2 or R-3: see § 60-36G) (See Zoning Map)	R-6 (VS) (See Art. VIII and § 60-53)
Shoreland common areas	NA	NA	NA	P	P	P	P

1. Planning Board approval required for allowed uses within the restricted setback of a protected resource.
- C. For new or expanded uses not listed in this chart, the Code Enforcement Officer will decide if the use is allowed in the zone and which type of permit or procedure is required, if any. This decision shall be based on an assessment of the similarity of the use to other uses listed in this chart. The Code Enforcement Officer's decision may be appealed to the Town's Zoning Board of Appeals.

§ 60-18. Standards for uses in R-1, R-2 and R-3 Zones. [Amended 6-11-2025; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The following standards shall apply to all lots created and all land use activities undertaken, where applicable, in addition to all other state and federal requirements:

- A. Dwelling units.
- (1) Single-family dwellings. A single-family dwelling unit may be constructed or established on a parcel, provided it meets the minimum standards and requirements set forth in the table in § 60-19 and all other applicable requirements of this chapter.
 - (2) Two-family dwellings: new and conversions.
 - (a) Except as prohibited in the Shoreland Districts pursuant to § 60-24, a single, two-family dwelling (such as a duplex or an in-law apartment) may be constructed on one lot meeting the minimum dimensional requirements for lot size and frontage, provided all requirements of the Maine Subsurface Wastewater Disposal Rules⁴ are met. Notwithstanding this provision, a second dwelling unit shall be counted toward the number of lots defining a subdivision.
 - (b) A minimum of two on-site parking spaces shall be provided for each dwelling unit.
 - (3) Conversion or reconstruction to two- or multifamily on nonconforming lots. If the conversion or reconstruction of an existing single- or two-family structure on a nonconforming lot into a two- or multifamily dwelling is proposed, the Planning Board may approve such change of use if the structure meets the criteria for site review and the following requirements:

⁴ Editor's Note: See 10-144 CMR Ch. 241.

- (a) The converted dwelling meets all requirements of the Maine Subsurface Wastewater Disposal Rules.
 - (b) There are no deed restrictions prohibiting the conversion.
 - (c) The conversion does not result in the creation of any additional driveway entrance onto a public road.
 - (d) Adequate on-site parking areas shall be provided for a minimum of two vehicles for each dwelling unit that shall be set back from adjacent property lines to the greatest extent practical. Buffers shall be provided of such height and density as necessary to sufficiently buffer/screen (as defined in § 60-1B) the parking area from adjacent land uses.
 - (e) Any change in the structure shall be consistent with the character of the neighborhood.
 - (f) The dimensional requirements (referenced in the table in § 60-19) may be increased or decreased by the Planning Board by a factor of 10% if it finds such change is necessary in order to ensure good site development design for accommodating greater densities in these districts.
- (4) Multifamily dwellings.
- (a) Each building shall contain no more than four dwelling units.
 - (b) A minimum of two on-site parking spaces shall be provided for each dwelling unit. For affordable housing development projects, refer to § 60-66 for the applicable parking requirements.
 - (c) The minimum lot size for a multifamily dwelling shall be the product of the number of dwelling units in the building times the Town's minimum lot size requirements for a single-family residence for the district in which the multifamily dwelling is located.
 - [1] In addition to the requirements and regulations set forth in this chapter, multifamily dwelling developments designated as affordable housing and intended to meet the requirements of 30-A M.R.S.A. § 4364 are eligible for a density bonus. Refer to § 60-18A(5) below for the affordable housing designation criteria and the associated density bonus.
 - (d) Each multifamily dwelling unit shall meet the greater of the following setback requirements: 50 feet from the side and rear lot lines or 100 feet from any adjacent dwelling.
- (5) Multiple dwelling units allowed. In accordance with 30-A M.R.S.A. § 4364-A, multiple dwelling units are allowed on lots where residential uses are allowed, provided that each dwelling unit meets the minimum land area and other dimensional requirements of § 60-65 and all other applicable requirements of this chapter.

- (6) Affordable housing development and dwelling unit density bonus. In accordance with 30-A M.R.S.A. § 4364, affordable housing developments (as defined in § 60-1B) are eligible for a density bonus of 2.5 times the number of dwelling units allowed for a development not designated as affordable and are not required to provide more than two off-street parking spaces for every three dwelling units, provided the following criteria are met:
- (a) The development shall be located in the designated future growth areas as identified in the current Town of Wayne Comprehensive Plan, or subsequent revisions of the plan.
 - (b) The owner of an affordable housing development shall execute a restrictive covenant that is enforceable by a party acceptable to the Town of Wayne and shall record the covenant in the Kennebec County Registry of Deeds to ensure that, for at least 30 years after completion of construction:
 - [1] For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income, as defined by the U.S. Department of Housing and Urban Development, at the time of initial occupancy; and
 - [2] For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local area median income, as defined by the U.S. Department of Housing and Urban Development, at the time of initial occupancy.
- (7) Accessory dwelling units. Notwithstanding the minimum land area requirements set forth in the Table in § 60-19 (Dimensional Requirements) of this chapter, in all districts, one accessory dwelling unit is allowed to be located on the same lot where a single-family dwelling unit is the principal structure, provided the following standards and criteria are met:
- (a) Accessory dwelling units may be constructed/located only:
 - [1] Within an existing dwelling on the lot;
 - [2] Attached to or sharing a wall with a single-family dwelling unit; or
 - [3] As a new structure on a lot for the primary purpose of creating an accessory dwelling unit.
 - (b) The single-family dwelling and accessory dwelling unit must be owned by the same person and may not be sold separately.
 - (c) The owner must occupy the single-family dwelling as their primary legal residence at the time of construction of an accessory dwelling unit.
 - (d) The accessory dwelling unit shall contain a minimum floor area of 190 square feet and a maximum of 700 square feet.

- (e) Accessory dwelling units are allowed on legal, nonconforming lots of record, provided they meet all relevant requirements and standards set forth in Article X, Nonconforming Uses, Structures and Lots, of this chapter and do not result in an increase in nonconformity.
 - (f) Accessory dwelling units must comply with the dimensional requirements of the table in § 60-19 as they relate to structures, except that the "minimum land area" and "maximum lot coverage" requirements do not apply. For accessory dwelling units located within or attached to a single-family dwelling or within an existing accessory structure or secondary building (e.g., a garage), dimensional requirements (except for "minimum land area" and "maximum lot coverage") are the same as for a single-family dwelling, accessory structure or secondary building. The construction or establishment of accessory dwelling units shall not cause any increase in nonconformity with applicable provisions of this chapter.
 - (g) Proper ingress and egress shall be provided to/from the accessory dwelling unit.
 - (h) The applicant shall provide written verification that a proposed accessory dwelling unit will be connected to an adequate supply of potable water and to a wastewater disposal system found by the Code Enforcement Officer to be in compliance with applicable requirements of the Maine Subsurface Wastewater Disposal Rules and to be adequate for this purpose.
 - (i) The applicant shall comply with all other applicable provisions of this chapter and other local and state ordinances and codes, including, but not limited to, those related to building, plumbing, electrical and fire safety in effect at the time that the accessory dwelling unit is proposed.
 - (j) Only one accessory dwelling unit is allowed per lot.
 - (k) No use, dimensional or other variances shall be granted for the construction/establishment of an accessory dwelling unit.
- B. Height. No new principal structure or additions to existing principal structures shall be higher at the roof peak than 30 feet above the highest point in the natural grade at the perimeter of the building or addition. Height of accessory buildings by similar measure shall be no more than 22 feet. Structures in agricultural use in R-2 and R-3 are exempt from height requirements. In Zones R-2 and R-3, the Planning Board, as part of its review under conditional use, may waive these height requirements by no more than six feet for commercial buildings that reasonably require such adjustment for the particular use.
- C. For residences, excluding manufactured/modular homes, of up to three dwelling units in Zone R-1, the minimum lot size shall be increased by 40,000 square feet for each dwelling unit over one.
- D. For professional offices in Zone R-1 only, not more than two persons may be employed full-time in addition to one professional. For professional offices in Zones R-1, R-2, and R-3, off-street parking spaces shall be provided as follows:

- (1) One space per employee and one space for each professional.
 - (2) Parking spaces for patrons of the professional shall be as follows:
 - (a) A minimum of two shall be provided. On-street parking otherwise permitted may provide two spaces, provided they are within 100 feet of the premises of the professional. If on-street parking is not available as above, two off-street parking spaces shall be provided on the premises.
 - (b) Additional off-street parking shall be provided as follows:
 - [1] Physicians' offices: four spaces per physician
 - [2] Dentists' offices: two spaces per dentist.
- E. For home occupations in Zone R-1, if the nature of the home occupation is such that customers come to the business location to transact business, a minimum of two parking spaces shall be provided. On-street parking otherwise permitted may provide those two spaces, provided they are within 100 feet of the premises. If on-street parking is not available as above, two off-street parking spaces shall be provided on the premises.
- F. For hotels, motels, and inns, the minimum lot size shall be five acres and the minimum lot width shall be 500 feet.
- G. Waste disposal facilities.
- (1) Waste disposal facilities are allowed as conditional use in Zone R-3, as defined in the Waste Disposal Facility Licensing Ordinance, June 24, 1987, as amended, provided that:
 - (a) The applicant shall meet the licensing and review requirements of the Licensing Ordinance. Review shall proceed first under the provisions of the Licensing Ordinance and the under § 60-9 of this chapter.
 - (b) Minimum lot size shall be 25 acres.
 - (c) Minimum road frontage shall be 750 feet.
 - (d) Minimum setbacks for disposal areas and structures shall be 250 feet from all lot lines.
 - (2) Disposal areas and structures shall be screened with evergreen vegetation and/or natural wood fencing so as not to be visible from abutting properties, roads or streets during any season.
- H. Mining, quarrying, and wood processing are allowed in R-3, provided that:
- (1) Minimum setback for structures, excavation areas, or woodyards shall be 100 feet from abutting property lines, except for gravel pits which shall be set back 200 feet from side of rear lot lines.
 - (2) Such uses are in accordance with the provisions of § 60-64.
- I. For light industry and warehousing:

- (1) Minimum setbacks for any structure and/or parking and storage area shall be 100 feet from all lot lines. Storage of materials associated with the use shall be inside and/or rear yard areas only. Outside storage areas shall be screened with evergreen vegetation and/or natural wood fencing so as not to be visible from abutting properties, roads or streets during any season.
 - (2) Minimum lot width shall be 400 feet.
- J. For mobile home parks, see Article XI, § 60-76, of this chapter.
- K. For meat (including abattoirs), poultry, and fish processing plants:
- (1) Minimum lot size shall be six acres.
 - (2) Minimum lot width shall be 500 feet.
 - (3) Minimum setbacks for structures and animal storage areas shall be 150 feet from all lot lines.
 - (4) The applicant shall submit a plan detailing the method of organic waste storage and disposal to be employed. The plan should not rely on the use of municipal landfill areas for the disposal of solid waste. Organic waste storage areas will be inside a structure and in covered containers. Said waste shall be removed from the premises sufficiently often to prevent putrefaction and odor.
 - (5) The applicant shall submit a plan to control any or all noxious or offensive emissions or odors from the facility, which plan must provide for the limitation of such emission or odors so that they are undetectable by abutting property owners.
 - (6) The applicant shall provide evidence of financial capability to meet the requirements and conditions of the permit for such use. The Board may also require a performance bond.
 - (7) Nothing in this subsection shall prevent the occasional slaughtering of livestock incidental to residential use.
- L. For junkyards:
- (1) Minimum setbacks for structures and any junk storage shall be:
 - (a) Front: 150 feet.
 - (b) Side: 150 feet.
 - (c) Rear: 150 feet.
 - (d) Natural watercourses: 300 feet.
 - (2) Minimum lot size shall be 20 acres.
 - (3) Minimum lot width and street frontage shall be 500 feet.
 - (4) Petroleum products shall not be stored in any areas in which junk articles are stored.

- (5) For fire protection, storage areas shall be within 50 feet of a year-round water source, said source being capable of delivering a minimum of 500 gallons per minute for three hours.
 - (6) No more than 150 tires shall be stored in a junk storage area.
 - (7) Storage areas shall be screened with evergreen vegetation and/or natural wood fencing so as not to be visible from abutting roads, streets or properties during any season.
- M. For conditional use agriculture:
- (1) Minimum lot size shall be 10 acres.
 - (2) Minimum lot width and street frontage shall be 400 feet.
 - (3) Minimum setbacks for any new buildings or structures, manure storage facilities, or animal storage areas supporting the activity shall be:
 - (a) Front: 100 feet.
 - (b) Side: 100 feet.
 - (c) Rear: 100 feet.
 - (4) Structures, manure storage facilities or animal storage areas which were designed and used for conditional use agriculture and which existed on the effective date of passage of this provision of this chapter, are not required to meet these setbacks even if the conditional use agriculture use has been discontinued for more than one year. An addition to an existing structure, manure storage facility, or animal storage area is an allowed expansion if it does not increase the nonconformity of the existing buildings with respect to setbacks from all lot lines, roads and streets, and rights-of-way.
 - (5) The applicant shall provide a detailed plan for the storage and disposal of manure, according to the guidelines published in Report 142, July 1972, Maine Soil and State Conservation Commission, or equivalent, more recent report. Violation of the provision or the plan shall be a violation of this chapter.
- N. Regulation of tiny homes. Tiny homes shall be permitted to be placed or erected on an individual house lot where single-family dwellings are allowed or as an accessory structure, subject to all applicable Wayne land use requirements.

§ 60-19. Lot size, setback and spacing requirements for all zones. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Table of Dimensional Requirements								
Dimension	R-1 (VR) (See § 60-18)	R-2 (LR) (See § 60-18) See § 60-65 for additional size and setback requirements	R-3 (RR) See § 60-65 for additional size and setback requirements	R-4 (SR) See § 60-65 for additional size and setback requirements	R-5 (RP) (Islands: See § 60- 37A)	R-5 (RP) (Aquifer R-2 or R- 3: See § 60-36G) See Zoning Map	R-6 (VS) (See Article VIII)	Fences, All Zones ⁷
Minimum lot size ¹	40,000 square feet ²	2 ac. ³	3 ac. ⁴	2 ac. ³	4 ac. ⁵		2 ac. ³	
Frontage (feet)	150	250	300	250	400			
Front setback (feet)	35	50	50	30			30	10
Side setback (feet)	15	30	30	30			30	2
Rear setback (feet)	10	15	30	15			15	2
Front lot width (feet)	150	250	300	250	400			
Front lot depth (feet)	150	200	200	200	300		200	
Right-of-way to rear lot (feet)	50	50	50					
Rear lot width (feet)	150	250	300					
Rear lot depth (feet)	150	200	200					
Shore frontage (feet)				250	400		250	
Water body setback (feet)				100	100	100	100	25
Wetland and tributary stream (feet)	75	75	75	75	75	75		
Height to roof peak or fence top (feet)	30/22 ⁶	30/22 ⁶	30/22 ⁶	30/22 ⁶			30/22 ⁶	6, Residential

1. Except for affordable housing developments established in accordance with 30-A M.R.S.A. § 4364 and which are eligible for a density bonus [refer to § 60-18A(6)].
2. The minimum lot size (40,000 square feet) is for the first dwelling unit, with each additional dwelling unit requiring an additional 40,000 square feet.
3. The minimum lot size (two acres) is for the first dwelling unit, with each additional dwelling unit requiring an additional two acres.
4. The minimum lot size (three acres) is for the first dwelling unit, with each additional dwelling unit requiring an additional three acres.
5. The minimum lot size (four acres) is for the first dwelling unit, with each additional dwelling unit requiring an additional four acres.
6. Also subject to other provisions or relaxations of standards allowed in other portions of this chapter.

7. All fences are limited in height to six feet or less except for the following: any fence over six feet will be treated as a structure and will have 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. The Planning Board may require screening or fencing over six feet in height for certain uses through its conditional use review process.

ARTICLE VI

Shoreland Zone (R-4)**§ 60-20. Scope and intent.**

- A. The Shoreland Zone includes all land areas within 250 feet of the normal high-water mark of any great pond; defined pond; or lake, river, or upland edge of a freshwater wetland and within 75 feet of the normal high-water mark of a stream; or tributary stream and shall include any structure built on, over, or abutting a dock, wharf, pier or other structure extending beyond the normal high-water mark, including floats. Shoreland zoning under this chapter is pursuant to 30-A M.R.S.A. § 3001 and 38 M.R.S.A. § 435 et seq. The intent of this shoreland zoning article is to maintain safe and healthy conditions; to prevent and control water pollution; to preserve and enhance water quality; to protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; to control building site placement of structures and land uses; to preserve and enhance the aesthetics of water bodies and views therefrom; to protect shoreland areas from erosion; to avoid problems associated with floodplain development and use; and to conserve and sustain shore cover's natural beauty and points of access (both visual and actual) to water bodies.
- B. The Shoreland Zone shall be a zone of year-round and seasonal residences and certain qualifying uses. All land use activities within this zone shall conform to the following provisions of §§ 60-21 to 60-34 below.

§ 60-21. Minimum lot size and density.

- A. Lots abutting any great pond, defined pond or lake, stream, tributary stream, river, or upland edge of a wetland shall meet the following minimum standards:
- (1) Shore frontage and width: 250 feet.
 - (2) Depth: 200 feet.
 - (3) Area: two acres.
- B. Density. There shall be no more than one residence of one dwelling unit per minimum lot. Uses permitted as a conditional use shall require at least a minimum lot.

§ 60-22. Setbacks and height requirements.

- A. Setback.
- (1) New structures and additions to existing structures shall meet the following minimum setbacks:
 - (a) Normal high-water mark: 100 feet.
 - (b) Side: 30 feet.
 - (c) Right-of-way line of streets and roads: 30 feet.

- (d) Rear: 15 feet.
 - (e) Upland edge of a freshwater wetland, stream or tributary stream: 75 feet.
 - (2) Setback. Fences shall meet the minimum setbacks listed in § 60-19, Lot size, setback and spacing requirements for all zones.
 - (3) If more than one applies to the same setback, the larger setback controls.
- B. Height. No new principal structure or additions to existing principal structures shall be higher at the roof peak than 30 feet above the highest point in the natural grade at the perimeter of the building or addition. Accessory structures by the same measure shall be no more than 22 feet.

§ 60-23. Permitted uses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

§ 60-24. Prohibited uses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The following uses are prohibited in the Shoreland Zone:

- A. Installation of underground petroleum storage tanks.
- B. Housing, corralling or grazing of livestock.
- C. Removal of sand or gravel from natural beaches.
- D. Earth cuts, fills, grading, lagooning, dredging or altering existing patterns of natural water flow which would result in erosion or in detriment to water bodies by reason of erosion, sedimentation, impairment of water quality or of fish and aquatic life.
- E. Commercial uses, which uses include rental of docking facilities, rental of launching facilities, or rental of shoreland access except to an owner's residential lessee, except such uses that are provided for by conditional use.
- F. Any commercial or home occupation use as follows:
 - (1) Auto washing facilities.
 - (2) Vehicle service and/or repair facilities.
 - (3) Chemical and bacteriological laboratories.
 - (4) Storage of chemicals, including pesticides or fertilizers, other than amounts normally associated with individual households or farms.
 - (5) Commercial painting, wood preserving, and furniture stripping.
 - (6) Dry-cleaning establishments.

- (7) Electronic circuit assembly.
- (8) Laundromats.
- (9) Metal plating, finishing, or polishing.
- (10) Photographic processing.
- (11) Printing.
- (12) Beauty parlors.
- (13) Any use which involves a hazardous activity as defined by 38 M.R.S.A. § 487-A.

§ 60-25. Uses permitted with additional regulation. [Amended 6-11-2025; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. Piers, docks, floats, and similar installations are permitted, provided that:
 - (1) Each must be capable of easy disconnection and seasonal removal.
 - (2) Each shall be no larger in dimension than that consistent with the servicing of watercraft in number and size customarily associated with single-family residential use or swimming float facilities customarily associated with such use. Said piers and docks shall not extend further than 40 feet from the shoreline and shall not consist of more than two slips. Unattached swimming floats shall be no more than 100 feet from the shoreline.
 - (3) They shall be located so as not to interfere with navigation, navigational aids, beach areas, or other permitted uses.
 - (4) They shall not interfere with fish habitats.
 - (5) Their installation is not across wetlands, marshes, bogs, or swamps.
 - (6) There shall be no more than one pier or dock per 250 feet of shore frontage or fraction thereof on existing lots less than 250 feet and no more than one unattached float per lot.
- B. Timber harvesting and related activities. The Maine Forest Service, Bureau of Forestry Rules, Chapter 21, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, and any amendments thereto by the state from time to time,⁵ are hereby adopted to govern timber harvesting and related activities in the Shoreland Zone in the Town of Wayne and are incorporated herein by reference. Copies of the Statewide Standards are available at the Town office and on the Maine Forest Service website. The Maine Forest Service is responsible for the monitoring and enforcement of the Chapter 21 Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas.
- C. Clearing or removal of vegetation other than timber harvesting and related activities.

5. Editor's Note: See 01-669 CMR Ch. 21.

(1) If within the buffer strip (defined as follows) adjacent to the normal high-water mark. The "buffer strip" is a strip of land extending 100 feet, horizontal distance, inland from the normal high-water mark of a great pond, defined pond or lake, defined stream, tributary stream, river, or upland edge of a fresh water wetland and shall be preserved as follows:

- (a) There shall be no cleared opening in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed six feet in width as measured between tree trunks is permitted per shorefront lot or every 250 feet of shore frontage, provided that a clear line of sight to the water through the 100-foot buffer strip is not created.
- (b) Selective cutting of trees within the buffer strip is permitted, provided that a well-distributed stand of trees and other vegetation is maintained. However, within the shoreland area also zoned for resource protection, there shall be no clearing or removal of vegetation within the buffer strip except to remove safety hazards.

[1] For purposes, of this section, a "well-distributed stand of trees and other vegetation" shall be defined as maintaining a rating score of 12 or more in any twenty-five-foot by twenty-five-foot square area as determined by the following rating system:

Diameter of Tree at 4 1/2 Feet Above Ground Level	Points
2 to 4 inches	1
4 to 12 inches	2
> 12 inches	4

[2] Notwithstanding the above provisions, no more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten-year period.

- (c) Vegetation customarily classed as "underbrush" which is under three feet in height and other ground cover shall not be removed except to provide a footpath as described in Subsection C(1)(a) above.
- (d) Pruning of tree branches on the bottom third of the tree is permitted.
- (e) In order to maintain a buffer strip of vegetation where the removal of storm-damaged, diseased, dead or hazard trees results in the creation of cleared openings greater than 250 square feet in the forest canopy, these openings shall be replaced with native tree species, unless existing new tree growth is present.

(2) If within the remainder of the Shoreland Zone.

- (a) Clearing for permitted buildings, structures, septic systems and associated fields, and driveways is allowed at distances greater than 100 feet, horizontal distance, from a great pond, defined pond or lake, defined

stream, tributary stream, river or upland edge of a freshwater wetland. However, clearings shall not extend more than 20 feet in any direction, emanating from the perimeter of said buildings, structures, septic systems and associated fields and driveways; and shall not intrude into the 100-foot buffer strip; and shall not be within 10 feet of a side lot line. In no event shall cleared openings for development, including but not limited to principal and accessory structures, driveways, and sewage disposal areas, exceed in the aggregate 25% of the lot area or 10,000 square feet, whichever is greater, including land previously developed.

(b) Clearing or removal of vegetation other than as specified in Subsection C(2)(a) above is permitted with the following restrictions:

- [1] A well-distributed stand of trees shall be maintained within the zone, and harvesting shall not create a single opening greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet, they shall be at least 100 feet apart and at least 50 feet from a side lot line. In the absence of existing new growth, reforestation shall be accomplished to reestablish the uniformity and pattern of tree growth existing at the site.
- [2] Clearing shall not remove more than 40% of the volume of the trees four inches or more in diameter measured at 4 1/2 feet aboveground in any ten-year period.
- [3] Road construction for the purpose of clearing or removal of vegetation under any provision of § 60-25 is not permitted. Skid trails are subject to the provisions of Subsection G, Erosion and sedimentation control requirements, following.
- [4] Slash may be laid on the ground, but no part thereof may extend more than four feet above the ground.
- [5] Cleared openings legally in existence on the effective date of this chapter may be maintained but shall not be enlarged and may be required to be revegetated according to the provisions of § 60-52. Fields which have reverted to primarily shrubs, trees or other woody vegetation shall be regulated under the provisions of this section.
- [6] Replanting when in violation.
 - [a] In addition to any other penalty that may be imposed under this chapter, violators of § 60-25C(1) and (2) shall be required to restore the area in violation by the planting of trees of similar, or fast-growing and suitable, species to those removed in violation.
 - [b] Replacement trees shall be at least five feet in height. Said replanting shall be in sufficient number to meet the requirements of restoring the area in violation to its former uniformity of stand and pattern of vegetative cover and shall be according to a plan directed by a forester licensed by the State

of Maine. Any fees incurred for the development of said plan shall be the responsibility of the violator. A copy of the plan shall be filed and approved by the Select Board. Additionally, areas of disturbed or exposed mineral soil with the potential of causing erosion shall be stabilized by reseeding.

D. Exemptions to clearing and vegetation removal requirements.

- (1) The following activities are exempt from the clearing and vegetation removal standards set forth in § 60-25C, provided that all other applicable requirements of this chapter are complied with and the removal of vegetation is limited to that which is necessary:
 - (a) The removal of vegetation that occurs at least once every two years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two years, reverts back to primarily woody vegetation, the requirements of § 60-25C apply;
 - (b) The removal of vegetation from the location of allowed structures or allowed uses when the shoreline setback requirements of § 60-22 are not applicable;
 - (c) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
 - (d) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized and provided all requirements of § 60-25H are complied with;
 - (e) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects, provided that the removal of vegetation is necessary for remediation activities to clean up contamination on a site approved by the Commissioner of the Department of Environmental Protection that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A. § 343-E and that is located along a river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A. § 465-A;
 - (f) The removal of nonnative invasive vegetation species, provided the following minimum requirements are met:
 - [1] If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least 25 feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces such as pavement or gravel;
 - [2] Removal of vegetation within 25 feet, horizontal distance, from the shoreline occurs via hand tools; and

- [3] If applicable clearing and vegetation removal standards are exceeded due to the removal of nonnative invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

NOTE: An updated list of nonnative invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program: http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm

- (g) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

E. Revegetation requirements. When revegetation is required in response to violations of the vegetation standards set forth in § 60-25C, to address the removal of nonnative invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements:

- (1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan depicting where vegetation was or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
- (2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the preexisting vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the preexisting vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.
- (3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
- (4) Revegetation activities must meet the following requirements for trees and saplings:
 - (a) All trees and saplings removed must be replaced with native noninvasive species;
 - (b) Replacement vegetation must at a minimum consist of saplings;
 - (c) If more than three trees or saplings are planted, then at least three different species shall be used;
 - (d) No one species shall make up 50% or more of the number of trees and saplings planted;

- (e) If revegetation is required for a shoreline stabilization project and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - (f) A survival rate of at least 80% of planted trees or saplings is required for a minimum five-year period.
- (5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three feet in height:
- (a) All woody vegetation and vegetation under three feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three feet in height, as applicable;
 - (b) Woody vegetation and vegetation under three feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (c) If more than three woody vegetation plants are to be planted, then at least three different species shall be planted;
 - (d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five years.
- (6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:
- (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four-inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
 - (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five years.
- F. Hazard trees, storm-damaged trees, and dead tree removal.
- (1) Hazard trees in the Shoreland Zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- (a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than 250 square feet, replacement

with native tree species is required unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches in diameter, measured at 4.5 feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four feet in height and be no less than two inches in diameter. Stumps may not be removed.

- (b) Outside of the shoreline buffer, when the removal of hazard trees exceeds 40% of the volume of trees four inches or more in diameter, measured at 4.5 feet above ground level, in any ten-year period and/or results in cleared openings exceeding 25% of the lot area within the Shoreland Zone or 10,000 square feet, whichever is greater, replacement with native tree species is required unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches in diameter, measured at 4.5 feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two inches in diameter, measured at 4.5 feet above the ground level.
 - (c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas or other permanently cleared areas and stumps are not removed. For the purposes of this provision, "dead trees" are those trees that contain no foliage during the growing season.
 - (d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed professional forester or arborist before any hazard tree can be removed within the Shoreland Zone.
 - (e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight inches in diameter, measured at 4.5 feet above ground level.
- (2) Storm-damaged trees in the Shoreland Zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- (a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than 250 square feet, replanting is not required, but the area shall be required to naturally revegetate and the following requirements must be met:
 - [1] The area from which a storm-damaged tree is removed does not result in new lawn areas or other permanently cleared areas;
 - [2] Stumps from the storm-damaged trees may not be removed;
 - [3] Limbs damaged from a storm event may be pruned even if they extend beyond the bottom 1/3 of the tree; and

[4] If, after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every 80 square feet of lost canopy.

- (b) Outside of the shoreline buffer, if the removal of storm-damaged trees exceeds 40% of the volume of trees four inches or more in diameter, measured at 4.5 feet above the ground level, in any ten-year period or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the Shoreland Zone or 10,000 square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

G. Erosion and sedimentation control requirements.

- (1) All activities which involve filling, grading, excavation or other similar activities which result in unstable soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provision for:
 - (a) Mulching and revegetation of disturbed soil.
 - (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - (c) Permanent stabilization structures such as retaining walls or riprap.
- (2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be allowed as closely as possible.
- (3) Erosion and sedimentation control measure shall apply to all aspects of the proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- (4) Any exposed ground area shall be temporarily or permanently stabilized within one week of the time it was last actively worked by use of riprap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine months of the initial date of exposure. In addition:
 - (a) Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established.
 - (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

- (5) Natural and man-made drainageways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five-year storm or greater and shall be stabilized with vegetation or lined with riprap.
- (6) Tree cutting and clearing of vegetation shall be conducted in such a manner and at such a time that minimal soil disturbance results. When necessary, adequate provision shall be made to prevent soil erosion and sedimentation of surface waters such as sediment basins, settling basins, filter fences, hay bales and immediate reseeded of any area that has the potential of causing erosion or sedimentation.

H. Agriculture involving the tillage of soil for field crop only.

- (1) All spreading or disposal of manure shall be accomplished in conformance with the "Manure Utilization Guidelines" published by the former Maine Department of Agriculture on November 1, 2001, and the "Nutrient Management Law" (7 M.R.S.A. §§ 4201 to 4209) and any subsequent amendments. Nonconformance with the guidelines shall be a violation of this chapter.
- (2) Manure shall not be stored or stockpiled within 100 feet, horizontal distance, of the normal high-water mark of a great pond, lake, stream, tributary stream, or upland edge of wetland. Within five years of the effective date of this chapter, all manure storage areas within the Shoreland Zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater. Existing facilities which do not meet the setback requirement may remain but must meet the "no discharge" provision within the above five-year period.
- (3) Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area or the spreading disposal or storage of manure within the Shoreland Zone shall require a conservation plan to be filed with the Planning Board. Nonconformance with the provisions of said plan shall be considered to be a violation of this chapter.
- (4) There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high-water mark of a great pond, lake, stream, tributary stream, or upland edge of wetland. Operations in existence on the effective date of this chapter and not in conformance with this provision may be maintained.
- (5) Where soil is tilled, such tillage will be carried out using practices which prevent runoff, establishment of watercourses, sedimentation or erosion. Soil tillage and/or establishment of farm or fire ponds shall be carried out in conformance with the provisions of a conservation plan which meets the standards of the State Department of Agriculture, Conservation and Forestry and approved by the appropriate district. The number of the plan shall be filed with the Planning Board. Nonconformance with the provisions of the plan shall constitute a violation of this chapter.
- (6) Newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within 75 feet, horizontal distance, of other water bodies and coastal wetlands;

nor within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a conservation plan that has been filed with the Planning Board.

- I. Soils. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and prepared by state-licensed professionals. Licensed persons may include Maine licensed soil scientists, Maine licensed professional engineers, Maine state-licensed geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum groundwater elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.
- J. Water quality. No activity shall deposit on or into the ground or discharge to the waters of the state any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.
- K. Archaeological site. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least 20 days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.
- L. Individual private campsites. Individual private campsites not associated with campgrounds are permitted, provided the following conditions are met:
 - (1) One such individual private campsite is permitted per minimum lot within the Shoreland Zone.
 - (2) Individual private campsite placement on any lots, including the area intended for a recreational vehicle or tent platform, shall meet all the setback requirements of the Shoreland Zone.
 - (3) Recreational vehicles used on an individual private campsite shall not be located on any type of permanent foundation and no structures except canopies shall be attached to the recreational vehicle.
 - (4) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each individual private campsite and shall be approved by the local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.

- (5) If the camping on an individual private campsite is for more than 14 consecutive days in any four-month period, the requirements of § 60-71 must be met.
 - (6) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
- M. Home occupations, provided that parking requirements of § 60-9B are met.

§ 60-26. Conditional uses. [Amended 6-11-2025; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The following shall be conditional uses in the Shoreland Zone:

- A. Marinas, provided that:
- (1) Minimum lot size shall be four acres, to which minimum lot size shall be added the square footage of the parking area required.
 - (2) Minimum shore frontage shall be 500 feet.
 - (3) Petroleum products to be delivered to the user from piers, docks, or within 250 feet of normal high water shall be piped aboveground using noncorrosive materials from storage tanks outside the 250-foot zone. Delivery nozzles on hoses shall be unable to be locked in the "on" position.
 - (4) Installation of petroleum tanks serving the facility shall be aboveground and of a noncorrosive material.
 - (5) Storage buildings, sale, and/or service buildings shall be set back a minimum of 150 feet from normal high water and seven feet from side lot lines and shall be screened by natural vegetation so as not to be visible from the water or from abutting properties.
 - (6) Parking lots shall be set back a minimum of 200 feet from normal high water and 75 feet from side lot lines and shall be screened by natural vegetation so as not to be visible from the water, abutting properties, or roads and streets. Runoff from said areas will be controlled and dispersed so as to be absorbed by the ground and not flow directly into a water body.
 - (7) One parking space shall be provided for each mooring slip and each dock, plus one space per 200 square feet of service and/or sales space. One parking space shall be provided for the proprietor and one for each employee. Dwelling units, if any, shall have two spaces per unit.
 - (8) Setbacks of all buildings and parking lots from streets or roads at the rear lot line, the rear lot line being the one opposite the shore frontage and not a side lot line, shall be 50 feet.
 - (9) Access roads within the lot shall be set back a minimum of 75 feet from side lot lines.

- (10) Dredging for the purpose of accommodating docking or launching facilities shall not be allowed.
 - (11) Mechanical equipment for the launching or retrieving of watercraft shall not be installed permanently.
 - (12) Excavation or fill within 50 feet of normal high water requires a conditional use permit in accordance with Subsection D, below, of this section.
 - (13) The applicant shall be required to improve and maintain any and all access roads to the marina to the degree necessary to support the use and to secure all necessary easements from others in order to accomplish such improvement and maintenance.
- B. Campgrounds, provided that these meet the general requirements in Article XI, § 60-75, of this chapter.
- C. Parks and/or recreation areas (see definition), provided that:
- (1) Adequate off-street parking is provided.
 - (2) Setbacks of parking areas, picnic area, and structure shall be 100 feet from the normal high-water mark or the upland edge of a wetland and 75 feet from side lot lines.
- D. Excavation, earthmoving, filling, grading, and drilling within 100 feet of normal high water (see also regulations in § 60-25G), provided that:
- (1) Such activities will not cause erosion, sedimentation, or degradation of water bodies.
 - (2) Temporary ground cover, such as mulch, will be used on disturbed or exposed areas.
 - (3) Diversion, silting basins, terraces, filter fences, staked hay bales or other methods to trap sediment shall be used as necessary.
 - (4) No fill shall be placed within 10 feet of normal high water without compaction and stabilizing with seeding or other appropriate method.
 - (5) No fill shall restrict a natural drainway, a floodway or interfere with the capacity of a floodplain.
 - (6) Sides of channels or artificial watercourses shall be constructed to prevent slumping with side slope of two units horizontal distance to one unit vertical distance or flatter, unless bulkheads or riprap are provided.
- E. Shoreland common areas (see definition), provided that:
- (1) Minimum lot size shall be that of the Shoreland Zone.
 - (2) There shall be no more than five lots granted access per 250 feet of shore frontage of the parcel. There shall be no more than one lot granted access per 50 feet of shore frontage over 250 feet.

- (3) There shall be no more than one pier or dock and one swimming float per 250 feet of shore frontage, and they shall meet the requirements of § 60-25.
- (4) There shall be no structural development with the exception of picnic tables and toilet facilities.
- (5) There shall be no launch ramp for watercraft installed.
- (6) There shall be one privy or other toilet facility for each sex installed on the parcel, which facility meets the Rules.
- (7) There shall be one thirty-gallon-capacity refuse container on the site per five lots, which shall be covered and be animal-proof. All solid wastes shall be removed weekly, at the minimum, or more often if use warrants, thereby controlling litter and spillage.
- (8) There shall be one parking space for each lot granted access, except that vehicular traffic to the common area is prohibited as a condition of granting access. Parking spaces shall be set back 20 feet from a road right-of-way, 30 feet from side lot lines, and 200 feet from the normal high-water mark.
- (9) Camping shall be limited to two sites per minimum lot; recreational vehicles are excluded.
- (10) There shall be a formal agreement between lot owners whose lots have been granted access for the shared maintenance of the common area.

§ 60-27. Roads and driveways.

The following standards shall apply to the construction of roads, driveways, drainage systems, culverts, and other related features:

- A. Roads and driveways shall be set back at least 100 feet from the normal high-water mark of a great pond, lake, stream, tributary stream, or upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than 50 feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins and/or the effective use of additional ditch relief, culvert, and turnouts, placed so as to avoid sedimentation of the water body, tributary stream, or wetland.
 - (1) On slopes of greater than 20%, the road and/or driveway setback shall be increased by 10 feet for each 5% increase in slope above 20%.
 - (2) This subsection shall neither apply to approaches to water crossings, approaches to water bodies for use by Fire Department vehicles, nor to roads or driveways that provide access to permitted structures and facilities located nearest to the shoreline due to an operational necessity.
- B. Existing public roads may be expanded regardless of its setback from a water body.

- C. Road banks shall be no steeper than a slope of two horizontal to one vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in § 60-25G.
- D. Road grades shall be no greater than 10% except for short segments of less than 200 feet.
- E. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty on to an unscarified buffer strip a least 50 feet, plus two times the average slope in width, between the outflow point of the ditch or culvert and the normal high-water mark of a great pond, lake, stream tributary stream, or upland edge of a wetland. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- F. Ditch-relief (cross-drainage) culverts, drainage dips, and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditch gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:
 - (1) Ditch relief culverts, drainage dips, and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade Spacing	
Percent	Feet
0 to 2	250
3 to 5	200 to 135
6 to 10	100 to 80
11 to 15	80 to 60
16 to 20	60 to 45
21+	40

- (2) Drainage dips may be used in place of ditch-relief culverts only where the road grade is 10% or less.
- (3) On road sections having slopes greater than 10%, ditch-relief culverts shall be placed across the road at approximately a 30° angle downslope from a line perpendicular to the center line of the road.
- (4) Ditch-relief culverts shall be sufficiently sized and properly installed⁶ in order to allow for effective function and their inlet and outlet ends shall be stabilized with appropriate materials.

⁶ Editor's Note: See also Ch. 11, Culvert Installation and Maintenance; and Ch. 34, Road Construction and Acceptance.

- G. Ditches, culverts, bridges, dips, water turnouts, and other stormwater runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

§ 60-28. Conversion of seasonal dwellings to year-round use.

Before conversion of seasonal dwelling to year-round use, a permit must be obtained from the local Plumbing Inspector. The applicant must demonstrate, to the satisfaction of the Plumbing Inspector and based upon a site evaluation by a licensed site evaluator subsequent to January 1, 1984, that the parcel will support the installation of a replacement system in the event of malfunction of the installed system.

§ 60-29. Permit conditions.

- A. Silt fences shall be installed between the area of construction and the water body or wetland prior to any soil disturbance and shall remain in place until the area of disturbance is stabilized by sod, seeding and mulching, or other comparable measures.
- B. Where mulch is used, it shall be applied at a rate of a least one bale per 500 square feet (1 1/2 to two tons per acre) and shall be maintained until a catch of vegetation is established over the entire disturbed area.
- C. Disturbed soil shall be immediately stabilized upon activity completion or if the area is not to be actively worked for more than one week.
- D. In addition to placement of riprap, sod, erosion control blankets or mulch, additional steps shall be taken where necessary in order to prevent sedimentation of the water.
- E. Crushed-stone runoff control trenches shall be installed on the eave sides of all structures. The trenches shall be a minimum of one foot deep and three feet wide and extend at least two feet out from the overhang of the eaves.

§ 60-30. Stormwater runoff.

- A. All new construction, development, excavation, and filling projects shall be designed to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwater.
- B. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

§ 60-31. Impervious surfaces.

The total area of all structures, parking lots, and other nonvegetated surfaces within the Shoreland Zone shall not exceed 20% of the lot square footage or a portion thereof located within the Shoreland Zone, including land area previously developed.

§ 60-32. Septic waste disposal.

All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules⁷ and the following:

- A. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions shall not extend closer than 75 feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland; and
- B. A holding tank is not allowed for a first-time residential use in the Shoreland Zone.

§ 60-33. Septic inspections required at time of property title transfer. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. Prior to the title transfer of ownership of a lot containing a subsurface wastewater disposal (SSWD) system or a structure connected to a SSWD system, a person licensed by the state shall be hired, not at public expense and paid for by the property owner, to inspect the SSWD system. If the inspection finds that the SSWD system is malfunctioning, the system must be repaired or replaced within one year of transfer. The indications of a malfunctioning system are those specified in "system, malfunctioning" as provided in the definition section of 10-144 CMR Ch. 241, the State of Maine Subsurface Wastewater Disposal Rules (Rules).
- B. The following are the only exceptions allowed to the requirement of this section:
 - (1) When an SSWD system has been installed, pursuant to rules adopted under 22 M.R.S.A. § 42 and 30-A M.R.S.A. § 4211, within three years prior to the date of the transfer of property title.
 - (2) When the current property owner has a written report from a person licensed by the state for an inspection of the SSWD that was performed within three years prior to the date of transfer that certifies that the system was not found to be malfunctioning and the current property owner provides the inspection results to the purchaser.
 - (3) When weather conditions preclude an inspection of the SSWD by a person licensed by the state prior to the date of transfer, the inspection must be performed within nine months of the date of transfer. If the inspection finds the system to be malfunctioning, the system must be replaced or repaired.
 - (4) When the person acquiring title to the lot containing an SSWD system or a structure connected to an SSWD certifies to the Town Code Enforcement Officer (CEO) that the system will be replaced within one installed, pursuant to 22 M.R.S.A. § 42 and 30-A M.R.S.A. § 4211, within one year from the date of transfer.
- C. A full copy of the inspection results under Subsection A or statement of exemption under allowed exemptions is required and shall be provided to the Code Officer prior to transfer closing. If the person licensed by the state determines that an SSWD system is

7. Editor's Note: See 10-144 CMR Ch. 241.

malfunctioning, then a structure connected to the SSWD system shall not be occupied until the system has been brought into conformance with the Rules.

- D. The present title holder may not transfer, sell or offer to transfer or sell any lot containing an SSWD system or structure connected to the SSWD system without advising the prospective new title holder of the requirements of this article.
- E. Noncompliance of this section will result in an assessed penalty 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. Assessment of penalties does not release the prior or new title holder from the requirements of this section.
- F. In this section, the term "transfer" shall include the following: any transfer of ownership whether by sale, gift, or devise; transfer to an entity; and inheritance, including transfers to a trust for which the current owner is the beneficiary.

§ 60-34. Tiny homes.

Tiny homes shall be permitted to be placed or erected on an individual house lot where single-family dwellings are allowed or as an accessory structure, subject to all applicable Wayne land use requirements.

ARTICLE VII

Resource Protection Zone (R-5)

§ 60-35. Scope.

The Resource Protection Zone shall be a zone of the most vulnerable shoreland, wetlands, or other geologically sensitive areas in which development could have an undue adverse effect on water quality of ponds, lakes, streams or rivers, groundwater, significant wildlife habitats, or biological systems. Areas of freshwater wetlands regulated by state and federal rules and identified in the National Wetland Inventory as shown in "Beginning with Habitat" maps are included in the R-5, Resource Protection Zone.⁸ It should be noted that any areas listed on these maps are approximate and only show potential areas of ecological significance. Before any work or development is proposed in or near a Resource Protection Zone, the areas in question must be field verified by a qualified person with knowledge to determine if these areas meet the criteria in this article. It shall include:

- A. Freshwater wetlands and forested wetlands. Where a freshwater wetland is contiguous with the normal high-water mark of a defined pond, lake, river or stream, the wetland area shall extend from the normal high-water mark to the area of observable demarcation between a regular pattern of wetland vegetation and open water. Areas within 100 feet, horizontal distance, of the upland edge of freshwater wetland contiguous with the normal high-water mark of a defined pond, lake, river or stream are included in the R-5, Resource Protections Zone. Excluded are small and intermittent outcroppings of wetland vegetation which can be customarily found at or near the shoreline of ponds, lakes, rivers, or streams.

8. Editor's Note: Habitat maps can be found on the Town website at: axisgis.com/WayneME/

- B. Significant plant, fish and wildlife habitats, natural heritage occurrences and focus areas of statewide ecological significance shown on current "Beginning with Habitat" maps or any subsequent modifications. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, which are shown as inland waterfowl/wading bird habitat as shown on "Beginning with Habitat" maps and shown on the Wayne Zoning Map are included in the R-5, Resource Protection Zone.
- C. The marshes of the shoreline of Pickerel Pond, Berry Pond, Jennings Stream, the land area and marshes of the delta outlet area known as "The Cape" on Androscoggin Lake, and the land areas and marshes within 250 feet of Dead River.
- D. Land areas which can be shown by independent and qualified authority to be particularly vulnerable to harm such as significant sand and gravel aquifers and/or primary groundwater recharge areas identified by the Maine Geological Survey, and/or shoreland areas which have a high erosion potential because of soil type or slope, and all shoreland areas of two or more contiguous acres with sustained slopes of 20% or greater.
- E. The islands in Androscoggin Lake.
- F. Archaeological and/or historic sites deserving of long-term protection as determined by the Planning Board after consultation with the Maine Historic Preservation Commission.

§ 60-36. Permitted uses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The following uses are permitted in the Resource Protection Zone:

- A. The harvesting of any wild crop such as hay, ferns, moss, wild rice, berries, tree fruits, tree seeds, and flowers.
- B. Nonintensive, recreational uses not requiring structures, such as hunting, fishing, picnicking, and swimming.
- C. Wildlife management activities.
- D. Activities conducted for protection of groundwater quality or prevention of pollution from any source, when conducted by a public agency for public health, safety, and welfare.
- E. Clearing or removal of vegetation based on a plan by a forester licensed by the State of Maine, and in accordance with shoreland clearing or removal of vegetation standards in § 60-25C of this chapter.
- F. Timber harvesting and related activities in accordance with Maine Forest Service, Bureau of Forestry Rules, Chapter 21, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, and any amendments thereto by the state from time to time,⁹ which are incorporated herein by reference. The Maine Forest Service is

9. Editor's Note: See 01-669 CMR Ch. 21.

responsible for the monitoring and enforcement of the Chapter 21 Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas.

- G. Residential dwelling units located over aquifers (see § 60-19, Lot size, setback and spacing requirements for all zones).

§ 60-37. Conditional uses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The following shall be conditional uses in the Resource Protection Zone:

- A. One residence containing one dwelling unit and structures accessory to a residence per minimum lot on the islands in Androscoggin Lake known as "Norris Island" and "Androscoggin Island," provided that:
- (1) Minimum lot size shall be four acres.
 - (2) Minimum shore frontage and width shall be 400 feet.
 - (3) Minimum depth shall be 300 feet.
- B. Piers or docks across a wetland, which wetland is contiguous with the shoreline of a pond, lake, river, or stream, provided that:
- (1) Installation shall not alter any wetland vegetation or cross a significant wildlife or fish habitat.
 - (2) Regarding piers and docks, installation meets the requirements of § 60-25.

§ 60-38. New roads and driveways.

New roads and driveways are prohibited in the Resource Protection Zone, except to provide access to permitted uses within the zone, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the zone, in which case the road and/or driveway shall be set back as far as practical from the normal high-water mark of a water body, tributary stream, or upland edge of a wetland.

§ 60-39. Conversion of seasonal residences to year-round residences. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Conversion of seasonal residences to year-round residences shall be as provided in the Land Use Table in § 60-17B.

§ 60-40. Tiny homes.

Tiny homes shall be permitted to be placed or erected on an individual house lot where single-family dwellings are allowed or as an accessory structure, subject to all applicable Wayne land use requirements.

ARTICLE VIII
Village Shoreland Zone (R-6)

§ 60-41. Scope.

- A. The Village Shoreland Zone shall be a zone of residences and certain qualifying uses.
- B. With respect to minimum lot size, density, setbacks, heights and prohibited uses, the regulations of Article VI, Shoreland Zone (R-4), shall apply except as provided for herein.

§ 60-42. Permitted uses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The following uses are permitted in the Village Shoreland Zone:

- A. Permitted uses of Article VI.
- B. Home occupations shall comply with the standards for home occupations outlined in § 60-18E and shall not be a use that is prohibited under § 60-24F.

§ 60-43. Conditional uses. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The following shall be conditional uses in the Village Shoreland Zone:

- A. Uses under § 60-53 and § 60-18A.
- B. Conversions of residences existing as of the date of adoption of this chapter to multifamily residences of up to three dwelling units, provided that:
 - (1) Minimum lot size shall be increased two acres for each dwelling unit over one.
 - (2) The proposed use meets Maine Subsurface Wastewater Disposal Rules.¹⁰
- C. Professional offices and home occupations, provided that:
 - (1) The use complies with the applicable provisions of § 60-19.
 - (2) The use is not a prohibited use listed in § 60-24F.
- D. Commercial uses other than those prohibited under § 60-24E.

§ 60-44. Piers, docks and floats. [Amended 6-11-2025]

One pier, dock, or float, or combination thereof, may emanate from each shoreline parcel. It shall meet the standards for installation of § 60-25A of this chapter in all other respects, except it may extend only 10 feet from the shoreline.

¹⁰ Editor's Note: See 10-144 CMR Ch. 241.

ARTICLE IX

**Mobile Home Park Overlay Zone (MHPO)
[Added 6-11-2025]****§ 60-45. Permitted uses.**

The following uses, as defined in Article I, shall be permitted in the MHPO Zone as a matter of right. Refer to Article XI, General Regulations, for additional use information:

- A. All permitted uses allowed in the underlying zone.
- B. Mobile homes.
- C. Mobile homes, double-wide.

§ 60-46. Conditional uses.

The following uses shall be allowed as a conditional use in accordance with § 60-9 of this chapter. Refer to Article XI, General Regulations, for additional use information:

- A. All conditional uses allowed in the underlying zone.

§ 60-47. Applicability.

New mobile home parks may be located, and existing parks expanded, only in the Manufactured Housing Park Overlay (MHPO) Zone. This overlay district is delineated on the Town's Official Land Use Map.

ARTICLE X

Nonconforming Uses, Structures and Lots**§ 60-48. Nonconforming lots of record.**

- A. Definition.

NONCONFORMING LOT OF RECORD — A lot of record in legal existence as of the effective date of this chapter or amendments thereto which does not meet the requirements of this chapter in the applicable zone.

- B. Conveyance of developed and contiguous nonconforming lots of record. The Planning Board shall grant a conveyance permit to single or joint owners of said lots after review if said lots meet the following conditions:

- (1) If two or more contiguous and developed nonconforming lots of record are in the same single or joint ownership of record and if each lot contains a residence built in conformity with existing regulations at the time of its construction, and each lot currently meets the standards of the State Subsurface Wastewater Disposal Rules¹¹ within its boundaries, and each is at least 20,000 square feet (or the State

11. Editor's Note: See 10-144 CMR Ch. 241.

Minimum Lot Size Law,¹² whichever is greater), they may be conveyed separately or together. Any undeveloped lot of record, in the ownership of a person(s) who has any whole or partial interest in a contiguous developed lot (or lots), shall be added to one or divided between said lots to bring them into conformity or closer to conformity with minimum lot sizes in the zone. Said dividing of the undeveloped lot shall be in a manner consistent with the development on the lots to maximize their conformity and so as not to create another nonconforming lot. A "developed" lot shall mean one containing a residence. The presence of an accessory building or other structure not containing a dwelling unit shall not constitute development.

- (2) The application for a conveyance permit shall contain plans to show all lots to be conveyed and the dividing of contiguous or intervening vacant lots to said lots drawn to scale, locations of septic systems and the associated fields, a copy of the original deed(s) to the applicant(s) of the lot, and the names of the abutting property owners to all lots on the plan. The applicant shall provide evidence that each lot to be conveyed meets the State Subsurface Wastewater Disposal Rules within its boundaries if requested by the Board.
 - (3) A developed nonconforming lot of record contiguous to a developed conforming lot of record, both in the ownership of person(s) having any whole or partial interest in them, may be conveyed separately or together under the provisions of Subsection B(1) above.
- C. Merger of contiguous nonconforming lots of record: vacant or partially built.
- (1) If two or more contiguous lots or parcels of land are in the ownership of a person(s) having any whole or partial interest in the contiguous lots as of the effective date of this chapter, and if any of these lots do not individually meet the minimum lot size requirements of the applicable zone as stated in this chapter or subsequent amendments, and if one or more of the lots are vacant or contain(s) only an accessory structure, the lots shall be combined to the extent necessary to meet all minimum lot size requirements.
 - (2) This merger requirement applies to all lots or parcels, whether they are part of a subdivision or other approved or recorded plan or not. Lots created pursuant to the provision of § 60-65 of this chapter are exempt from this merger requirement.
 - (3) Corporations in which two or more directors are the same individual (or their spouses) shall be treated as the same corporation for the purposes of this chapter.
- D. New buildings on single, vacant nonconforming lots of record. It is permissible to construct a new residence containing one dwelling unit and/or accessory buildings thereto if all buildings will meet the setbacks in the zone in which the lot lies; if construction is on an undeveloped nonconforming lot of record, which lot is not adjoined by other land in which the owner of the nonconforming lot has any whole or partial interest on the effective date of this chapter, or subsequent amendments, and which lot is at least 20,000 square feet and the use meets the requirements of the State Subsurface Wastewater Disposal Rules; and if the lot coverage requirements of § 60-

12. Editor's Note: See 12 M.R.S.A. § 4807 et seq.

50A(3) of this article are met. "Undeveloped" means a lot without a building containing a dwelling unit.

- E. Two or more dwelling units on a single lot of record. If two or more dwelling units existed on a single lot of record on the effective date of this chapter (June 18, 1992), then each may be sold on a separate lot, provided that the State Minimum Lot Size Law and the State Subsurface Wastewater Disposal Rules are complied with. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this chapter for purposes of this section. Camper trailers and recreational vehicles are not considered dwelling units.

§ 60-49. Existing nonconforming uses.

Any use or structure lawfully existing at the time of enactment of this chapter, but which use or structure is not in compliance with this chapter as it applies to new uses or structures or parts thereof, is a nonconforming use or structure and may continue as it is and may be repaired and maintained. However, it may not, except as provided for herein, be:

- A. Changed to another nonconforming use.
- B. Reestablished after discontinuance for one year.
- C. Expanded, except as provided for in § 60-50 below. Expansion includes:
- (1) An increase in density of use as measured by the volume and/or type of traffic, size of the building or structure, number of bedrooms, increase in volume of wastewater, or similar measures of intensity of use;
 - (2) Any addition to a nonconforming structure.

§ 60-50. Requirements for permitted expansion.

- A. General requirements all zones. An addition, including porches and decks, to an existing single-family residence or other structure is considered to be expansion and is permitted, provided that:
- (1) The expansion may not increase the nonconformity of the existing structure with respect to setbacks from all lot lines, roads and streets, rights-of-way, or the normal high-water mark.
 - (2) With respect to heights, the expansion may not increase the level of the ground floor more than two feet or the height of the roof peak more than 30 feet above the highest point of the natural grade at the perimeter of the building, and shall not create a ceiling height of 6.5 feet or more in a basement, without obtaining the necessary plumbing permits for the addition of one bedroom at the minimum, except for Subsection B(4) below.
 - (3) With respect to lot coverage, shall not increase the existing square footage of all existing and proposed structures, including porches, decks, and nonvegetated surfaces, to more than 20% of the total square footage of the lot. Square footage of a structure includes ground-floor square footage and the square footage of

overhangs and other parts of a structure, cantilevered or otherwise supported, projecting outward from any floor of the structure.

- (4) Shall not be on a lot which does not meet the State Subsurface Wastewater Disposal Rules.
- (5) Shall not include placement of a foundation under a structure which is less than the required setback from the normal high-water mark, unless the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent to the criteria of § 60-51B below.

B. Special requirements for expansion within the Shoreland Zone.

- (1) Expansions. A nonconforming structure may be added to or expanded, after obtaining a permit from the same permitting authority as a new structure, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with Subsection B(2) through (4) below.
- (2) Legally existing nonconforming principal and accessory structures that do not meet the water body or wetland setback requirements may be expanded or altered as follows as long as all other applicable standards contained in this chapter are met:
 - (a) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement.
 - (b) Expansion of an accessory structure that is located closer to the normal high-water line of a water body or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement.
 - (c) For structures located less than 75 feet from the normal high-water line of a water body or upland edge of a wetland, the maximum combined total footprint for all structures is 1,000 square feet, and the maximum height of any structure is 20 feet or the height of the existing structure, whichever is greater.
 - (d) For structures located less than 100 feet from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified as GPA, the maximum combined footprint for all structures is 1,500 square feet, and the maximum height of any structure is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line or upland edge of a wetland must meet the floor area and height limits of Subsection B(2)(c).
 - (e) Further, no expansion shall be greater than 20 feet along the line parallel to a shoreline and no closer to the normal high-water line of a water body or upland edge of a wetland than the current structure.

- (3) For the purposes of Subsection B(2), above, a basement, as defined, is not counted toward floor area.
- (4) Construction or enlargement of a foundation beneath the existing structure is not considered an expansion of the structure, provided that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in § 60-51, Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated beyond the allowable height within Subsection B(2)(c) and (d) above.
- (5) Expansion of a nonconforming structure to create an accessory dwelling unit may not result in an increase in nonconformity (See § 60-49).

§ 60-51. Relocation.

- A. A nonconforming structure may be relocated on a lot of record, provided that the new location meets all the setbacks of the zone except that, in the R-4 Shoreland Zone, the setback from the normal high-water mark shall be met to the greatest practical extent possible without violating any other setback; and
- B. In approving the new location, the Planning Board or its designee shall only approve a location which meets setbacks as provided for above and which meets the following criteria. In determining whether the building relocation meets the setback to the greatest practical extent possible, the Planning Board or its designee shall consider the size of the lot, slopes of the land, location of other structures on the property and adjacent property, and the increase in distance from the normal high-water mark achieved. In addition, if the new location fails to meet any of the following criteria, the permit shall be denied:
 - (1) The applicant must provide evidence, if the use of the proposed location requires, that the present subsurface sewage disposal system meets the requirements of the State Subsurface Wastewater Disposal Rules or that a new system can be installed in compliance with said rules.
 - (2) Using the limitations of location imposed by Subsection B(1), above, the new location must meet the requirements for clearing or removal of vegetation other than timber harvesting and related activities, and lot coverage requirements contained in Article VI of this chapter.
 - (a) The applicant shall be required to revegetate the area where the relocated structure was moved from. If the previous area cleared and areas to be cleared for the relocated structure and other approved development exceed the cleared opening provisions of § 60-25C, then the applicant shall be required to revegetate cleared areas to conform with the cleared openings provisions.
 - (b) If the area between the relocated structure and the normal high-water mark is a cleared opening, then the applicant shall be required to revegetate to

create a minimum natural buffer of 25 feet between the structure and the normal high-water mark.

- (c) "Revegetation," for the purposes of this section, means:
- [1] The planting of trees native to our shoreland area which are at least five feet in height at the time of planting, in sufficient number to provide a "well-distributed stand of trees" as described in § 60-25C; and
 - [2] The planting of shrubs and/or seed mixtures such as reed canary grass or redtop around the trees, which growth is intended to remain unmowed to reestablish woodland vegetation.
- (d) The new location shall not increase the potential for or cause soil erosion or harmful runoff.

§ 60-52. Reconstruction or replacement.

- A. Except in the Shoreland Zone, any nonconforming structure which is damaged or destroyed by fire or other casualty may be replaced or reconstructed within one year in its exact dimension, placement on the lot and use as the original building or structure. Relocation may be accomplished under the provisions of § 60-51 above. Within the Shoreland Zone, in-place reconstruction or replacement may be accomplished only if the damage is 50% or less of the market value of the structure before the casualty. Otherwise, the structure must be relocated under the provisions of § 69-51 above.
- B. Voluntary reconstruction or replacement of a nonconforming structure, which reconstruction or replacement exceeds 50% of the market value of the structure before reconstruction or replacement, requires relocation on the lot under the provisions of § 60-51 above, except that conformity to the greatest possible extent practical to the normal high-water set-back shall be required without violating any other setback. If the area between the structure being replaced or reconstructed is a cleared opening, then the applicant shall be required to revegetate to create a minimum natural buffer of 25 feet between the structure and the normal high-water mark as described in § 60-51B(2) above.
- C. The placement of a foundation under a structure which is less than the required setback from the normal high-water mark requires relocation of the structure on the lot under the provisions of § 60-51 above.

§ 60-53. Nonconforming use of existing buildings in Village Shoreland Zone.

- A. Changes permitted. "Existing buildings" are defined, for the purposes of this section, as those in lawful existence in commercial use, which use includes meeting halls for fraternal or religious purposes and municipal or governmental services. Buildings whose last active use was as above may be included, provided that any subsequent use has been vacancy or storage.

- B. Nonconforming uses of existing buildings on the date of the passage of this chapter may be change to another nonconforming use, provided that:
- (1) The proposed change in use is one that is permitted in the R-1 Zone under § 60-17.
 - (2) The perimeter dimensions of the building will not change and there will be no change in height more than that required to install a foundation which brings the ground floor level to no more than two feet above the highest natural grade at the location of the building on the site.
 - (3) The proposed use is less intensive, or at least no more intensive, than the existing use as measured by volume and type of traffic expected to be generated, number of potential customers or patrons, volume of wastewater generated, area for exterior storage of materials associated with the use, or other similar measures of intensity of use.
 - (4) Off-street parking spaces will conform to ordinance requirements for the proposed use.
 - (5) Is not prohibited use as listed in § 60-24F.
 - (6) Nothing in this section shall be construed to mean that existing buildings currently used wholly as residences or for activities accessory to residential use can be changed to a nonconforming use.

§ 60-54. New conditional uses on nonconforming lots of record.

New uses which are permitted as conditional uses in the zone may be permitted as a conditional use on a nonconforming lot of record, provided that:

- A. Existing and proposed structures meet the setback provisions of the zone, and the proposed use does not specifically require a minimum lot in this chapter.
- B. The use does not require an increase in the minimum lot size or in minimum setbacks in the applicable zone, which increase cannot be met by the proposed use.
- C. The square footage of all new structures, including porches, decks and nonvegetated surfaces when added to that of the existing structure and nonvegetated surfaces, shall not be more than 20% of the lot's square footage. The square footage of the structures includes ground-floor square footage and the square footage of overhangs and other parts of the structure, cantilevered or otherwise supported, projected outward from any floor of the structure.

ARTICLE XI
General Regulations

§ 60-55. Existing uses.

A lawful use existing at the time of adoption of this chapter, or its amendments, may continue.

§ 60-56. Junkyards.

No junkyards, place for the storage of junk, or accumulation of junk, as herein defined, shall be maintained on any land or lot within the Town of Wayne except as provided for by conditional use.

§ 60-57. Fire ruins.

No owner or occupant of land in any zone shall permit fire or other casualty ruins to be left more than one year from the date of the casualty.

§ 60-58. Commercial signs. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

No freestanding and exterior sign in any zone shall be of the flashing, revolving, portable, on wheels with or without illumination, or neon type. No sign shall extend above a roofline more than six feet. No freestanding sign shall extend more than 20 feet above grade at its point of installation. Signs shall advertise goods, services, and/or activity pertaining to the premises on which they are located.

- A. No sign shall be located so as to obstruct sight distances or entering/exiting traffic to the premises.
- B. No sign shall be located in a road right-of-way so as to obstruct sight distances of traffic using abutting roads or streets.
- C. One principal and freestanding sign will be allowed per commercial establishment on its premises. The installation of additional permanent signs must be part of a use reviewed by the Planning Board as a conditional use. Approval for additional permanent signs will be for corner lots only. The maximum display area of each freestanding sign shall be 24 square feet.
- D. One sign attached to a building, identifying the name of the business or owner, is permitted. Letter size shall be no more than 12 inches.
- E. 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. 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.
- F. Directional signs installed in road rights-of-way according to Department of Transportation standards and regulations are permitted.

- G. Temporary traffic or directional signs to control and direct customer access and parting within, or to, a commercial or agricultural premise are permitted on the commercial or agricultural premise.

§ 60-59. Residential signs.

Each residence is permitted a sign naming the owner and/or the nature of a home occupation of dimensions not more than eight inches by 18 inches. Said signs may be located on residential premises or intersections of private roads or rights-of-way. They shall not be illuminated, flashing, revolving, or of neon type or obstruct site distances of any road or street, public or private. Up to two real estate signs advertising the premises for sale are permitted. One sign advertising the contractor's name performing services at the premises is permitted for the duration of the work.

§ 60-60. Glare.

Outside lighting shall be installed so as to deflect light away from abutting streets and properties.

§ 60-61. Household waste disposal.

Except for the day of waste pickup, all household solid waste stored, awaiting removal to a waste disposal facility, shall be placed in covered containers, which containers are screened in such a way as not to be visible from adjoining properties, roads, and streets.

§ 60-62. Drainage.

No land shall be developed in a way that causes flooding or erosion on adjacent properties.

§ 60-63. Housing of livestock.

No barn, stable, or kennel housing pet or livestock shall be located within 100 feet of any lot line in any zone, except as provided for in § 60-18M(3).

§ 60-64. Excavations.

- A. Excavation in conjunction with permitted uses of building construction, road construction and the installation of septic systems is permitted, provided that such activities do not cause soil erosion. Such excavation which is a part of a use requiring a conditional use permit must be approved by such permit prior to its being accomplished.
- B. Excavation in conjunction with improvement of land in agricultural use for soil tillage and the production of field and/or cultivated crops is permitted, provided such activity does not cause soil erosion. (See additional requirements in § 60-25G.)

- C. Gravel pit operations. Except as above, topsoil, rocks, sand, gravel and similar earth materials in excess of 1,000 cubic yards may be removed from zones where permitted only after review as a conditional use under § 60-9 by the Planning Board. Said permit shall be reviewed with the following added provisions. A plan shall be submitted by the applicant, showing:
- (1) Existing grades in the area in which materials are to be removed and finished grades at the conclusions of the operation.
 - (2) A plan drawn to scale of the parcel on which the excavation is to occur; the location of all existing abutting roads, proposed access roads, existing watercourses, proximity of rivers, lakes, or streams; and names of abutting property owners.
 - (3) When removal of materials is completed, the finished grades as specified in the plan will be covered with not less than four inches of topsoil and seeded with perennial cover crop except where ledge is showing.
 - (4) Excavation will not take place within 100 feet of any road, right-of-way, or within 100 feet of a side or rear lot line.
 - (5) The applicant shall provide evidence of financial capability to perform the requirements of this section and other conditions of the permit, satisfactory to the Board, or a performance bond will be required.
 - (6) The application complies with applicable provisions of Title 38 M.R.S.A. § 481 et seq., the Site Location of Development Law.

§ 60-65. Multiple dwelling unit development and certain divisions of land. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The purpose of these provisions is to provide for the division of certain lands and planned residential development which allows alternatives and choice of design but which preserves and maintains open space. Within the limits of this section, all residential lot layout, dimensional and area requirements contained in this chapter or Chapter 46, Subdivision of Land, may be altered without restriction, except height requirements. Such alteration shall not be construed as granting a variance for hardship.

- A. Definitions. For the purposes of this section:

AGRICULTURAL LAND — Land in excess of one acre which has been tilled, harvested, mown (except lawns and similar which are customarily incidental to residential use) and/or used for the production of field crops, including commercial orchards, pastures, and pick-your-own fruit crops, which use has been within five years of the date of application for subdivision review and/or development under these provisions. Included is land separating tilled areas, which separation is for proper agricultural practice and/or access.

MULTIFAMILY — One building containing more than one dwelling unit within its four walls.

OPEN SPACE — On undeveloped parcels, woodland, fields or agricultural land. On developed parcels, land that is woodland, fields or agricultural land in excess of the minimum lot size for a single-family dwelling or conditional use in the zone. "Developed parcels" are those which contain residence or commercial and/or farm structures.

PARCEL — A "parcel" is all the contiguous land in the same ownership before the first division of such land into lots of any size.

SINGLE ATTACHED — One building containing one dwelling unit attached by a common wall to an additional building(s) containing one dwelling unit.

SINGLE DETACHED — One building containing one dwelling unit.

B. Jurisdiction. This section applies to Zones R-2, R-3 and R-4 and to a minimum parcel herein or greater, and the provisions are:

- (1) Optional for a subdivision or residential development of parcels less than 10 acres, which parcels do not contain agricultural land.
- (2) Mandatory for a subdivision or residential development or parcels of 10 acres or more or any parcels which contain agricultural land.

C. Applicability.

- (1) Minimum size of parcel to which these provisions can apply:
 - (a) In Zones R-2 and R-4, four acres.
 - (b) In Zone R-3, six acres.
- (2) Frontage on public or private way: 500 feet, plus 50 feet for each dwelling unit over five:
 - (a) Width: 500 feet.
 - (b) Depth: 300 feet.
 - (c) Shore frontage: 500 feet.

D. Minimum setbacks for structures from parcel perimeter of lines:

- (1) If a front lot line: 100 feet.
- (2) If a side lot line: 100 feet.
- (3) If a rear lot line: 50 feet.
- (4) If shore frontage: 150 feet from the normal high-water mark.

E. Minimum distance between structures: The minimum distance between single attached group, multifamily and single detached, along with their accessory buildings, shall be 100 feet.

F. Other dimensional requirements:

- (1) Setback from interior subdivision streets: 30 feet.

- (2) Minimum lot size which can be conveyed in fee: 20,000 square feet.
- G. Residential density. The number of dwelling units permitted on a parcel is determined by the application of the following formula:
- (1) The total acreage of the parcel must be determined by survey. From the total acreage of the parcel, the acreage of any lot reserved or to be conveyed in fee of 40 acres or more is deducted. The resulting acreage is gross acreage.
 - (2) From this gross acreage, the following types of acreage are deducted. All must be shown on the plan and the area calculated by the licensed professional surveyor:
 - (a) Any land area which is defined as "resource protection" in Article VII of this chapter must be shown on the plan, with the exception of aquifers where residential dwelling units are allowed as stated in § 60-36G.
 - (b) Any land area which comprises buffer strips around resource protection areas must be shown on the plan.
 - (c) Any land area in which the water table is at or within six inches of the surface at any time must be shown on the plan.
 - (d) Any land area which comprises road right-of-way, driveways serving more than one dwelling unit, common parking areas, common areas of recreational development, common shoreland areas or any other developed common area must be shown on the plan.
 - (e) Calculation guidelines.
 - [1] The result gives acreage available for development.
 - [2] The number of dwelling units allowed is found by dividing the acreage available for development by the minimum lot area (acres) required per dwelling unit of the zone.
 - [3] Fractional amounts are rounded down.
 - [4] If in the Shoreland Zone, the number of dwelling units is further limited to one dwelling unit per 250 feet of shore frontage. Shore frontage which is defined as "resource protection" shall not be included in the calculation.
 - (3) Reservation of open space and siting.
 - (a) Fifty percent of the land area determined to be acreage available for development above must be preserved as open space. Dwelling units may be sited on the remaining 50% at such location consistent with these dimensional and layout provisions and the adequacy of soils to support wastewater disposal.
 - (b) If agricultural land comprises more than 50% of the acreage available for development, the Planning Board may further prescribe the siting of roads and structural development to preserve agricultural land. In prescribing siting, the Board shall be governed by the intent of these regulations to

preserve as much agricultural land as reasonably possible while permitting residential development to occur, taking into consideration all the natural features of the parcel and the management of the resulting mixed use of the land.

- H. Review as subdivision required. Application for, and review of, proposed divisions and/or residential development under this section shall be required by Chapter 46, Subdivision of Land. Division of land by devise; condemnation; order of court; gift to a person related to the donor by blood, marriage, or adoption (unless the intent of such gift is to avoid the objectives of state or local subdivision regulations) or transfers of any interest in land to the owner of land abutting thereon is exempt from the mandatory provisions of this section.
- I. Uses permitted on parcels developed under these regulations: those uses permitted of residences, and those accessory to residences in the applicable zone, and agricultural uses as defined, where agricultural is permitted in the applicable zone.
- J. Open space.
- (1) Open space accumulated on the parcel by the provisions shall be shown on the subdivision plan with the appropriate notation that it shall not be further subdivided or used for additional dwelling units. It may be used for installation of wastewater disposal fields for dwelling units.
 - (2) It shall be restricted by covenant, or be deeded in common to owners in the development, and may be usable for low-intensity recreational and outdoor living purposes. Such uses shall not include rights-of-way, driveways, parking areas, golf courses, swimming pools, other recreational development, or structures, all of which shall be shown and designated separately on the plan. 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. No open space can also be a common shoreland area as defined in § 60-1B.
- K. Agricultural land. Open space which is agricultural land, as defined, shall be shown on the plan with the appropriate notation that it shall not be used for future building lots; shall not contain any structural development, except as permitted; and shall be maintained in a manner so as to preserve its agricultural capability, which at the minimum shall be annual mowing. The land may be leased for agricultural purposes as defined. Agricultural land shall be owned in common by owners in the development or otherwise be controlled to preserve it.
- L. The formation and incorporation by the developer of homeowners' associations shall be a condition of preliminary and final subdivision approval wherever common areas are designated. Covenants for mandatory membership in the association shall be included in the deed for each lot or dwelling unit. The association shall have the responsibility, at the minimum, for maintaining common areas, common structures, roads or streets not accepted by the Town, and for maintaining agricultural land.

§ 60-66. Off-street parking requirements. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. Off-street parking shall be provided in accordance with the following standards for any project involving:
- (1) Construction of a new building or structure.
 - (2) Additions of 200 square feet to buildings in commercial use.
 - (3) Additions of dwelling units to existing buildings.
 - (4) The change in use of a part or the whole of any existing building or parcel of land from one category of use to another category of use.
- B. Minimum standards for off-street parking.
- (1) Dwelling units. Two spaces per unit except for unit designed to be occupied by only one person, in which case one space shall be provided. For affordable housing development projects, refer to § 60-18A for the applicable parking requirements.
 - (2) Motels, hotels, inns. Four spaces, plus one space for each sleeping room.
 - (3) Bed-and-breakfasts. Two spaces for each dwelling unit, plus one space for each room offered for rent.
 - (4) Retail establishments. One space for each 200 square feet of floor area used for sales or display.
 - (5) Restaurants. One space for each four seats in dining area, plus one space for each 100 square feet of lounge, waiting or bar area.
 - (6) Service establishments. One space for each 200 square feet of floor area, exclusive of storage area.
 - (7) Nursing and convalescent homes. One space for each two beds, plus four spaces.
 - (8) Campgrounds. Four spaces, plus one space for each site available for occupancy
 - (9) Day-care centers and nursery schools. One space for each four children, plus two spaces.
 - (10) Industrial, manufacturing, distribution. One space for each 350 square feet of floor area, exclusive of storage area.
 - (11) Commercial establishments not elsewhere classified. One space for each 200 square feet of floor area, exclusive of storage areas.
 - (12) Professional offices. Off-street parking spaces shall be provided as follows:
 - (a) One space per employee and one space for each professional.
 - (b) Parking spaces for patrons of the professional shall be as follows:

- [1] A minimum of two shall be provided. On-street parking otherwise permitted may provide two spaces, provided they are within 100 feet of the premises of the professional. If on-street parking is not available as above, two off-street parking shall be provided on the premises.
- [2] Additional off-street parking shall be provided as follows:
 - [a] Physicians' offices: four spaces per physician.
 - [b] Dentists' offices: two spaces per dentist.

§ 60-67. Private sewage disposal systems.

- A. All systems must be constructed in accordance with the Rules (see definition in § 60-1B). A permit from the local Plumbing Inspector must be obtained before a building permit is issued for any structure containing a dwelling unit or for any use requiring a disposal system.
- B. In the R-4 Shoreland Zone, the minimum setback for new subsurface disposal systems shall be no less than 100 horizontal feet from the normal high-water mark, as measured at a right angle to the normal high-water mark, and this minimum setback distance shall not be reduced by variance.
- C. Replacement systems shall meet the standards for replacement systems as contained in the Rules.

§ 60-68. Road construction.

Roads shall be located, constructed, and maintained in such a manner that soil erosion or surface sedimentation of surface waters does not occur and, in the R-4 Shoreland Zone, shall meet the additional requirements of § 60-27.

§ 60-69. Antennas.

The location of all freestanding antennas shall meet the setback requirements of the zone in which it lies. Prior to their installation, a permit shall be obtained from the Code Enforcement Officer. The application shall show the distance of the antenna location from all lot lines and normal high water if within the Shoreland Zone. Antennas are exempt from height requirements of the zone in which they lie.

§ 60-70. Use of lots for dwelling purposes. [Amended 6-11-2025]

No lot or parcel of land within the Town of Wayne shall be used or occupied for dwelling purposes without the placement of a permitted residence on said lot or parcel. The activity of camping on a lot or parcel of land, which camping includes the parking and occupying of a

recreational vehicle, shall not be considered "dwelling," and the use shall be considered an "individual private campsite" under § 60-25L, provided that:

- A. The camping is not more than 14 consecutive days in a four-month period; or
- B. If longer than 14 consecutive days in a four-month period, a permit is obtained from the Code Enforcement Officer, who may issue a permit for up to 120 consecutive days of camping in a calendar year, provided the applicant shall provide a copy of plumbing permit meeting the Rules for the disposal of wastewater and/or septic wastes at the site and evidence of its installation; or camping or use of recreational vehicles on an approved campground space in an approved campground or RV park;
- C. The location of the campsite meets the setbacks of the zone.

§ 60-71. Use of structures for dwelling purposes.

- A. No structure shall be used for dwelling purposes without the installation of a wastewater and septic disposal system meeting the Rules.
- B. No structure, or portion thereof, under construction as residence may be occupied before installation of the required wastewater and septic disposal system.¹³

§ 60-72. Sight distances.

Exiting driveways or access points to any road or street shall be designed according to the following standards of safe sight distances or to standards of the Department of Transportation, whichever are less:

Posted or Designed Speed Limit (mph)	Sight Distance (feet)
25	175
30	210
35	245
40	280
45	315
50	350
55	385

§ 60-73. Yard sales and similar uses.

Sales of personal property at any premises are regulated by the Town of Wayne Yard Sale Ordinance, dated June 24, 1987, and subsequent amendments thereto.

¹³ Editor's Note: Original Part I, Art. IX, Sec. R, Division of lots by zone boundaries, which immediately followed, was repealed 6-11-2025.

§ 60-74. Requirements for other uses.

Institutional, Educational, governmental and nonprofit uses must comply with the lot size, frontage, density, setback, and height requirements for the zoning district in which they are proposed. Church buildings existing as of the date of adoption of this amendment are exempt from compliance with the height requirements.

§ 60-75. Campgrounds. [Added 6-11-2025]

- A. Purpose. The campgrounds regulations in this § 60-75 of this chapter establish minimum standards governing the site requirements, construction, and maintenance of this use; minimum standards governing utilities and required facilities; and the duties of owners and operators of these uses. These provisions are intended to ensure that campground developments are consistent with the goal of incentivizing "small businesses that strengthen our existing niches or economic clusters" while protecting the "rural, small-town character" of Wayne as required by the Town of Wayne Comprehensive Plan. These provisions are intended to regulate campgrounds to permit development that is consistent with environmental stewardship and conservation of natural resources.
- B. Specific regulations for campgrounds; permit.
- (1) Review.
 - (a) The Planning Board, in its review of applications for conditional use approval for new campgrounds and for expansion of existing campgrounds under § 60-9 of this chapter, also shall review those applications for compliance with these campgrounds regulations in this § 60-75 of this chapter and for compliance with Chapter 46, Subdivision of Land, §§ 46-8 through 46-11; provided, however, that the standards for campground interior roads and access roads are as provided in Subsection B(9) below.
 - (b) Applications for a new or expanded campground also shall meet the requirements of all applicable state statutes and licensing requirements, including, but not limited to, the State of Maine Department of Health and Human Services Regulations for Tent and Recreational Vehicle Parks and Wilderness Recreational Parks, Chapter 205. A youth camp proposed or operating in accordance with Department of Health and Human Services Regulations, Chapter 208, is exempt from this § 60-75. Planning Board approval for a campground is contingent upon the applicant obtaining all state licensing and permitting approvals, including from the Maine Department of Environmental Protection.
 - [1] Application and review process. In addition to the submission requirements in § 60-9 of this chapter for conditional uses and in Chapter 46, Subdivision of Land, §§ 46-8 through 46-11, written applications must include:
 - [a] A set of original plans, plus two copies, drawn to a scale of not less than 100 feet to the inch, showing:

- [i] The area, dimensions and total acres of the tract of land, with map and lot number. Indicate abutting property owners on the plan.
 - [ii] The location, number, and size of all existing and proposed campsites for the campground.
 - [iii] Location of abutting roads and streets to the parcel, interior, walkways, recreational facilities, buildings, access roads to the site, wetlands, areas designated as significant wildlife habitat by the Department of Inland Fisheries and Wildlife, and archeological sites identified by the State Historic Preservation Commission.
 - [iv] Location and use of existing and/or proposed buildings, structures, and recreational facilities and areas, and other common areas. Location of areas reserved as open space.
 - [v] Setbacks of all campground campsites; buildings; structures; recreational facilities and areas; roads, streets, and walkways from property lines; and normal high-water mark, as applicable.
 - [vi] Location of all test pits, copies of approved septic designs, location of wells and/or sources of potable water. The Planning Board may require more extensive soils and water source analyses if such are deemed necessary to adequately review the proposal.
 - [vii] Location of common utility areas and structures required by this chapter.
 - [viii] Overlay of USGS contour lines on the plan of the parcel.
- [b] A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the tract of land for the campground and within 200 feet of the campground boundaries.
 - [c] The depth to water table at representative points throughout the tract of land.
- [2] The application must include a report satisfying the requirements set forth in Subsection B(2) below. Such report must be from a Maine licensed civil engineer and shall include an analysis of groundwater quality, either from test wells or existing wells in the tract of land, and an analysis of the capacity of and impact on groundwater resources from the operation of the proposed campground or expansion. The evaluation shall include a projection of post-development nitrate-nitrogen concentrations at any wells within the campground, at their boundaries, and at a distance of 1,000 feet from potential contamination sources, whichever is the shorter distance.

- (2) Standards to protect groundwater supply and quality. In addition to the review standards in Chapter 46, Subdivision of Land, §§ 46-8 through 46-11, groundwater quality projections shall be based on the assumption of drought conditions (assuming 60% of average annual precipitation).
- (3) Existing use. All lawfully existing campgrounds as of the amended date of this chapter shall be permitted to continue in their existing configuration with regard to size of campsites, number of campsites authorized, setbacks, and road locations and widths.
- (4) Lot size and density. Minimum lot size for a parcel of land used as a campground shall be 10 acres and the minimum width of a campground shall be 500 feet at any point.
 - (a) Campsites shall be laid out so that the density within the parcel of land used as a campground shall not exceed seven campsites per acre of land area per acre suitable for development.
 - (b) That part of the campground parcel that fronts on any pond, lake, stream, or upland edge of a wetland shall be no less than 500 feet in width measured at the normal high-water mark, plus 50 feet for each additional 20 campsites or fraction thereof over 20.
 - (c) Exclusions from land area per acre suitable for development. Areas of land supporting wetlands vegetation and land below the normal high-water mark of a water body shall not be included in calculating the land area per acre of land suitable for development. In addition, the following areas shall also be excluded in calculating land suitable for development: areas designated as significant wildlife habitat by the Department of Inland Fisheries and Wildlife and archeological sites identified by the State Historic Preservation Commission. Such areas may not contain any buildings, structures or other nonvegetated surface except for footpaths subject to Planning Board approval.
 - (d) A campground is allowed only one pier or dock emanating from the shoreline per 250 feet of shore frontage, excluding shore frontage constituting wetlands. Pier, dock, and unattached swimming float installation shall be in accordance with the provisions of § 60-25 of this chapter, except the maximum dimensions of said piers, docks, or floats may be determined by the Planning Board based upon the campground use.
 - (e) The total square footage of all buildings, structures, and recreational facilities or areas shall not exceed 10% of the parcel of land suitable for development for the campground.
 - (f) A campground, including dwellings proposed for owners or staff, must conform to this chapter's requirements for minimum lot size and dimensions. The land area required for such dwellings shall be deducted from the land area per acre suitable for development.
- (5) Minimum area for campsite; maximum campsites. The minimum prescribed area required for a campsite is 5,000 square feet of land determined suitable for

development, and not including roads and driveways. Calculation of the minimum square footage for a campsite shall be performed in accordance with the standards of § 60-75A of this chapter. The minimum of 5,000 square feet of land for each campsite must be supplemented by an additional 500 square feet for parking and maneuvering. The maximum number of campsites shall not exceed 80.

- (6) Setbacks and buffer/screening.
 - (a) The minimum setback for any campsite, structure, recreational facility or area, or parking space therefor shall be 100 feet from the normal high-water mark of any pond, stream, or upland edge of a wetland.
 - (b) From the exterior perimeter of the campground parcel, setbacks of any campsite, structure, recreational facility or area, or parking space shall be not less than 150 feet from side, rear, and front lot lines, and the same shall be not less than 200 feet from any residence (except for residence within the campground belonging to the campground owner) on the campground parcel or on an adjoining lot. "Front lot lines" are the lot lines separating the campsite from the right-of-way line of a street or road, public or private.
 - (c) Each campsite shall be no less than 75 feet in width measured at the front lot line abutting the interior access road or road or street. No RV or temporary living quarters on a campsite shall exceed 400 square feet. There shall be a minimum of 50 feet between each RV or temporary living quarters on a campsite. Included within the minimum 50 feet of distance between an RV or temporary living quarters on a campsite shall be a ten-foot strip of existing trees and vegetation or planted trees and vegetation on each side of the temporary living quarters. An RV or temporary living quarters on a campsite shall be a minimum of 20 feet from the interior access road or road or street.
 - (d) Campsites shall be laid out and screened from adjacent land areas and from public streets. Any combination of natural planting, landscaped earthen berms, or solid fencing may be used to achieve a continuous buffer not less than six feet in height. New plantings shall be native and appropriate for existing site conditions and blending and compatible with existing natural vegetation. Unnecessary disturbance of landscape shall be minimized, insofar as practicable, by avoiding tree removal and changes in grade. The clearing of trees and vegetation for a campsite shall be limited to 1,500 square feet.
- (7) Campground operation.
 - (a) Campsites may be occupied by travel trailers, camping trailers, truck campers, pickup campers, RVs, tents, or similar temporary living quarters, not exceeding 400 square feet and used for camping purposes. All RVs, and camping vehicles must have a current motor vehicle registration. Permanent structures may not be placed on a campsite.
 - (b) Mobile homes are specifically excluded from campgrounds.

- (c) No permanent structure may be attached to an RV, camping vehicle or other temporary living quarters. No building, structure or shelter may be constructed on a campsite except for tent platforms. Collapsible screen rooms are permitted.
 - (d) No campsite shall be conveyed, leased, or rented in a manner which grants or affects rights of ownership or title in said land area.
 - (e) No RV, camping vehicle or other temporary living quarters shall be permanently connected to a water supply or septic system.
 - (f) No campground shall issue day passes or otherwise offer day use to groups or the general public. A day pass to visit a registered campground guest is permitted.
- (8) Service facilities and maintenance. Facilities which meet the following specifications shall be provided and continuously maintained in sanitary and in good operating order at all times when the campground is operational.
- (a) Campgrounds shall operate in compliance with the minimum requirements imposed under state law and regulation, including but not limited to potable water supply, plumbing, and Subsurface Wastewater Disposal Rules.¹⁴
 - (b) Campgrounds shall develop guidelines for the operation and maintenance of campground facilities that address the following:
 - [1] Collection, recycling and disposal of all solid waste;
 - [2] Fire protection;
 - [3] Noise;
 - [4] Access to emergency services, including police, fire and ambulance;
 - [5] Road maintenance;
 - [6] Best management practices for stormwater and erosion;
 - [7] Disposal of wastewater from RVs, camping vehicles, and other temporary living quarters;
 - [8] Regular maintenance of potable water supply and sanitary facilities.
 - (c) Campsites shall provide a subsurface wastewater connection or a central facility for disposing of such wastewater generated from each campsite.
 - (d) Campgrounds shall provide conveniently spaced service building containing one toilet, sink and shower to accommodate every 10 campsites or a fraction thereof.
 - (e) The storage, collection, and disposal of refuse and recycling shall be in closed containers which shall not harbor rodents, insects, or create health

14. Editor's Note: See 10-144 CMR Ch. 241.

hazards or odors and shall be collected at least weekly. Covered refuse and recycling containers will be provided throughout the campground to prevent any refuse from overflowing, and removed to a central collection point.

- (f) The requirements of § 60-60 of this chapter concerning glare apply. In addition, shielded fixtures shall be required to minimize light pollution.
 - (g) Campgrounds with boat launches shall provide educational materials to boat owners and shall conduct invasive species inspection procedures prior to allowing boats to be launched from the campground.
 - (h) Each campsite shall be provided in a specifically designated location with a masonry or metal fireplace/firepit approved, in writing, by the Fire Chief. Fires shall not be allowed under conditions and at times determined to be unsafe by the Fire Chief. Wood ash from said fires shall be removed and disposed of weekly in the same manner as refuse. Fire protection requirements shall satisfy the standards of review in Chapter 46, Subdivision of Land, § 46-9B(8).
 - (i) Appropriate campground staff must be on the premises and available 24 hours a day when the campground is operational.
- (9) Interior roads and driveways.
- (a) Interior roads and driveways. The following standards shall apply to interior roads and driveways. Interior roads and shall have a minimum travelway of 16 feet with three-foot shoulders on each side of the travelway. Campsites shall be set back from the shoulders of interior roads on each side. Culverts will be placed at all points of watercourses and collection points. Runoff shall be directed to areas where it can be absorbed by the ground and not discharged in any pond, stream, or wetland. The design and plan for the construction of said roads shall be by a licensed professional engineer. Alignment and gradient of roads shall be properly adapted to topography and consist of a smooth, hard surface with proper drainage. Said design, its profiles and cross sections shall be submitted to the Planning Board as a part of the application.
 - (b) Access roads are subject to the provisions of Chapter 46, Subdivision of Land, § 46-10. It is the responsibility of the applicant to obtain all necessary easements from the abutters of an access road to construct and maintain said road according to the requirements of the Planning Board. There shall be two access roads from the parcel for adequate evacuation in case of an emergency situation.
 - (c) No vehicles are permitted to park on interior roads and streets of the campground.
 - (d) The minimum standard for off-street parking in § 60-66 of this chapter is in addition to the parking/maneuvering space requirement for each campsite.

- (10) Excavation and fill. All excavation and fill shall be conducted in accordance with provisions in this chapter for such activities and shall provide measures for adequate control of soil erosion and/or sedimentation.
 - (11) Noise. Quiet hours must be enforced between 10:00 p.m. and 8:00 a.m. Outdoor events and activities sponsored by the campground owner shall not extend beyond 9:00 p.m.
- C. Specific regulations for wilderness park campgrounds. A wilderness park campground shall:
- (1) Be limited to the development of tent sites only with a minimum prescribed area of 10,000 square feet for each site. Calculation of the minimum square footage for a tent site shall be performed in accordance with the standards of § 60-75A of this chapter.
 - (2) Be limited to the use of pit, vault, composting or portable toilets only.
 - (3) Require that all solid waste be carried off-premises by campsite occupants.
 - (4) Not permit on-site parking except for handicap accessible parking.
 - (5) Require that any campground that contains a designated wilderness park campground area must ensure that the non-wilderness campground has facilities (toilets, showers) to accommodate campers who may camp in the designated wilderness park campground area at the same rate as for campground campsites.

§ 60-76. Mobile home parks. [Added 6-11-2025]

The regulations of this § 60-76 of this chapter apply to new mobile home parks and expansions of existing mobile home parks. These regulations shall be applied during Planning Board's subdivision review of new mobile home parks and expansions of existing mobile home parks. New mobile home parks and expansions of existing mobile home parks do not receive conditional use review and approval.

- A. Minimum mobile home park area. The overall area of a mobile home park shall not be less than the combined area of its mobile home park spaces, plus the area required for roads, rightsof-way, and buffer strips, if any.
- B. Minimum mobile home space.
 - (1) Each mobile home space with on-site subsurface waste disposal shall consist of an area not less than 20,000 square feet with a width measured at the setback to the line abutting a road of not less than 100 feet.
 - (2) Each mobile home space served by a central on-site subsurface wastewater disposal system shall consist of an area of not less than 12,000 square feet, with a width measured at the setback to the line abutting a road of not less than 75 feet.
 - (3) No more than 50% of each space shall be covered by the mobile home, accessory buildings, or structures of any kind.

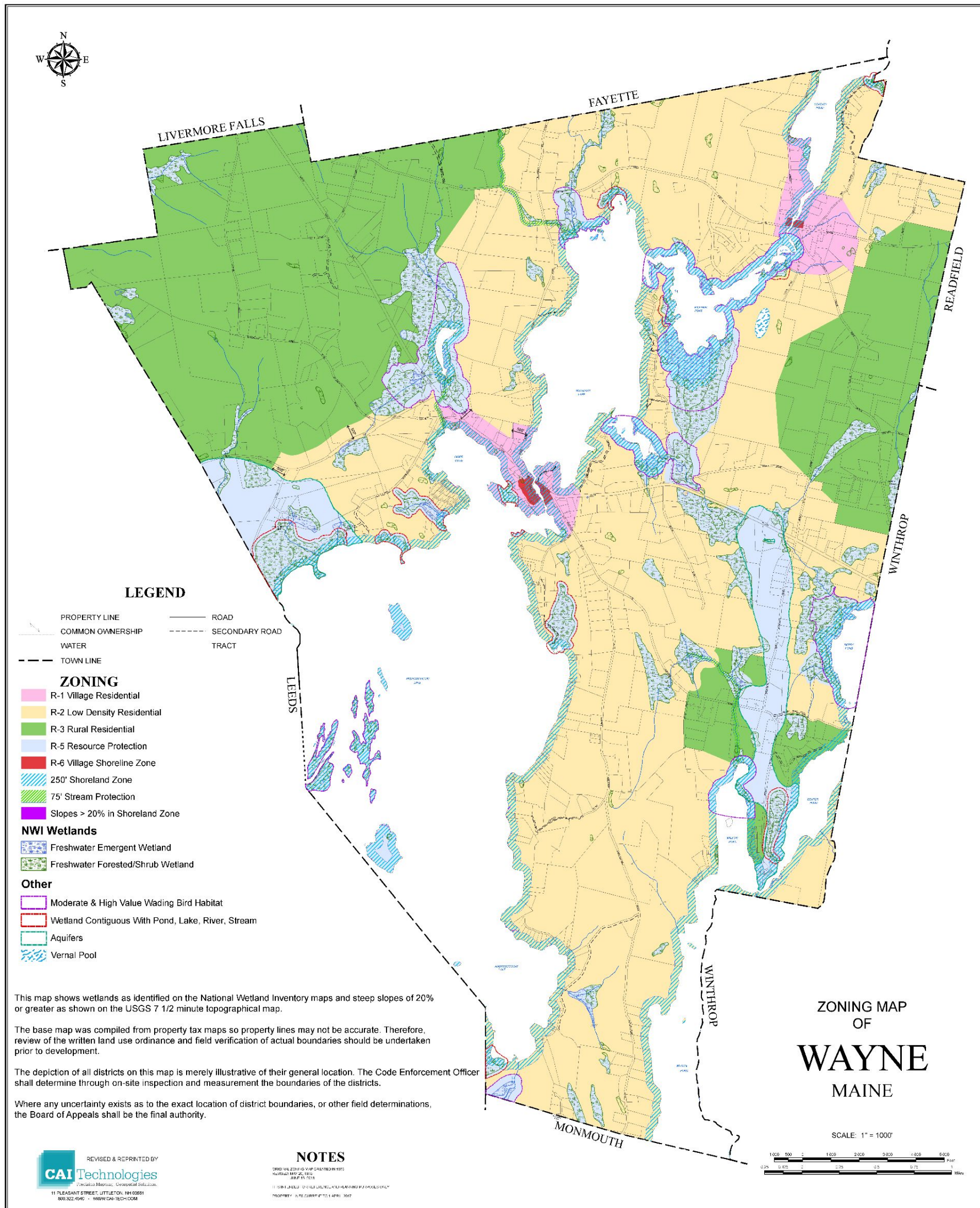
- C. Concrete pads. Each mobile home space shall have a concrete slab, no less than four inches thick on a twelve-inch gravel base, of sufficient dimensions to serve as a foundation to the mobile home installed thereon.
- D. Setbacks. Setbacks of the mobile home or accessory structures from mobile home space lot lines shall be 35 feet from the front lot line, 30 feet from a side lot line, and 30 feet from a rear lot line.
- E. Additions of accessory structures.
- (1) One enclosed tenant storage facility of at least 300 cubic feet shall be provided on each mobile home space for the storage of materials and equipment. No other accessory buildings shall be permitted.
 - (2) No addition consisting of interior living space may be constructed to become attached to a mobile home, unless such addition was originally designed as a part of the mobile home by the manufacturer. Said additions, and open decks and stairways, are permitted, provided that they are not attached to an in-ground foundation and can be easily removed, and they meet the setbacks required as above.
- F. Location of park with respect to roads. Every mobile home park shall have access to a currently maintained Town road by abutting thereon or by means of a privately constructed road built according to standards as follows:
- (1) Construction of access roads connecting a Town road to a mobile home park shall meet the requirements of Chapter 46, Subdivision of Land, § 46-10. It is the applicant's responsibility to obtain, as required by the Planning Board, the necessary easements from and execute the necessary agreements with abutters of an access road to improve and maintain any access road to the park. The applicant shall submit, as a part of the application, the design, profiles, and cross sections of the access road, prepared by a licensed professional engineer.
- G. Interior roads within mobile home parks. Roads within a park shall be continuous or terminate with a turnaround of not less than 100 feet in diameter and:
- (1) Shall have a minimum gravel base of 12 inches, sixteen-foot travelways for parks of up to six spaces, and eighteen-foot travelways for parks over six spaces, two-foot shoulders of not more than 3:1 slope and be surfaced with a bituminous or chip-seal process to a depth of two inches. These provisions may not be waived by the Planning Board.
 - (2) Shall be designed by a licensed professional engineer and that design, profiles, and cross sections shall be submitted as part of the application.
- H. Utilities.
- (1) Each mobile home shall be connected to an approved septic disposal system according to the State of Maine Subsurface Wastewater Disposal Rules¹⁵ with no more than four mobile homes being connected to a common subsurface system.

15. Editor's Note: See 10-144 CMR Ch. 241.

- (2) Electrical entrances shall be provided for each space, and installation and connections shall be in accordance with applicable state and local codes.
 - (3) A potable and safe water supply shall be piped underground to each space in sufficient volume to provide 300 gallons per day per space at an average pressure of 40 psi.
- I. Fire protection. Easements shall be provided to existing water sources on the parcel suitable for fire protection; and the owner shall install, per Wayne Fire Department specifications, dry hydrants at all available sources. Such sources will be noted on the plan.
- J. Refuse and garbage disposal. The storage, collection, and disposal of refuse shall not create a health hazard, rodent harborage, insect breeding area, accident hazard, or odor. All such wastes shall be stored in covered, watertight, and animal-proof containers. Collection shall be sufficiently often to prevent overflowing of refuse. Central collection points shall have container racks, holders, or other means for containing the refuse until collection. Such central collection points shall be indicated on the plan. The provisions of this section shall remain the responsibility of the park owner.
- K. Parking areas.
 - (1) Each mobile home space shall have a minimum of two parking spaces provided in a dimension of not less than nine feet wide by 18 feet long.
 - (2) These may be provided on each mobile home space or within 50 feet of a mobile home space in common parking areas. Parking on interior roads will not be permitted to satisfy this requirement.
- L. Buffer strips and clearing of vegetation.
 - (1) A fifty-foot buffer strip along park boundaries which abut land used for residential use shall be required if the proposed density of the homes within the mobile home park is at least two times greater than the density of residential development on immediately adjacent parcels of land or, if the immediately adjacent parcels of land are undeveloped, the maximum net residential density permitted by this chapter or state law. Preservation of existing trees and vegetation within the first 25 feet of the buffer strip as measured from the exterior boundaries of the mobile home park is required as natural screening to the extent that such natural screening also is required for other residential developments.
 - (2) Clear-cutting prior to submission of the plan to establish a mobile home park is prohibited. Natural vegetation and trees shall be retained wherever possible, consistent with permitted construction of spaces, roads, and utilities. Buffer strips of trees and evergreen vegetation of not less than 10 feet in width shall be maintained and created where necessary between mobile home spaces.
 - (3) All buffer strips shall be shown on the plan. The Planning Board, as a part of its review, may require landscaping to establish buffer strips between spaces and around the park perimeter.

ZONING

60 Attachment 1



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DISPOSITION LIST

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Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Town of Wayne reviewed for codification, indicating for each its inclusion in the Code or the reason for exclusion. The last legislation reviewed for the original publication of the Code was adopted June 11, 2025.

§ DL-1. Disposition of legislation.

KEY:

NI = Not included in Code but saved from repeal.

Adoption Date	Adopted By	Subject	Disposition
3-1-1971	Town Meeting	Mobile Home Parks, Recreational Vehicle Parks and Campgrounds	Repealed 6-11-2025
6-30-1982	Town Meeting	Road Construction and Acceptance	Ch. 34
11-17-1987	Town Meeting	Subdivision of Land	Ch. 46
6-18-1992	Town Meeting	Zoning	Ch. 60
6-13-1996	Town Meeting	Parks and Public Lands	Ch. 28
7-6-1998	Board of Selectmen	Culvert Installation and Maintenance at Planned Road Entrances	See Ch. 11
12-9-2008		Ordinance for Lincoln Point Rd. Stop Sign	NI
10-11-2022	Town Meeting	Solar Energy Systems	Ch. 40
6-14-2023	Town Meeting	Amusements	Ch. 4
6-10-2025	Town Meeting	Mobile Home Parks and Campgrounds	Ch. 20
6-11-2025	Town Meeting	Zoning Amendment	Ch. 60

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