

TOWN OF WOOLWICH PLANNING ORDINANCE

(enacted in 1968 amended through 2020)

ARTICLE I

Districts

The Town of Woolwich shall be divided into the following districts as shown on the most current official maps filed with the Town Clerk and ~~dated 05/06/04~~:

- A. Residential
- B. General Purpose
- C. Rural
- D. Resource Protection

ARTICLE II

Definitions

For the purpose of this Ordinance, the following words and phrases have the meaning ascribed to them in this section:

- A. Dwellings:
 - 1. Dwelling: place of abode of no more than one family in the shoreland zone or two families in the rest of the town.
 - 2. Multiple Dwelling: place of abode designed for ~~two or~~ three families.
 - 3. Cluster Dwelling: place of abode designed for more than three families.
- B. Clustered Residential Development: An area which contains a minimum contiguous acreage of at least 20 acres developed or to be developed as a single entity according to a plan and containing one or more cluster dwellings.
- C. Common Open Space: An open area within a site designated as a clustered residential development and designed and intended for the use or enjoyment of residents and owners of the development or the public.
- D. Net Residential Density: The number of single family residential units on a given parcel of land divided by the number of acres in the given parcel, calculated without regard to where or how each unit is placed on the parcel. (example: 20 units placed on 40 acres is a net residential density of one (1) unit per two (2) acres (1/2 unit /acre); 20 units placed on 10 acres is a net residential density of two (2) units per acre).
- E. Subdivision: “Subdivision” means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings, or otherwise. The term “subdivision” also includes the division of a new structure or structures on a tract or parcel of land into 3 or more

dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

- A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:
 - (1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence or for open space land as defined in Title 36, section 1102, for a period of at least 5 years before the 2nd dividing occurs; or
 - (2) The division of the tract or parcel is otherwise exempt under this subchapter.

- B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing of lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

- C. A lot of 40 or more acres shall not be counted as a lot, except:
 - (1) When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance; or
 - (2) When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation; elected to count lots of 40 or more acres as lots for the purpose of this subchapter when the parcel of land being divided is located entirely outside any shoreland zoning ordinance.

- D. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor in any transfer or gift within this paragraph is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then the previously exempt division creates a lot or lots for the purposes of the subsection.

- E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.
 - F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.
 - G. Notwithstanding the provision of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.
 - H. Nothing in this subchapter may be construed to prevent a municipality from enacting an ordinance under its home rule authority which expands the definition of a subdivision to include the division of a structure for commercial or industrial use of which otherwise regulates land use activities.
 - I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph D, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objective of this subchapter.
- F. Mobile Home: Any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons, provided with a toilet and a bathtub or shower.
 - G. House Trailer: Mobile home which does not have a toilet and a bathtub or shower.
 - H. Shoreland: Land within 250 feet of normal high water mark of any pond, river, or water that is man-made and is completely surrounded by land held by a single owner.
 - I. Signs: Lettered or pictorial matter when used out of doors to advertise or promote the interest of any person or business when the same is placed in view of the general public.
 - J. Variance: A relaxing or changing of details of the requirements of this Ordinance in cases where literal application or rigorous enforcement would cause unusual difficulty or special hardship (see Article X).

- K. Exceptions: Matters referred to in provisions of this ordinance that require special permits from the Planning Board (see Article X).
- L. Non-Conforming Use: Any lawful use of structures or land existing at the effective date of this Ordinance or amendments thereto, although not conforming with the provisions of this ordinance or amendments.
- M. Edge of Right of Way: The boundary of land owned by the State of Maine or Town of Woolwich for the purpose of maintaining a roadway; the edge of the right of way is not the edge of the tarred or gravelled surface.
- N. High Water Mark for Coastal Waters: The line on the shore of tidal waters reached by shoreward limits of the rise of the medium tides between the spring and the neap. Specifics to be taken from the U. S. Coast & Geodetic Survey publications.
- O. High Water Mark for Lakes, Ponds, Streams and Rivers: The high water mark on lakes , ponds, streams and rivers above high tide water is shown by the marks on the shore made by the ice and water.
- P. Premise: Meaning a lot of legal record.

ARTICLE III

General Provisions

1. Non-Conforming Uses: No lawful non-conforming use shall be changed, extended, or enlarged in any manner or for any purpose not permitted under this Ordinance, except as may be permitted as a variance, not as an exception. If any non-conforming use of any structure or land or both is changed to a conforming use, it shall not thereafter be put into any non-conforming use.
2. Non-Conforming Structures: Expansions. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure. This provision shall not be construed to authorize an expansion of a non-conforming use within or related to the structure, except as may be allowed in paragraph 1., above.
3. Damage: Any non-conforming building or structure destroyed or damaged by fire, flood, lightning, wind or otherwise, to the extent of 75% or more of the reproduction cost of such building at the time of such damage, as determined by the Building Official, shall not be rebuilt, repaired, reconstructed nor altered except for a purpose permitted in the district in which such building is located, or except as may be permitted by the Board of Appeals under this Ordinance, as a variance, not as an exception.

4. Discontinued Development or Use: If any non-conforming development or use of land or of buildings be discontinued for 12 consecutive months, as determined by the Building Official, such land or buildings shall thereafter be used or developed only in accordance with the terms of this Ordinance for the district in which such property is located.
5. Lots of Record Pre the Effective Date of this Ordinance: Any lot of record before the effective date of this Ordinance not located in the Resource Protection District and in non-conformance with the provisions of this Ordinance may be used for residential purposes if in accordance with the provisions of State law, and after a permit has been obtained from the Planning Board.
6. Ruins: No owner or occupant of land in any district shall permit fire or other building ruins which may be hazardous to the health, comfort or property of individuals, or of the public, to remain but shall repair or remove them within 60 days of written notice by the Town Officers. An extension may be granted by the Planning Board, after consultation with the Select Board and the Codes Enforcement Officer.
7. Enforcement Shall be in Accordance with Article X

ARTICLE IV

- A. There shall be four residential districts as shown on the official maps.
 1. Sagadahoc Ferry
 2. Day's Ferry
 3. Nequasset
 4. Montsweag
- B. They shall be districts of family residences, year round or seasonal.
- C. Home Occupation: A Home Occupation shall be permitted if the Code Enforcement Officer determines that it meets the following criteria and standards:
 - 1) It involves an occupation or profession which is carried on by a member of the family residing on the property;
 - 2) It is clearly incidental and secondary to the residential use of the property and it occupies less than 1/3 of the useable residential floor space;
 - 3) It has not more than two full-time employees or the equivalent, (i.e., 80 work hour per week) from outside the family;
 - 4) It has no exterior signs, except as expressly permitted by the sign ordinance;
 - 5) It does not create a nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, electrical disturbance, or any significant increase in traffic;
 - 6) It provides, in addition to adequate off-street parking to meet the normal requirements of the dwelling, adequate off-street parking for the vehicles of

each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours.

Any other business to be operated from a home shall be permitted only as an exception if (a) it is not injurious to a person's health or the environment and (b) it meets standards 1, 5 and 6, above regarding family members, nuisance and parking.

D. Lot Size Requirements:

1. No dwelling, mobile home, or house trailer shall be constructed on or moved to a lot less than one acre.
 2. Any lot bordering a public way shall have a frontage of at least 150 feet.
 3. The minimum shore frontage shall be 200 feet measured in a straight line between boundaries.
 4. The minimum lot depth on shorelands shall be 250 feet, on average, with no point of inland lot line less than 200 feet from normal high water mark.
 5. On the shore, the minimum setback of all buildings and structures, except those requiring direct access to the water as an operational necessity, shall be at least 100 feet from mean high water mark; in the rest of the Town the minimum setback shall be at least 25 feet from the edge of the right of way.
 6. All buildings shall be at least 20 feet from any adjoining lot line.
 7. If any building existing as of the effective date of this Ordinance burns or is otherwise destroyed, it may be replaced even if the lot is not required size.
 8. In dividing a lot or parcel of land where a residence or business exists, it shall be mandatory to retain enough land so that the existing residence or business will have the same road frontage and area as is required by this Ordinance for a new installation.
- E. One mobile home or house trailer which is occupied may be allowed temporarily on the same lot as a dwelling provided that a permit is first obtained from the Codes Enforcement Officer. A special permit must be obtained from the Planning Board if the occupied mobile home or house trailer is to be kept on the lot for more than 30 days.
- F. Off-street parking shall be provided in the amount of 300 square feet per dwelling unit. This may be accomplished by driveway space, garage space, or parking lot space.
- G. Churches, schools, hospitals, nursing homes, multiple dwellings, cluster dwellings, municipal buildings, and subdivisions may be permitted in this District as an exception (see Article X, K.) if approved by the Planning Board, after holding a public hearing. Any proposal for such a structure or use shall include a site fire protection plan. The plan shall provide adequate (1) ingress and egress for emergency vehicles, (2) source(s) of water supply for firefighting and (3) provision for any other elements deemed necessary by the Woolwich Fire Department. The plan shall be reviewed and approved by the town's Fire Chief prior to a public hearing.
- H. All sewage and plumbing systems for all building and mobile homes must comply with the regulation of the State Plumbing Code.

- I. The following are prohibited in the Residential District:
 1. Hotels, motels, mobile home parks, trailer courts
 2. Business and industry, except as stated in section C above.

ARTICLE V

General Purpose District

This district shall consist of the areas so indicated on the official maps. In the shoreland zone its purpose is to provide areas for business and industry in water-related activities, and to provide for public access to the shore; in the rest of the Town to provide areas for business and industry as well as for homes and for public recreation.

- A. All land uses permitted in the other Districts shall be permitted in the General Purpose District, with the same requirements or restrictions as in the other Districts except as stated below in the Article. Public recreation and enjoyment of shoreland are permitted as long as compatible with protection of the shore.
- B. Any new business or industry that by reason of smell, noise, smoke, fumes, or for any other reason is objectionable and detrimental to the well-being of the Town shall not be permitted.
- C. No new business building shall be located within 50 feet of the edge of any public right of way. Each proposed business in this District shall provide ample space on its property to accommodate all vehicles attracted by it, including those of its customers, employees, and proprietors, and shall provide proper off street loading and unloading facilities. The lot must be at least one acre. Any business lot bordering a public way shall have a frontage of at least 100 feet.
- D. No dwelling or mobile home shall be erected on or moved to a lot with an area of less than one acre. Any lot bordering a public way shall have a frontage of at least 150 feet and a setback from the edge of the right of way of 50 feet.
- E. All buildings shall be at least 20 feet from any adjoining lot line.
- F. In the shoreland zone business and industry may be allowed by special exception only, provided the Planning Board determines they meet the requirements of this Ordinance, comply with all applicable federal, state, and municipal laws and regulations, and will engage in water-related activities.
- G. Sections C, D 7 and 8, E, F, G, and H of Article IV shall apply also to the General District.

In shoreland areas the following shall not be permitted:

1. Dumps and junkyards

2. Oil refineries and storage
3. Mobile home parks and trailer courts
4. Outdoor advertising, except on business premises and in conformance with Article XI.

ARTICLE VI

Rural District

This District shall consist of the areas indicated on the official maps.

- A. The Rural District shall be mainly farm and forest areas.
- B. No dwelling or mobile home or house trailer shall be constructed on or moved to a lot with an area of less than one and one-half acres. Any lot bordering a public way shall have a frontage of at least 200 feet.
- C. All uses permitted in the shorelands and other areas of the Residential and Resource Protection Districts shall be permitted in the corresponding areas of the Rural District under the same conditions and restrictions, except for the specifications in the preceding paragraph (Paragraph B of this Article).

Except for those specifications, the provisions of Section B through I of Article IV shall apply in the Rural District.

ARTICLE VII

Resource Protection District

This District shall consist of the areas indicated on the official maps dated May 4, 2011.

- A. The purpose of this District is to try to protect shorelands from irreparable damage; maintain safe and healthful conditions, prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird or other wildlife habitat; to conserve shore cover and natural beauty; to protect the most vulnerable and natural areas throughout the Town where land use would adversely affect water quality, biological and ecological systems, wildlife habitat, natural and scenic values. Such areas include, but are not limited to:
 1. Wetlands, swamps, marshes, bogs.
 2. All other significant wildlife habitat.
 3. Fragile soils or slopes subject to severe natural erosion or on which erosion would be much accelerated as the result of disruption.
 4. Areas designated by federal, state, or municipal governments as natural, scenic, or historic areas of significance to be protected from development.
 5. Areas which on some other objective basis can be shown to be significant and vulnerable.

- B. Permitted Uses: The following are permitted to the extent that they are compatible with protection of the area in question.
1. Harvesting a wild crop such as salt marsh hay, berries, etc.
 2. Non-intensive recreational uses not requiring structures.
 3. Wildlife management.
 4. Forestry, agriculture, aquaculture. These are permitted as long as there is no alteration of shores or banks, no clear cutting; and, in shorelands, no use of pesticides.
- C. Uses Permitted only by Special Exception Permits: After review and approval by the Planning Board on finding that:
1. The proposed use is not harmful to natural resources or scenic values in, nor incompatible with use of, the surrounding area.
 2. The proposed use will not degrade the air or water or soil, and is not harmful to natural resources or scenic values in the area of proposed use.
- D. Uses ~~so permitted~~ by special exception include:
1. Public facilities for educational, scientific, or nature study purposes. Such facilities must be non-residential and designed for low-intensity use.
 2. Non-residential structures accessory to permitted uses.
 3. ~~Single family residences and accessory structures, with the conditions stated in Article IV. In Resource Protection District if the site in question does not meet the criteria for inclusion in the Resource Protection District (i.e., the site is not a wetland, flood plain).~~ Single family residences and accessory structures, if the site in question does not meet the criteria for inclusion in the Resource Protection District (i.e., the site is not a wetland or floodplain), and the structure meets all applicable standards in Article IV.
- E. Prohibited Uses:
1. Structures not related, necessary or accessory to permitted uses.
 2. Business and industry.
 3. Hotels, motels, mobile home parks, trailer courts, clustered residential developments.
 4. Outdoor advertising, see Article XI.

ARTICLE VIII

Clustered Residential Developments

- A. Clustered Residential Development: A person may not establish a clustered residential development without first obtaining approval of the Planning Board and a permit from the Codes Enforcement Officer. An applicant for a building permit must file an application with the Planning Board and comply with the

regulations adopted by the Planning Board. Prior to approval of the development by the Planning board, a public hearing must be held and the applicant must comply with the performance standards set forth below.

- B. Performance Standards: A clustered residential development must be established according to the following performance standards.
1. *Residential density: The net residential density of any development may not exceed one dwelling per one and one-half acres.
 2. Site integrity: Each building or improvement must be considered as an integral part of an overall plan for development of a particular site.
 3. Orientation: Buildings and other improvements must be situated so as to take into consideration scenic vistas and natural features of the landscape.
 4. Buffering: Planting, landscaping, location, and design of buildings and other improvements, or fencing and screening must be utilized to integrate the proposed development with the landscape and the character of the neighborhood.
 5. Open space: Adequate open space must be provided for recreational or other outdoor living purposes; for preserving trees, wood, waterways, glens, rock outcrops native plant life, and wildlife cover, and for environmental enhancement in general.
 6. Recreation facilities: Recreation facilities must be provided consistent with the development proposal.
 7. Access, parking and service areas: Access from public ways, internal traffic circulation and parking and service areas must be designed to provide for vehicular and pedestrian safety and convenience, fire and other emergency equipment , snow clearance, street maintenance, and delivery and collection services.
 8. Streets: Any street within the development which are to be dedicated to public use must be laid out and constructed according to local requirements.
 9. Utilities: All utilities must be installed underground wherever possible. Transformer boxes, pumping stations, and meters must be located so as not to be unsightly or hazardous to the public.
 10. Water supply and sewage disposal: Water supply and sewage disposal systems must comply with State and Local Codes.
 11. Drainage: Adequate provision must be made for storm drainage.
 12. Erosion: Erosion must be prevented by landscaping or other means.
 13. Developable area: Within the property being developed, the portion of the property used for residential development, parking and street coverage shall not exceed 25% of the total land area of the property exclusive of wetlands.
- * 1975 Town meeting approved amendment changing Section 1 to read “one single family dwelling”.
- C. Performance Guarantee: Before a permit is issued by the Building Inspector, the Developer shall file a performance guarantee with the Selectmen for approval. The guarantee may be tendered in the form of a certified check payable to the Town, or a faithful performance bond running to the Town issued by a surety company acceptable to the Selectmen. It must guarantee the satisfactory completion of all specified improvements within two years. The amount of the

guarantee must equal the total cost of furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, utilities, and other improvements specified in the final plan.

- D. Open Space, Public Areas and Public Facilities: The common open space, public areas and public facilities must be shown on the site plan with appropriate notations on the plan to indicate the uses to be permitted of the open space, public areas and public facilities and whether they are to be exercised by the residents or by the general public.
- E. Recording: When a permit is issued by the Building Inspector, the developer shall deliver to the Building Inspector a copy of the plan as described in this section, suitable for recording in the Registry of Deeds, along with a recording fee. The Building Inspector shall immediately file the plan in the Registry of Deeds.
- F. Incorporation of Neighborhood Association: Except in clustered developments owned by a single entity, before a permit is issued by the Building Inspector, the developer shall incorporate a neighborhood association for the operation and maintenance of the common open space reserved solely for the use by the residents of the development and their guests. Covenants for mandatory membership in the association setting forth the owners' rights and interest and privileges in the association and the common land as indicated on the site plan must be approved by the Planning board and included in the deed for each lot.
 - 1. Duties of association: The association shall maintain the common open space and operate and maintain the local neighborhood recreational facilities within the open space.
 - 2. Maintenance charges: The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open spaces and neighborhood recreational facilities.
 - 3. Temporary control by developer: The developer shall provide control and maintenance of the open space until a number of people sufficient to support the association have purchased lots in the development. Upon request of the association or the developer, the Building Inspector shall determine whether that point has been reached.

ARTICLE IX

Land Use Standards for Shorelands

Amended May 6, 2004: Please see separate Town Shoreland Zoning Ordinance.

ARTICLE X

Administration and Enforcement

- A. ~~It shall be the duty of Board of Selectmen~~ the Select Board is hereby given power and authority shall have the duty, power, and authority to enforce the provisions of this Ordinance. In carrying out its responsibilities, the Select Board shall

appoint a Building Inspector official and a Plumbing Inspector and shall delegate to said Inspectors the power and authority in accordance with the provisions of this Ordinance, to issue any and all permits requested.

- B. Plumbing Permits: A plumbing permit meeting state requirements for soil tests must be obtained from the Plumbing Inspector before application is made for a building permit.
- C. Building Permits: After passage of this Ordinance, it shall be unlawful to erect any building over 200 square feet or alter the bulk of any building in any district, without first obtaining a building permit from the Building Inspector. There shall be a fee paid to the Building Inspector for the use by the Town of:
1. Residential and outbuildings: \$20.00 minimum fee or ten cents per square foot of unfinished space and fifteen cents per square foot of finished space.
 2. Commercial: \$40.00 minimum fee or ten cents per square foot of unfinished space and fifteen cents per square foot of finished space.

The Building Inspector shall issue written notice of his decision on any application or a permit within 10 days from the date of filing such application. Building Permits are valid for one year from date of issue.

- D. The Board of Selectmen shall appoint a Code Enforcement Officer to enforce the provisions of this Ordinance. Said officer shall notify in writing any person, firm, corporation or other legal entity who violates the provisions of this Ordinance and shall indicate the action necessary to correct such violation. If any person, firm, corporation or other legal entity continues to violate any provision of this Ordinance 10 days after receiving notice of such violation, the Code Enforcement Officer shall notify the Board of Selectmen which shall take immediate legal action to enforce the provisions of this Ordinance or to enjoin any violation.
- E. Appeal: An appeal may be taken from any decision of the Planning Board, Building Inspector, Code Enforcement Officer, to the Board of Appeals after which an appeal may be taken to the Superior Court of the State of Maine. The Board of Appeals shall affirm, modify or set aside the decision appealed from according to the terms of the pertinent Ordinance. The failure of the Board to issue a written notice of its decision, directed to the appellant, within 30 days from the date of filing of the appeal constitutes a denial of the appeal. The appeal to the Superior Court shall be taken within 30 days after the decision of the Board of Appeals.
- F. Board of Appeals: The Board of Selectmen shall appoint a Board of Appeals which shall consist of five members and two associate members. The term of office of a member is 5 years, but initial appointments shall be made 1, 2, 3, 4 and 5 years, respectively. The term of an associate member is 1 year. A municipal officer may not be a member or associate member of a Board of Appeals. When a member is unable to act because of interest, physical incapacity or absence from

the State, the Associate member shall act in his/her stead. The Board of Appeals shall elect a chairperson and secretary from its own membership. The Board of Appeals shall abide by the restrictions of Article X, Section J.

- G. Penalty: any person, firm, corporation or other legal entity found to have violated any of the provision of this Ordinance shall upon written notice by the Code Enforcement Officer be punished by a fine of not more that \$1,000 for each violation. Each day such violation continues shall constitute a separate violation. The town may institute proceedings to enjoin violation of this Ordinance and if violation is found by a court, the town may be allowed attorney fees, costs as well as appropriate injunctive relief.
- H. Savings Clause: The invalidity of any provision of this Ordinance shall not effect the validity of any other provision.
- I. Amendments: This Ordinance may be amended by the majority vote at Town Meeting. The Planning Board shall hold a public hearing on proposed amendment at least 30 days before Town Meeting. Notice of the hearing shall be published at least 10 days in advance of the public hearing in a newspaper of general circulation in the Woolwich area and posted at central points in the Town. The State Planning Office will be notified of all approved changes or amendments within the Woolwich Development Planning Ordinance.
- J. ~~Variances: When by reason of extraordinary physical conditions peculiar to land or buildings adjoining or nearby within the same zoning district, unusual difficulty or special hardship would be caused by literal application and vigorous enforcement of the terms of the Planning Ordinance, the Board of Appeals may determine and vary to moderate extents the setback, lot width and lot areas required, also the percentage of lot that may be covered by buildings provided such variance would act depart from the intents and purposes of this Ordinance. Under the conditions above stated, the Board may also permit modest expansions of any lawfully non conforming building or use of land, but only on land occupied by such use at the time the use became lawfully non conforming.~~

~~Each petitioner for a variance shall submit to the Board statements in writing, which may be accompanied by diagrams and/or photographs which shall become part of the record of such petition, demonstrating the following:~~

- ~~1. The nature of the hardship to the property under appeal; and the physical circumstances that allegedly would occasion such unusual difficulty or special hardship;~~
- ~~2. that such physical circumstances are peculiar to the property under appeal, are not substantially duplicated on other property adjoining or nearby in the same neighborhood or the same zoning district;~~
- ~~3. that the relief sought would not adversely affect property adjoining or nearby in the same neighborhood or the same zoning district and would not endanger the public health, safety, or convenience and would not impair the integrity of the Planning Ordinance.~~

~~As a condition prerequisite to granting any such variance, the Board shall show in~~

~~a written and/or recorded statement filed with its record of such petition and by a statement in the minutes of the Board how the variance sought fulfills the required conditions or how it fails to fulfill such conditions.~~

Variance: The Board of Appeals may grant a variance to the standards of this Ordinance when strict application of this ordinance to the petitioner and the petitioner's property would cause undue hardship. Variance shall not be permitted to allow a structure or use that is not permitted in the zone. The term "undue hardship" as used in this subsection means:

1. The land in question cannot yield a reasonable return unless a variance is granted;
2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
3. The granting of a variance will not alter the essential character of the locality; and,
4. The hardship is not the result of action taken by the applicant or a prior owner.

- K. Exception: The Planning Board may permit as an exception, not a variance, any matter so referred to it by other provisions of this Ordinance provided that the petitioner shall submit to the Board statements in writing, which shall become part of the record of such petition, demonstrating the following:
1. That the exception sought fulfills the specific requirements, if any, set forth in the Planning Ordinance relative to such exceptions;
 2. that the exception sought will not create nor aggravate a traffic hazard, a fire hazard or a panic hazard nor in any way endanger the public health, safety or convenience;
 3. that the exception sought will not impair the integrity of nor hamper the purposes of the Planning Ordinance;
 4. that the exception sought will not alter the essential characteristics of the neighborhood nor adversely affect property adjoining or nearby the property under petition. The Planning Board shall hold a public hearing on requested. Notice of the date, time and place of such hearing shall be published in a newspaper of general circulation in the town at least two times. The date of the first publishing shall be at least ten days prior to the hearing.

The applicant shall also notify all abutters of the date, time and place of the hearing and provide documentation of the notification to the planning board at the time of the hearing. Failure to notify abutters, or to provide documentation of the thereof, may, at the discretion of the Planning Board, result in a delay or cancellation of the Public Hearing. The notices shall also be posted at central points in the town.

- L. Fees: The following fees must accompany applications:

Subdivision	\$100.00 plus \$50.00 per lot
Exception	100.00
Board of Appeals	100.00

Fees are not refundable and will be credited to the Planning Board or the Appeals Board.

ARTICLE XI

- ~~A. Signs and bill boards relating to goods and services sold on the premises may be erected only on the premises of the business advertised.~~
- ~~B. General Purpose District: Signs shall not exceed twenty square feet, including border and trim, but excluding supports and shall not exceed 3 signs per premises. In the event of 3 business or more are located on a single premises each business will be entitled to 1, twenty square foot sign.~~
- ~~C. Residential, Rural and Resource Protection Districts: Signs shall not exceed 12 square feet and shall not exceed one 2 sided sign per premises.~~
- ~~D. Signs relating to trespassing and hunting shall be permitted without restriction as to number, provided that no such sign shall exceed 2 square feet.~~
- ~~E. No sign shall be placed on the roof of any building.~~
- ~~F. No moving signs or devises, including but not limited to promotional flags, pennants and flashing lights, shall be permitted.~~
- ~~G. No sign may have a height greater than twenty feet from top of sign to ground level of land upon which it is located.~~
- ~~H. An off premises directional sign may be permitted for an activity located off a main highway in this town. Authorization to erect such a sign must be obtained from the Planning Board upon applications obtained from the Maine Department of Transportation. Specific locations are subject to the Board's approval. These signs may not exceed 4 feet in length by 1 foot in width.~~
- ~~I. Non conforming bill boards and signs in existence at the effective date of this Ordinance may not be altered, enlarged or rebuilt except in conformance with this Ordinance. Normal maintenance and repairs are permitted.~~

A. Signs shall be in accordance with the current Town of Woolwich Sign Ordinance.

ARTICLE XII

Adult Use Recreational Marijuana Retail Stores and Marijuana Testing, Manufacturing, or Cultivation.

1. Adult Use Marijuana Retail Stores: Adult Use Marijuana Stores shall be restricted to the General Purpose District along U. S. Route One from the Woolwich side of the Sagadahoc Bridge to the railroad tracks running along the south shore of

Nequasset Creek. This area is further restricted to those lots that have direct frontage on Route One in this area.

2. **Adult Use Cultivation Facilities:** Marijuana Cultivation Facilities shall be restricted to the General Purpose District and the Rural District. Further, no Adult Use Marijuana Cultivation Facilities shall be permitted on (i) any lots fronting on Nequasset Road, (ii) within 1000 feet of the lot boundaries of Woolwich Central School, and (iii) within 1000 feet of the lot boundaries of the Chop Point School located at the end of Chop Point Road.
3. **Adult Use Marijuana Products Manufacturing Facilities:** Adult Use Marijuana Products Manufacturing Facilities shall be restricted to the General Purpose District. Further, no Adult Use Marijuana Products Manufacturing Facilities shall be permitted on (i) any lots fronting on Nequasset Road, (ii) within 1000 feet of the lot boundaries of Woolwich Central School.
4. **Adult Use Marijuana Testing Facilities:** Adult Use Marijuana Testing Facilities shall be restricted to the General Purpose District. Further, no Adult Use Marijuana Testing Facilities shall be permitted on (i) any lots fronting on Nequasset Road, (ii) within 1000 feet of the lot boundaries of Woolwich Central School.
5. **Measurement of Setbacks:** Where a setback distance is specified, the setback shall be the linear distance measured from that point on the boundary of the Marijuana Establishment physical plant (excluding parking areas) that is closest to the lot boundary of the use requiring the setback (e.g. Woolwich Central School), to the lot boundary of the use requiring the setback, measured along the shortest linear path.
6. **Requirement for Site Plan Approval:** All uses described in this Article shall be subject to Site Plan Review and approval by the Woolwich Planning Board.

Attest: A true copy of the ordinance which was amended at a Special Town Meeting on May 6, 2004, and at a Special Town Meeting on August 22, 2020.

Anthony P. Blasi
Town Clerk of Woolwich, Maine