

**TOWN OF
DENMARK, MAINE**
"Beautiful by Nature"



**Proposed Amendments To The June 2024
Zoning Ordinance of the Municipality of Denmark, Maine**

**NOMENCLATURE, NUMBERING, AND
GRAMMATICAL AMENDMENTS**

**APPROVED BY THE TOWN OF DENMARK
PLANNING BOARD AND SELECT BOARD**

**PREPARED FOR TOWN OF DENMARK, MAINE
JUNE 07, 2025 ANNUAL TOWN MEETING WARRANT**

Amendments Shown in Red-Line

MARCH 28, 2025

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CHAPTER 1 - GENERAL

1.4. Non-Conformance.

1.4.4.1. Structures.

All new additions or expansions of principal and accessory structures, excluding functionally water dependent uses, must meet the ~~water-body~~Water Body, tributary stream, or wetland setback requirements contained in Section 1.4.4.1.2.

1.4.4.1.2. Legally existing non-conforming principal and accessory structures that do not meet the ~~water-body~~Water Body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met.

1.4.4.1.2.1. Expansion of any portion of a structure within 25 feet, horizontal distance, of the normal high-water line of a ~~water-body~~Water Body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the ~~water-body~~Water Body, tributary stream or wetland setback requirement.

1.4.4.1.2.2. Expansion of an accessory structure that is located closer to the normal high-water line of a ~~water-body~~Water Body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the ~~water-body~~Water Body or wetland setback requirement.

1.4.4.1.2.3. For structures located less than 75 feet, horizontal distance, from the normal high-water line of a ~~water-body~~Water Body, tributary stream, or upland edge of a wetland, the maximum combined total floor area for all portions of those structures within that 75-foot distance is 1,000 square feet, and the maximum height of any portion of a structure

that is within 75 feet, horizontal distance, of a ~~water-body~~Water Body, tributary stream or upland edge of a wetland is 20 feet or the height of the existing structure, whichever is greater.

1.4.4.1.2.4. For structures located less than 100 feet, horizontal distance, from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total floor area for all portions of those structures within that 100-foot distance is 1,500 square feet, and the maximum height of any portion of a structure that is within 100 feet, horizontal distance, of a great pond 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, horizontal distance from the normal high-water line of a ~~water-body~~Water Body, tributary stream, or the upland edge of a wetland must meet the floor area and height limits of Section 1.4.4.1.2.

1.4.4.7. Relocation.

A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules ~~(Rules)~~, or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

1.4.4.8. Reconstruction or Replacement.

Any non-conforming structure which is located less than the required setback from the normal high-water line of a ~~water-body~~Water Body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

1.4.5. Non-Conforming Lots of Record.

1.4.5.2. Built Lots.

A non-conforming lot that was built upon prior to the enactment or subsequent amendment of this Ordinance is subject to the following restrictions. The structure(s) may be repaired, maintained, or improved, and may be enlarged in conformity with all dimensional requirements of this Ordinance except lot area, ~~and lot width, or lot frontage~~. If the proposed enlargement of the structure(s) cannot meet the dimensional requirements of this Ordinance a variance may be applied for from the Board of Appeals.

CHAPTER 2 - ESTABLISHMENT OF DISTRICTS

2.2. Location of Districts.

Said Districts are located and bounded as shown on the latest edition of the Official Zoning Map, entitled "Zoning Map of Denmark, Maine", and on file in the office of the Municipal Clerk. The Official Zoning Map shall be signed by the Municipal Clerk and the Chairperson of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment. Additional copies of ~~this map~~ the Official Zoning Map may be seen in the office of the Municipal Officers.

A copy of ~~said map~~ the Official Zoning Map should be consulted by any person or party intending to apply for a building permit, land use authorization, subdivision approval, zoning variance, or other similar permit or relief under this Ordinance prior to filing for same. Use of, reference to, or reliance upon any previous version of the Town of Denmark Official Zoning Map shall be at applicant's sole risk.

2.3. Uncertainty of Boundary Location.

Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Official Zoning Map, the following rules shall apply:

2.3.6. Boundaries indicated as being parallel to or extensions of features indicated in sub-Sections 2.3.1. – 2.3.5. above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. Boundaries which are parallel to the upland edge of a wetland shall be the distance indicated from the upland edge of a wetland regardless of the location to the boundary depicted on the ~~map~~ Official Zoning Map and

CHAPTER 3 - LAND USE DISTRICT REQUIREMENTS *(Amended 6.3.24)*

3.2. Land Use Controls. *(6.1.24)*

Table 3.2 Schedule of Uses

	Resource Protection	Shoreland	Village	Rural	Aquifer Protection
Animal husbandry [±]	N	P	P	Y	Y
Agriculture [±]	P	P	Y	Y	Y
Planned unit development [±]	N	N	N	C	C
Accessory Dwelling Units (ADUs) [±]	N	P	P	P	P
Cluster development [±]	N	C	C	C	C
Home occupations [±]	N	P	P	Y	C
Piers and Docks [±] In the water for 7 months or					

more per year	C	C	N/A	N/A	N/A
In the water for less than 7 months per year	P	Y	N/A	N/A	N/A
Signs [*]	P	P	Y	Y	Y
Filling, grading, or other earth moving activity involving the removal or filling of less than 250 cubic yards of material from or onto any lot in any one year [*]	N	P	P	Y	P
Individual Private Campsites [*]	N				
Bed & Breakfast/Inn [*]	N	C	C	C	C
Hotel/Motel [*]	N	N	N	N	N
Club [*]	N	C	C	C	N
Commercial Recreation [*]	N	N	C	C	N
Communication Tower	C	C	C	C	C
Kennel [*]	N	N	C	C	N
Mechanized Recreation [*]	N	N	N	C	N
Restaurant, Standard [*]	N	C ¹	C	C	N
Restaurant, Fast food [*]	N	N	N	C	N
Veterinary Hospital [*]	N	N	C	C	N
Wireless Communication Facilities ² And Communications Towers	C	C	C	C	C
Automobile graveyards with One or two vehicles [*]	N	N	P	P	N
Non-Metallic Mineral Extraction [*]	N	C	N	C	C
Water Extraction ^{***} ² - See Section 5.15.1.					

3.3. Dimensional Requirements.

3.3.1. All lots created, and buildings or structures erected after the effective date of this Section shall meet the dimensional requirements of ~~Table 3.3, the following table.~~ No portion of any lot created after the effective date of adoption or amendment of this Ordinance and lying within the Resource Protection District may be used to meet the dimensional requirements of other

Districts in which the remainder of the lot is situated. Where a residential structure is in existence on the effective date of adoption or amendment of this Ordinance, no lot containing such structure shall be created which does not meet the dimensional requirements of the District in which it is created.

Table 3.3 District Dimensional Requirements

	Shoreland	Village	Rural	Aquifer Protection
Minimum lot area (sq. ft.)	80,000 ¹	40,000*	80,000	80,000
Minimum lot width (ft.)	200	150	250	250
Minimum shore frontage (ft.)	200 ¹	150	250	250

CHAPTER 4 - GENERAL PERFORMANCE STANDARDS

4.7. Off Street Parking and Loading Requirements.

4.7.5. Within the Shoreland District the following additional regulations shall apply.

4.7.5.1. Parking areas shall meet the shoreline setback requirements for structures. The setback requirement for parking areas serving public boat launching facilities may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.

4.7.5.2. Parking areas shall be designed to prevent stormwater runoff from flowing directly into a ~~water-body~~Water Body, and where feasible, to retain all runoff on-site.

4.9. Roads and Driveways.

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

4.9.1. Roads and driveways shall be set back at least one-hundred (100) feet from the normal high-water line of a ~~water-body~~Water Body or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Appeals Board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the ~~water-body~~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 culverts and turnouts placed so as to avoid sedimentation of the ~~water-body~~Water Body, tributary stream, or wetland.

4.9.2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a ~~water-body~~Water Body, tributary stream or wetland.

4.9.5. In order to prevent road or driveway surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an un-scarified buffer strip at 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 line of a ~~water-body~~Water Body, tributary stream, or upland edge of a wetland. Road and driveway surface drainage which is directed to an un-scarified 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.

4.9.6. 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, driveway, or ditches gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

4.9.6.1. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

Table 4.9. Drainage Facility Spacing Requirements

Road or Driveway Grade (Percent)	Spacing (Feet)
0-2	250
>2-5	200-135
>5-10	100-80
>10-15	80-60
>15-20	60-45

4.10. Septic Waste Disposal.

Sewerage disposal shall meet all requirements of the Maine Subsurface Wastewater Disposal Rules.

4.10.3. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, 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 one hundred (100) feet, horizontal distance, from the normal high-water line of a ~~water-body~~Water Body or the upland edge of a wetland and

4.10.4. The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial ~~water-body~~Water Body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

4.11. Signs.

4.11.1. General.

4.11.1.1. Billboards are prohibited. The following provisions shall apply to signs in all districts where permitted.

4.15. Traffic Impacts and Road Access Control.

4.15.1. General.

4.15.1.1. Provision shall be made for vehicular access to the development and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the road and within the development, to avoid traffic congestion on any road and to provide safe and convenient circulation on any road and within the development. More specifically, for uses other than Single Family Dwellings, access and circulation shall also conform to the following standards and the design criteria below. (6.1.24)

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4.15.1.2.1. Where a lot has frontage on two or more roads, the access to the lot shall be provided to the lot across the frontage and to the road where there is less potential for traffic congestion and for hazards to traffic and pedestrians.

4.15.2. Driveway Design.

4.15.2.1. The following provisions shall apply to the design and construction of driveways and other vehicular accesses onto roads, except in the Village District.

4.15.2.1.1. Sight Distances. Driveways shall be designed in plan, profile and grading and located to provide the required sight distance as measured and specified in the Subdivision Regulations of the Town of Denmark.

4.15.2.1.2. Minimum Corner Clearance. A minimum corner clearance of 50 feet shall be provided from any intersection. Corner clearance shall be measured from the near right-of-way line or edge of pavement point of tangency (PT) for the corner to the edge of pavement point of tangency for the driveway. In general, the maximum corner clearance should be provided as practical based on-site constraints.

4.15.3. Number of Driveways.

4.15.3.1. The maximum number of driveways onto a single road is controlled by the available site frontage and the requirements above. In addition, no lot shall have more than two driveways onto a single road.

4.17. Water Quality Protection.

4.17.4. Phosphorus Protection.

4.17.4.1. The increase in the concentration of phosphorus dissolved or suspended in surface water runoff presents a threat to the quality of lake waters. Therefore, this Section is designed to protect long-term lake water quality by minimizing increases in phosphorus run-off. The provisions of this Section shall apply only to development activity in the watershed of a great pond.

4.17.4.1.1. All land uses requiring Planning Board or Code Officer approval shall limit phosphorus export from the site based on approval of one of the following methods of phosphorus control:

4.17.4.1.1.1. Point System.

4.17.4.1.1.1.1. The Planning Board or Code Enforcement Officer may issue a permit if the applicant meets or exceeds thirty (30) points based on the following schedule:

4.17.4.1.1.1.1.1. Ten (10) points for correcting an existing erosion problem on the site.

4.17.4.1.1.1.1.2. Ten (10) points for a clearing limitation of 15,000 square feet and less.

4.17.4.1.1.1.1.3. Fifteen (15) points for a clearing limitation of 10,000 square feet and less.

4.17.4.1.1.1.4. Fifteen (15) points for the installment of rock-lined drip edges or other infiltration systems to serve the new construction.

4.17.4.1.1.1.5. Twenty (20) points for a 50-foot-wide buffer located downslope of the developed area.

4.17.4.1.1.1.6. Twenty-five (25) points for a 75-foot-wide buffer located downslope of the developed area.

4.17.4.1.1.1.7. Thirty (30) points for a 100-foot-wide buffer located downslope of the developed area.

4.17.4.1.1.1.8. Special Exemptions: Additions to non-conforming structures must meet or exceed a total of twenty-five (25) points and conform with Section 4.17.4.3., of this Ordinance.

4.17.4.2. Developments which do not meet the criteria for the simplified review shall prepare a phosphorus export analysis in accordance with the methodology contained in. Maine Stormwater Best Practices Manual: Maine Stormwater Management Design Manual: Phosphorus Control Manual: Volume II, March, 2016 in Lake Watersheds: A Technical Guide to New Development, latest edition.

(<https://www.maine.gov/dep/land/stormwater/stormwaterbmbs/>) An applicant for a development which qualifies for the simplified review, but who chooses to not meet the buffer strip requirements contained in Appendix A may, instead, use the methodology in the *Technical Guide* to show that the proposed development will meet the phosphorus export standards of Section 5.18.D.1.

4.17.4.3. Occupants and property owners shall maintain vegetated buffer strips and, if applicable, other phosphorus control measures in accordance with the buffer maintenance requirements contained in Section 5.3 of the *Technical Guide*.

4.17.4.3.1. One of the following methods of phosphorus mitigation must be employed if the footprint of any structure is enlarged within the setback area adjacent to a Great Pond.

4.17.4.3.1.1. The existing undisturbed natural wooded buffer strip between the structure and the ~~water body~~ Water Body shall be at least 50 feet in depth; or

4.17.4.3.1.2. A 50-foot natural wooded buffer strip shall be created by allowing a 50-foot strip to revert to natural vegetation. Woody vegetation shall be planted if lacking; or

4.17.4.3.1.3. An infiltration system designed to accommodate the runoff from the entire structure that would be generated by a 24-hour two-inch rainfall and approved by the Code Enforcement Officer shall be constructed.

CHAPTER 5 - PERFORMANCE STANDARDS, SPECIFIC ACTIVITIES, AND LAND USES *(Amended 6.1.24)*

5.4. Campgrounds.

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

5.4.1. Campgrounds shall contain a minimum of 5000 square feet, not including roads and driveways for each site. Land supporting wetland vegetation, and land below the normal high-water line of a ~~water-body~~ Water Body shall not be included in calculating land area per site.

5.4.2. A minimum of 200 square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site.

5.4.3. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table trash receptacle, and fireplace.

5.4.4. All campgrounds shall be screened from adjacent land areas by a continuous landscaped area not less than 25 feet in width containing evergreen shrubs, tree, fences, walls, or any combination of which forms an effective visual barrier of not less than six (6) feet in height.

5.5. Individual Private Campsites/Recreational Vehicles.

Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

5.5.1. One campsite/recreational vehicle per lot.

5.5.2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a ~~water-body~~ Water Body or the upland edge of a wetland, must meet all necessary set back requirements. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to 1,000 square feet.

5.8. Non-Metallic Mineral Exploration and Mineral Extraction. *(Amended 6.23.23)*

5.8.3.2. Design and Performance Standards.

5.8.3.2.1. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a ~~water-body~~ Water Body or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.

5.9. Mobile Homes and Mobile Home Parks. *(6.1.24)*

5.9.1. Mobile Homes not in a Mobile Home Park.

5.9.2.1. Lot Area and Lot Width Requirements.

Notwithstanding the dimensional requirements ~~table located in Section 4.2 of Table 3.2.~~ of this Ordinance, lots in a mobile home park shall meet or exceed the following minimum lot area and lot width requirements.

5.9.2.2. Unit Setback Requirements.

5.9.2.2.1. Structures shall not be located less than 15 feet from any ~~boundary~~property lines of an individual lot.

5.9.2.2.2. On lots which abut a public way either within the park or adjacent to the park, structures shall meet the front setback requirements in the dimensional requirements ~~table in Section 4.3 of Table 3.2.~~ of this Ordinance.

5.17. Wind Energy Facility.

5.17.5. Classification of Wind Energy Facilities

5.17.5.1. All Wind Energy Facilities shall be classified in accordance with Table ~~5.17.5.1~~ below:

**Table 5.17.5.1 Classification of Wind Energy Facilities and
Corresponding Local Review and Approval Authority**

5.17.6.3. Permit Applications

Table 5.17.6.1 Procedural Time Frames

5.17.9.1.1.1. a waiver of the property ~~line~~boundary setback signed by the pertinent abutting landowner or;

5.17.9.9. Structure Type

5.18. Metallic Mineral Exploration and Mining (6.1.24)

Review Procedures

5.18.2.1.1. Metallic mineral mining operations are permitted only in District(s) as provided for in ~~Table 3.2. the use table in Section 3.2. Land Use Controls.~~ In addition to provisions and procedures below, a metallic mineral mining operation requires a Conditional Use Permit from the Town of Denmark Planning Board in accordance with the applicable provisions for Conditional Use Permits provided for in this Ordinance.

5.18.4.2. Submission Requirements

5.18.4.2.1. The application must contain the following materials, at minimum:

5.18.4.2.1.1. A nonrefundable application fee as set forth on the Town of Denmark Fee Schedule

5.18.4.2.1.2. An escrow fee ~~as set forth on the Town of Denmark Fee Schedule of \$5,000.~~ Notwithstanding any other ordinance provision to the contrary and in addition to such fees as are otherwise required herein, the Planning Board shall assess fees to cover 100 percent of its costs related to independent engineering, surveying, legal, and similar professional consulting services. Such fees shall be the responsibility of the applicant and shall be subject to the following limitations:

5.18.4.3.1.3. Community Impacts

5.18.4.3.1.3.2. That the operation does not cause any ground subsidence at or beyond the ~~boundary~~property lines of any property associated with the operation.

5.18.5.1. Performance Standards.

5.18.5.1.1.1 Flyrock shall be controlled so as to remain on the site and may not enter a protected resource.

5.18.5.1.2. Blast sound shall comply with Title 38 M.R.S.A. §490-Z (14)(H).

5.18.5.1.3. Blasting shall not include the use of perchlorate.

CHAPTER 6 – SHORELAND DISTRICT

6.1. Shoreland District.

6.1.2. To control the use of shoreland and other areas to provide maximum protection to the land and water resources so that:

6.1.2.1. The processes of eutrophication, sedimentation, and pollution, leading to the ultimate degradation or destruction of the ~~water-body~~Water Body, will be eliminated or delayed as long as possible;

6.7. Land Use District Requirements. (6.1.24)

6.7.3.1. Dimensional Requirements For Subdivisions.

6.7.3.1.1. Due to the increased potential for erosion and sedimentation, for nutrient transport to vulnerable lakes, and for contamination of ground water resources due to concentrated development, the following additional requirements shall apply to subdivisions, in accordance with Maine Revised Statutes Annotated.

6.7.3.1.1.1. The maximum number of lots or Dwelling Units, excepting ADUs, shall be determined by dividing the minimum lot area of the zoning District in which the parcel is located into the net lot area of the parcel to be subdivided. If the parcel to be subdivided is located in more than one zoning District, the net lot area of each portion of the parcel in each District shall be divided by the minimum lot area of the District. (6.1.24)

6.7.3.1.1.2. No structure within a subdivision shall be located in an area identified as a very poorly drained soil.

6.7.1.3-2. Additional Requirements for the Shoreland Districts.

6.7.1.2.1. In order to further promote the purposes of the Shoreland District, the following additional requirements shall apply within the Shoreland District.

6.7.3.1.2.1. No structure shall be located on a site with more than 25% slope.

6.7.3.1.2.2. For lots created after the effective date of this Section, the maximum number of lots or Dwelling Units permitted shall be determined by dividing the minimum lot area of the zoning District in which the parcel

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is located into the net lot area of the lot. (6.1.24)

6.7.3.1.2.3. No structure shall be located in an area identified as a very poorly drained soil.

6.7.1.3.3. Additional Requirements for Lots on the Saco River.

6.7.1.3.1. In compliance with the amendments and changes of the 1983 Rivers Act, the following provisions shall apply to all lots within 250 of the normal high-water mark of the Saco River.

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6.7.1.3.4. Frontage and Setback.

Lots created after the effective date of this Section shall have a combined shore frontage and setback from the normal high-water mark of 500 feet. For example, a lot with 200 feet of frontage along the river requires a setback for the structures of 300 feet (200 feet plus 300 feet equals 500 feet). Lot depth therefore has to be approximately 400 feet in order to accommodate the structure, the setback from the river and the setback from the road.

6.7.1.3.5. Lots without shore frontage.

For lots which are within 250 feet of the Saco River, but do not have shore frontage, the proposed lot shall be reviewed as if it extended to the shore.

6.7.1.3.6. Consultation with the Saco River Corridor Commission.

6.7.1.6.1. It is recommended that the Saco River Corridor Commission be consulted prior to making changes in ownership or use of any property along the Saco River.

Contact Information:

PO Box 283
Cornish, Maine 04020-0283

Telephone: 207-625-8123

Fax: 207-625-7050

Email: dalyn@srcc-maine.org

Website: <http://srcc-maine.org/>

81 Maple Street P.O. Box 283 Cornish, Maine 04020-0283

Phone: 207-625-8123

Fax: 207-625-7050

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6.7.3.7. Common Areas on the Shorefront for Lots not having Frontage on the Water.

6.7.3.7.1. Any lot with shore frontage which is used to grant access to the ~~water body~~ **Water Body** to other lots (Common Area) shall have the minimum shore frontage required for a lot in that District. For each lot granted use of this Common Area, and for each Dwelling Unit in excess of one on the lot, and for each ADU on the lot granted use of this Common Area, 50 feet additional frontage shall be required. (6.1.24)

6.8. General Performance Standards.

6.8.5. Clearing and Removal of Vegetation for Activities Other Than Timber Harvesting.

6.8.5.1. For Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal, see other Sections of this Ordinance

6.8.6.. The following provisions shall apply only within the Shoreland District.

6.8.~~6.5~~.1. Except to remove safety hazards, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond, and seventy-five (75) feet, horizontal distance, from any other ~~water-body~~Water Body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

6.8.~~6.5~~.1.1. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond, or stream flowing to a great pond, the width of the foot path shall be limited to six (6) feet.

6.8.~~6.5~~.1.2. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For ~~this Section, the purposes of Section 6.8.5.1.2,~~ a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

The following shall govern in applying this point system:

6.8.~~6.5~~.1.2.1. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

6.8.~~6.5~~.1.2.2. Each successive plot must be adjacent to, but not overlap a previous plot;

6.8.~~6.5~~.1.2.3. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

6.8.~~6.5~~.1.2.4. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;

6.8.~~6.5~~.1.2.5. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

6.8.~~6.5~~.1.3. Adjacent to other water bodies and wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of 8 per 25-foot square area.

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6.8.6.5-1.4. Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

6.8.6.5-1.5. A drilled, driven, or dug well is permitted within the 100-foot buffer area provided that a permit is obtained from the Code Enforcement Officer; erosion and sedimentation control practices meeting the requirements of section 7.2.1 are employed and any cleared area in excess of 250 square feet is replanted to trees.

6.8.6.5-1.6. In order to protect water quality and wildlife habitat, adjacent to great ponds, and streams which flow to great ponds, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses, ~~as described in Sections 6.8.1 and 6.8.1.1 above.~~

6.8.6.5-1.7. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.

6.8.6.5-1.8. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

6.8.6.5-1.9. The provisions ~~contained in Section 6.8.1~~ above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

6.8.6.5.2. At distances greater than one hundred (100) feet, horizontal distance, from a ~~water body~~ Water Body or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

6.8.6.3. 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 ten thousand (10,000) square feet, whichever is lesser, including land previously developed.

6.8.6.5-3. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.

6.8.6.5-4. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this Section.

6.8.7.6. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal.

6.8.7.6-1. Written permission from the Code Enforcement Officer is required prior to the removal of Hazard Trees within the 100' buffer in the Shoreland District. However, Hazard Trees posing an imminent danger in the Shoreland District may be removed prior to written permission provided photographic evidence of the tree(s) is obtained prior to

their removal and the Code Enforcement Officer's review is obtained within 5 business days of removal. Additionally, Hazard Trees within the 100' buffer in the Shoreland District may only be removed if the following requirements are met:

6.8.7.6.1.1. Within the shoreline buffer, of 100 feet, if the removal of a Hazard Tree results in a cleared opening in the tree canopy greater than two hundred and fifty (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 (2) inches in diameter, measured at four and one half (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 (4) feet in height and be no less than two (2) inches in diameter. Stumps may not be removed.

6.8.7.6.1.2. Outside of the shoreline buffer, of 100 feet, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the Shoreland District, or ten thousand (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 (2) inches in diameter, measured at four and one half (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 (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

6.8.7.6.1.3. The Code Enforcement Officer may require more than a one-for-one replacement for Hazard Trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

6.8.7.6.2. 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.

6.8.7.6.2.1. The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the Shoreland District.

6.8.7.6.3. Storm-Damaged Trees in the Shoreland District May Be Removed Without a Permit After Consultation With the Code Enforcement Officer if the Following Requirements Are Met:

6.8.7.6.3.1. Within the shoreline buffer, of 100 feet, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

6.8.7.6.3.2. The area from which a storm-damaged tree is removed does not result

in new lawn areas, or other permanently cleared areas;

6.8.7.6.3.3. Stumps from the storm-damaged trees may not be removed;

6.8.7.6.3.4. Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

6.8.7.6.3.5. 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 eighty (80) square feet of lost canopy.

6.8.7.6.3.6. Outside of the shoreline buffer, of 100 feet, if the removal of storm-damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the Shoreland District or ten thousand (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 in the affected areas.

RESERVED

6.8.8. Exemptions to Clearing and Vegetation Removal Requirements.

6.8.8.1. The following activities are exempt from the clearing and vegetation removal standards set forth ~~above in Section 6.8.5.~~, provided that all other applicable requirements of this ~~Section~~**chapter** are complied with, and the removal of vegetation is limited to that which is necessary:

6.8.8.2.1. The removal of vegetation that occurs at least once every two (2) 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 (2) years, reverts back to primarily woody vegetation, the requirements of Section 6.8.5.

6.8.8.3.2. The removal of non-native invasive vegetation species provided the following minimum requirements are met:

6.8.8.3.2.1. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (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;

6.8.8.3.2.2. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and

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

6.8.8.4.3. The removal of vegetation associated with emergency response activities conducted by the Maine Department of Environmental Protection, the U.S.

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Environmental Protection Agency, the U.S. Coast Guard, and their agents.

Note: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program:

https://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm

6.8.9. Revegetation Requirements.

6.8.9.1. When revegetation is required due to the following conditions:

6.8.9.1.1. Violation of vegetation standards,

6.8.9.1.2. Removal of non-native, invasive species of vegetation, or

6.8.9.1.3. As a mechanism to allow for development that may otherwise not be permissible under the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements:

6.8.9.1.3.1. 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.

6.8.9.1.3.2. 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 pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing 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.

6.9. Performance Standards, Specific Activities and Land Uses.

6.9.1. Agriculture and Animal Husbandry.

Refer to Section 5.1.

6.9.1.2. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a ~~water-body~~ Water Body; nor within twenty-five feet, horizontal distance, of wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

6.9.1.3. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, from:

6.9.1.3.1. A ~~water-body~~ Water Body or wetlands.

6.9.1.3.2. Within five (5) years of the effective date of this Ordinance all manure storage areas within the Shoreland District 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 (5) year period.

6.9.1.4. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a ~~water-body~~Water Body, nor; within twenty-five (25) feet, horizontal distance, of 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 Soil and Water Conservation Plan.

6.9.2. Automobile Graveyards and Junkyards.

Refer to Section 5.2.

6.9.2.1. No motor vehicles or material shall be located within the 100-year flood plain.

6.9.2.2. No motor vehicles or material shall be stored within 300 feet of any ~~water body~~Water Body.

6.9.3. Bed & Breakfast/Inn.

6.9.6.1. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a ~~water-body~~Water Body or the upland edge of a wetland, must meet all necessary set back requirements. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to 1,000 square feet.

6.9.12. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Elevation of a Water Body or Within a Wetland.

6.9.12.5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a ~~water-body~~Water Body or within a wetland.

6.9.12.6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a ~~water-body~~Water Body or within a wetland shall be converted to residential Dwelling Units.

CHAPTER 7 – RESOURCE PROTECTION DISTRICT

7.1. Resource Protection District. (6.1.24)

7.1.1.3. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a ~~water-body~~Water Body during the period of normal high water.

7.1.2. Purposes

7.1.2.2.1. The processes of eutrophication, sedimentation, and pollution, leading to the ultimate degradation or destruction of the ~~water-body~~Water Body, will be eliminated or delayed as long as possible;

CHAPTER 8 – ADMINISTRATION (Amended 6.1.24)

8.5. Procedures, Inspections, Violations, Penalties. (6.1.24)

8.5.1. As used under this ~~Section~~Chapter 8., any violation of this Ordinance is deemed to be a Nuisance.

8.5.8.2. In determining what, if any, monetary penalty to impose as part of an administrative consent agreement, the Municipal Officers may consider (i) how long the violation has existed; (ii) the nature and circumstances of the violation and the violator; (iii) whether a permit or approval was issued for the work; (iv) whether the violation was the result of survey work that caused a shift of ~~property boundary~~ lines; (v) the statutory minimum and maximum penalties for land use violations set forth in 30-A M.R.S.A. § 4452; and (vi) such other facts and considerations as the Municipal Officers deem relevant.

8.9. Planning Board. (6.1.24)

8.9.1. General Permit Application Procedure.

~~8.9.1.7-8.9.1.8.~~ Types of permits and approvals to be processed by the Planning Board include, but are not limited to:

~~8.9.1.7.1-8.9.1.8.1.~~ Conditional Use Permits

~~8.9.1.7.2-8.9.1.8.2.~~ ~~Shoreland~~Shoreline District Foundation Permits~~→~~, including:

~~8.9.1.7.2.1.~~ Place a new, enlarged, or replacement foundation under a non-conforming structure in the 100 foot buffer zone within the Shoreland District.

~~8.9.1.7.2.2.~~ Place a foundation under non-conforming new additions or expansions of a non-conforming structure(s) in the 100 foot buffer zone within the Shoreland District.

~~8.9.1.7.2.3.~~ Place a foundation under a non-conforming relocated structure in the 100 foot buffer zone within the Shoreland District.

~~8.9.1.7.2.4.~~ Place a foundation under a non-conforming new structure in the 100 foot buffer zone within the Shoreland District.

~~8.9.1.7.2.5.~~ Place a foundation under other circumstances in the 100 foot buffer zone within the Shoreland District.

~~8.9.1.7.3-8.9.1.8.3.~~ Other permits and approvals – as provided ~~herein, in~~this Ordinance.

~~8.9.1.7.4-8.9.1.8.4.~~ The above permits and approvals are collectively identified as “Planning Board Permits” for purposes of this Section 8.9.

8.9.2.5. The Planning Board may schedule a site ~~visit~~walk for Planning Board members and the public to physically inspect the property or site of the subject permit. If there is a refusal to allow the public onto the site, the Planning Board will cancel the site visit so as not to be in violation of State Statutes. Without a site ~~visit~~walk, the Planning Board will not have the ability to view the site firsthand to properly assess the merits of the

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application.

8.9.2.13. Factors Applicable to Planning Board Permits.

8.9.2.13.2.1 Prior to granting approval of an application for a Conditional Use Permit, the Planning Board shall make Findings of Fact and Conclusions of Law in accordance with the provisions of Appendix D.

8.9.2.13.3.2 Prior to granting approval of an application for a Shoreland District Foundation Permit, the Planning Board shall make Findings of Fact and Conclusions of Law in accordance with the provisions of Appendix E.

8.9.2.13.4.3 Prior to granting approval of an application for other permits and approvals, the Planning Board shall make Findings of Fact and Conclusions of Law as determined by the Planning Board.

8.9.2.165. Within 20 days of the completion of any construction within any part of a Shoreland District, the applicant shall submit to the Code Enforcement Officer post construction photographs that document conditions after construction. The photographs shall also include the entire Shoreland District vegetation.

8.9.3. Conditional Use Permits – Additional Provisions

8.9.3.1. Conditional Use Permits shall be required for any new use or new structure, addition to or alteration of any existing use or structure identified in the Land Use Control Table 3.2, as being a Conditional Use, the resumption of any Conditional Use on a continual commercial basis which has been discontinued for at least 5 years, and/or to any substantial increase or expansion in the volume or intensity of usage of a Conditional Use.

8.9.3.3. No Conditional Use Permit shall be authorized unless specific provision for such Conditional Use is made in this Ordinance, Table 3.2.

8.9.3.4. No changes shall be made in any Conditional Use Permit approved by the Planning Board without approval of that change by the Planning Board.

8.9.4. Shoreland Permits – Additional Provisions

8.9.4.3. Planning Board jurisdiction for Shoreland Permits District Applications received by the Planning Board extends to the full depth (250 feet) of the Shoreland District and to all land areas between 250 feet and 500 feet of a great pond, river, or the upland edge of a wetland, all with respect to sources of erosion, sedimentation, and storm water control.

Planning Board, funded by the Applicant, with the Town by the applicant to guarantee payment in advance of actual fees assessed pursuant to this Section. The original deposit shall be an amount specific to the application and as estimated by the Planning Board to fund all anticipated and related costs and fees including, but not limited to mailings, printing, and advertising. If the balance in the eEscrow aAccount shall be drawn down by 75%, the Town shall notify the aApplicant and require that an additional amount be deposited to cover the anticipated cost of remaining work. The Town shall continue to notify the aApplicant and require that an additional amount be deposited whenever the balance of the account is drawn down by 75% of the original deposit. Any excess amount deposited into the Escrow Account with the Town in advance shall be promptly refunded to the applicant after final action on

the application.

8.9.6.3. ~~Fees and escrow~~ The Escrow Account shall be administered by the Town of Denmark. No building permit may be issued, nor subdivision plat be released until all fees assessed hereunder have been paid in full.

CHAPTER 9 – CONSTRUCTION OF LANGUAGE AND DEFINITIONS *(Amended 6.1.24)*

9.2. Definitions. *(6.1.24)*

portion of the building partly underground but having less than half its clear height below the

Buffer Area: An area of undisturbed soil, ground cover, shrubs and/or trees abutting a ~~water body~~ Water Body or stream, that may prevent nutrient pollution. For Large Scale Solar Energy Systems, see additional and superseding buffer standards under Section 5.16.

Lot: A parcel of land in single ownership, described on a deed, plot, or similar legal document.

Lot, Area: The total horizontal area within the lot lines minus land below the normal high-water line of a ~~water body~~ Water Body or upland edge of a wetland and, within the Shoreland District only, areas beneath roads serving more than two lots.

Resource Protection District: All areas within the 100-year floodplain are Resource Protection District. The Resource Protection District also includes: *(6.1.24)*

3. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a ~~water body~~ Water Body during the period of normal high water.

Setback from High Water: The nearest horizontal distance from the normal high-water line of a ~~water body~~ Water Body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Stream: a free-flowing body of water from the outlet of a great pond or the confluence of two (2) 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 District of another ~~water body~~ Water Body or wetland. When a stream meets the Shoreland District of a ~~water body~~ Water Body or wetland and a channel forms downstream of the ~~water body~~ Water Body or wetland as an outlet, that channel is also a stream.

Subsurface Sewage Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 M.R.S.A. Section 414, any surface wastewater disposal system licensed under 38 M.R.S.A. Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, subchapter 1.

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APPENDIX B

YEAR THE ZONING ORDINANCE WAS ENACTED

JUNE 3, 1974

YEARS THE ZONING ORDINANCE WAS AMENDED

MARCH 11, 1978

MARCH 10, 1984

MARCH 8, 1986

MARCH 12, 1988

MARCH 8, 1999

MARCH 10, 2001

APRIL 4, 2005

MARCH 11, 2006

JUNE 7, 2008

JUNE 6, 2009

JUNE 4, 2011

JUNE 2, 2012

JUNE 1, 2013

JUNE 4, 2016

JUNE 1, 2019

FEBRUARY 27, 2021

JUNE 4, 2022

JUNE 3, 2023

JUNE 1, 2024

JUNE 7, 2025

Municipal Officers' Certification of Official Text of a Proposed Ordinance [30-A M.R.S. § 3002(2)]

To the Town Clerk of the Town of Denmark Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the proposed amendments to the ordinance entitled "Zoning Ordinance of the Municipality of Denmark, Maine," which is to be presented to the voters for their consideration on June 7, 2025

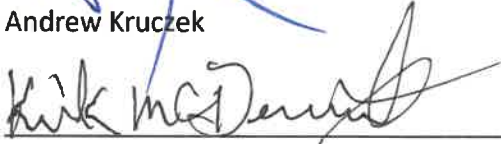
Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: April 29, 2025

Select Board



Andrew Kruczek



Kirk McDermith



Michael Stacy

Attest: A true copy of proposed amendments to the ordinance entitled "Zoning Ordinance of the Municipality of Denmark, Maine" as certified to me by the municipal officers of _____ on the 29th day of April, 2025

Signature


Frances Warner
Town Clerk

**TOWN OF
DENMARK, MAINE**
“Beautiful by Nature”



**Proposed Amendments To The June 2024
Zoning Ordinance of the Municipality of Denmark, Maine**

FOUNDATIONS AMENDMENTS
Sections 1.4, 3.1., and 9.2.

**APPROVED BY THE TOWN OF DENMARK
PLANNING BOARD AND SELECT BOARD**

**PREPARED FOR TOWN OF DENMARK, MAINE
JUNE 07, 2025 ANNUAL TOWN MEETING WARRANT**

Amendments Shown in Red-Line

MARCH 28, 2025

CHAPTER 1 - GENERAL

1.4. Non-Conformance.

1.4.4.3. Foundations.

Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be 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 Section 1.4.4.7., Relocation, below. ~~If the completed foundation does not extend beyond the exterior dimensions of the structure and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure, it shall not be considered to be an expansion of the structure.~~ Raising the elevation of any part of a foundation by any amount must be approved by the Planning Board.

CHAPTER 3 - LAND USE DISTRICT REQUIREMENTS *(Amended 6.3.24)*

3.1. General requirements. *(6.1.24)*

3.1.1. A Plumbing Permit and Building or Use permit shall be required for all buildings, uses, and sanitary facilities, according to the provisions of Chapter 5 of this Ordinance.

3.1.2. For Accessory Dwelling Units (ADU) see Chapter 5 and other sections of this Ordinance.

3.1.3. If more than one Single Family-Dwelling or Dwelling Unit is constructed on a single lot, the minimum lot area requirements of that zoning District shall be met for each Single-Family Dwelling or Dwelling Unit. A maximum of two Single-Family Dwellings may be constructed on any one lot.

3.1.4. No part of the yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.

3.1.5 All corner lots shall be kept free from visual obstructions for a distance of 25 feet measured along the intersecting street lines.

3.1.6. No structure shall exceed 40 feet in height with a habitable floor height not to exceed 30 feet except that structures and features of buildings usually erected at a height greater than the main roofs of buildings and not intended for human occupancy, such as chimneys, towers, ventilators, flagpoles, tanks, and spires may exceed 40 feet in height, but no more than 75 feet, and shall be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of this Ordinance. However, within the Shoreland District and outside the 100-foot Shoreline buffer, no structure shall exceed 35 feet in height as defined in the State of Maine Revised Statutes, Title 38, Chapter 3.

3.1.7. Raising the elevation of existing foundations and/or structures, where and as permitted elsewhere in this Ordinance, shall not ~~be permitted to result in a violation of the maximum height provisions of this Ordinance,~~ cause the structure to be raised higher than the existing height of the structure or the maximum height provisions of this Ordinance, whichever is greater.

3.1.8. Where a foundation is proposed to be built or modified for a structure located in a Flood Plain, the foundation and structure shall be located out of the Flood Plain to the greatest extent possible. The lowest floor elevation or openings of all buildings and structures and foundations, including Basements, shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent Flood Plain soils. Where this is applicable, such buildings, structures, and foundations shall adhere to the requirements of the current National Flood

Insurance Program, Floodplain Management Ordinance and adhere to the applicable requirements of the Maine Department of Environmental.

9.2. Definitions

Freshwater Wetland: Wetlands, Freshwater Swamps, Marshes, Bogs and Similar Areas (Other Than Forested Wetlands), which are:

1. Of ten 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~~n~~ acres; and
2. Inundated or saturated by surface or ground water 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 soils.
3. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

4. For further information and definitions, see the following, but not limited to, resources: the Maine Department of Environmental Protection, the National Resources Protection Act, and Maine Revised Statutes.

Municipal Officers' Certification of Official Text of a Proposed Ordinance [30-A M.R.S. § 3002(2)]


To the Town Clerk of the Town of Denmark Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the proposed amendments to the ordinance entitled "Zoning Ordinance of the Municipality of Denmark, Maine," which is to be presented to the voters for their consideration on June 7, 2025

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: April 29, 2025

Select Board



Andrew Kruczek

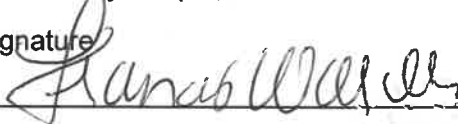


Kirk McDermith



Michael Stacy

Attest: A true copy of proposed amendments to the ordinance entitled "Zoning Ordinance of the Municipality of Denmark, Maine" as certified to me by the municipal officers of _____ on the 29th day of April, 2025

Signature 

Frances Warner
Town Clerk

**TOWN OF
DENMARK, MAINE**
“Beautiful by Nature”



**Proposed Amendments To The June 2024
Zoning Ordinance of the Municipality of Denmark, Maine**

**CHANGEABLE OR ELECTRONIC
MESSAGE SIGNS**
Sections 4.11, 9.2., and 3.2.

**APPROVED BY THE TOWN OF DENMARK
PLANNING BOARD AND SELECT BOARD**

**PREPARED FOR TOWN OF DENMARK, MAINE
JUNE 07, 2025 ANNUAL TOWN MEETING WARRANT**

Amendments Shown in Red-Line

APRIL 15, 2025

4.11. Signs.

4.11.1. General.

4.11.1.1. Billboards are prohibited.

4.11.1.2. The following provisions shall apply to Signs in all Districts where permitted:

4.11.2. Size, Location and Illumination.

4.11.2.1. No Sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination or wording the Sign may interfere with, obstruct the view of, or be confused with any authorized traffic Sign, signal or device or otherwise constitute a hazard to pedestrian or vehicular traffic.

4.11.2.2. Flashing, moving or animated Signs are prohibited.

4.11.2.3. No Sign shall exceed twenty (20) feet in height.

4.11.2.4. No Sign shall be located within three (3) feet of a street line or other lot line.

4.11.2.5. Signs may be illuminated only by shielded, non-flashing lights except Changeable or Electronic Message Signs as otherwise regulated in this Ordinance.

4.11.3. Types of Signs.

4.11.3.1. Public traffic and directional Signs designating public or semi-public activities shall be permitted.

4.11.3.2. Name Signs shall be permitted, provided such Signs shall not exceed 2 square feet in area, and shall not exceed two Signs per premises.

4.11.3.3. Residential users may display a single Sign not over 6 square feet in area relating to goods or services rendered on the premises, or to the sale, rental, or lease of the premises.

4.11.3.4. Signs relating to trespassing and hunting shall be permitted.

4.11.3.5. Commercial uses may display a single Sign that may be lettered on two sides not to exceed 16 square feet per side, relating to goods and services sold on the premises shall be permitted except in the Shoreland District. In the Shoreland District such Signs shall not exceed six square feet in area.

4.11.4. Changeable or Electronic Message Signs Pursuant to 23 M.R.S.A. §1914.

4.11.4.1. Regulations per this Section are to regulate the installation, siting, design, construction, operation, and approval process of Changeable or Electronic Message Signs and to do so in a manner that promotes highway safety and protects the public health, safety, and

welfare of the Inhabitants of and visitors to the Town of Denmark.

4.11.4.2. Regulations.

4.11.4.2.1. Changeable or Electronic Message Signs may be located only adjacent to State Numbered Roads in Denmark within the Village District.

4.11.4.2.2. Only the Municipal Government and Commercial Businesses in existence on June 07, 2025 are allowed to erect a Changeable or Electronic Message Sign.

4.11.4.2.3. Only one Sign is allowed on a Municipal Government property or Commercial Business property or combination of such properties of common ownership or use.

4.11.4.2.4. Changeable or Electronic Message Signs located on lots that are of residential use (including lots with Home Occupations) or that are vacant or unused are prohibited.

4.11.4.2.5. Changeable or Electronic Message Sign Displays shall be static images with no flashing, intermittent, or moving light or lights. Messages may be changed using a scroll, phase, dissolve, fade, roll, blend and drop down/up, or similar segue between Displays provided lighting does not vary in intensity and minimum hold times are maintained. In no case, shall a Display flash or show continuous streaming of information or video animation.

4.11.4.2.6. Changeable or Electronic Message Sign displays may consist of alphabetic, numeric, or symbolic characters on a plain or colored background and may include graphic, pictorial, or photographic images.

4.11.4.2.7. Changeable or Electronic Message Sign displays may be changed with a minimum hold time of ten (10) seconds between display changes. Displays of time and/or temperature may be changed with a minimum hold time of two (2) seconds.

4.11.4.2.8. The Display may comprise up to 100% of the surface area of a Changeable or Electronic Message Sign.

4.11.4.2.9. Changeable or Electronic Message Signs must be located outside State and/or Town roadway rights-of-way and all sign and foundation-related parts must be set back a minimum of three (3) feet from the roadway right-of-way line of the lot on which it is placed and set back a minimum of 20 feet from side and rear lot lines.

4.11.4.2.10. No more than one (1) Changeable or Electronic

Message Sign may be permitted within 300 feet of another Changeable Electronic Message Sign on the same side of the travelled way.

4.11.4.2.11. No Changeable or Electronic Message Signs may be mounted on any rooftop, or for wall mounted Changeable or Electronic Message Signs Changeable or Electronic Message Signs, above the top of the wall or full parapet.

4.11.4.2.12. The size of Changeable or Electronic Message Signs shall not exceed 12 (twelve) square feet per side Display area and may be permitted in addition to other signage provided for in this Ordinance.

4.11.4.2.13. Installation of Changeable or Electronic Message Signs shall be of the permanent type and not be portable.

4.11.4.2.14. No Changeable or Electronic Message Signs shall be illuminated between the hours of 9:00 PM and 6:00 AM.

4.11.4.2.15. Changeable or Electronic Message Signs shall not emit sound, have streamers (or similar), or emit smoke or vapors.

4.11.4.2.16. Changeable or Electronic Message Signs associated with businesses, uses, or activities which are no longer active and/or have ceased at the property shall not be illuminated for any purpose.

4.11.4.2.17. Changeable or Electronic Message Sign illumination levels shall not impair the vision of motorists and shall not affect the aesthetic value of surrounding properties. Maximum brightness for the Display during daylight shall be no more than is reasonably needed for visibility. The standard for night brightness during darkness hours shall not exceed 0.3 foot candles above ambient light conditions. The Changeable or Electronic Message Sign shall be provided with the ability to automatically adjust the Display's brightness based on the surrounding light level. It is the Changeable or Electronic Message Sign owner's responsibility to program the digital display to achieve the above illumination levels based on the dawn to night hours of each given season. From time to time the Town of Denmark Code Enforcement Officer may check the digital display for compliance or may request proof of compliance from the sign owner.

4.11.4.2.18. Changeable or Electronic Message Signs illumination levels shall not exceed a night-time ground level measurement of one foot-candle on any land used for residential purposes at the time of installation. From time to

time the Town of Denmark Code Enforcement Officer may check these illumination levels or request proof of compliance from the sign owner.

4.11.4.2.19. Changeable or Electronic Message Signs and their support structures must remain stationary.

4.11.4.2.20. Changeable or Electronic Message Signs are limited to two Display areas per sign, with each Display area on opposite sides of the sign.

4.11.4.3. Administration. Pursuant to 23 M.R.S.A §1914 (11-A), the Changeable or Electronic Message Signs permitted by this Ordinance shall comply with all other requirements of State law. Where Changeable or Electronic Message Signs standards herein conflict with State Law, the more restrictive shall apply.

9.2. Definitions

Changeable or Electric Message Sign: Means an on-premises Sign created, designed, manufactured, or modified in such a way that its Display or Message may be electronically, digitally, or mechanically altered by the complete substitution or replacement of one Display or Message by another on each side.

Commercial Business: Of or related to the buying and selling of goods and services.

Display: Means that portion of the surface area of a Changeable or Electronic Message Sign that is, or is designed to be, or is capable of being periodically altered for the purpose of conveying a Message.

Dissolve: Is a mode of message transition of accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent message.

Fade: Is a mode of message transition accomplished by varying light intensity, where the first message gradually reduces the intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Flashing: Is the conspicuous intermittent exhibit of changing light or color effects with a period of change of less than 1 second.

Foot Candle: A unit of measurement for light intensity, defined as the amount of light falling on a one square foot surface from a uniform light source positioned one foot away, essentially meaning it's the illumination on a surface one foot away from a standard candle: one foot candle is equal to one lumen per square foot.

Message: Means a communication conveyed by means of a visual display of text, a graphic element or pictorial or photographic image.

Municipal Government: Means the Town of Denmark, Maine, an incorporated municipality in the State of Maine.

Scroll: Is a mode of message transition where the message appears to move vertically across the Display surface.

State Numbered Roads: These are State Routes 117 and 160 in the Town of Denmark.

Time and Temperature Sign: Means a sign or portion of a sign that electronically or mechanically displays the time and temperature with permitted complete substitution or replacement of the display periodically.

Table 3.2.

	Resource Protection	Shoreland	Village	Aquifer Rural Protection	
Changeable or Electronic Sign*	N	N	P	N	N

Municipal Officers' Certification of Official Text of a Proposed Ordinance [30-A M.R.S. § 3002(2)]


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Dated: April 29, 2025

Select Board



Andrew Kuczek



Kirk McDermith

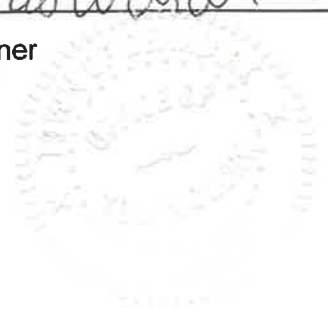


Michael Stacy

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Signature


Frances Warner
Town Clerk



**TOWN OF
DENMARK, MAINE**
“Beautiful by Nature”



**Proposed Amendments To The June 2024
Zoning Ordinance of the Municipality of Denmark, Maine**

HOME OCCUPATION AMENDMENTS
Sections 5.7., 4.11., And 9.2.

**APPROVED BY THE TOWN OF DENMARK
PLANNING BOARD AND SELECT BOARD**

**PREPARED FOR TOWN OF DENMARK, MAINE
JUNE 07, 2025 ANNUAL TOWN MEETING WARRANT**

Amendments Shown in Red-Line

MARCH 28, 2025

CHAPTER 5 – PERFORMANCE STANDARDS, SPECIFIC ACTIVITIES, AND LAND USES

5.7. Home Occupation

5.7.1. Home Occupation Intent and Purpose

5.7.1.1. It is the intent and purpose of this Sub-Section to provide standards for the establishment and maintenance of Home Occupations, while providing a mechanism in which to allow, monitor and regulate their use. Home Occupations shall be operated conscientiously and with respect for the neighborhood in which they are situated.

5.7.2. A Home Occupation shall conform to the following requirements:

5.7.2.1. The Home Occupation shall be carried on primarily within the principal Dwelling Unit or Accessory Dwelling Unit (ADU) on a parcel.

5.7.2.2. The Home Occupation shall be carried on by a member or members of the family residing in the Dwelling Unit or ADU.

5.7.2.3. One employee, who is not part of the family residing in the Dwelling Unit, shall be permitted.

5.7.2.4. The Home Occupation is clearly incidental and secondary to the use of the Dwelling Unit or ADU for residential purposes.

5.7.2.5. There shall be no exterior storage or display of materials and no other exterior indication of the Home Occupation or variation from the residential character of the buildings or neighborhood excepting permitted signage.

5.7.2.6. No process shall be utilized which is hazardous to public health, welfare, or safety.

5.7.2.7. There shall be no more than one (1) registered commercial vehicle kept outside overnight. The registered commercial vehicle shall be under 25 feet in length.

5.7.2.8. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, gas, fumes, hazardous materials, refuse, odors, heat, light, and glare shall not be generated or permitted.

5.7.2.9. Hours of operation shall be reasonable and normal for residential areas.

5.7.2.10. No traffic shall be generated by a Home Occupation in greater volumes than would normally be expected in the neighborhood. Up to ten (10) vehicular visits per day shall be permitted.

5.7.2.11. In addition to the off-street parking provided to meet the normal requirements of the Dwelling, off-street parking shall be provided for the vehicle of each employee and the vehicles of the maximum number of users that the Home Occupation may attract at any one time.

5.7.2.12. Sales are limited to the sale of products or goods produced, fabricated or substantially altered on the premises as a result of the Home Occupation. This may include products that are not fabricated on the premises as defined above, but which are customarily incidental to the product created by the Home Occupation.

5.7.2.13. The installation of signs used in connection with a Home Occupation shall be determined by the applicable sign ordinance.

5.7.2.14. One Home Occupation shall be allowed on any one lot.

5.7.2.15 The parcel on which the Home Occupation is conducted must be the primary resident of the Home Occupation owner and or permittee.

5.7.2.16. Home Occupations are also subject to other applicable regulations of this Ordinance including provisions of Table 3.2.

5.7.3. All Home Occupations shall conform to this Ordinance in all respects. Home Occupations in existence prior to June 7, 2025 may continue to conduct business associated with the existing Home Occupation. Any changes to existing Home Occupation activities must conform to the provisions of this Section and this Ordinance. The Code Enforcement Officer may review any Home Occupation at any time and has a right to enter any property or enter any building pursuant to 30-A M.R.S.A. § 4452(1) at times coordinated with the parcel owner, to determine continued adherence with this Ordinance. The Code Enforcement Officer may suspend or revoke a Home Occupation activity with cause.

5.7.4. Any person or entity aggrieved by a decision, action, or failure or refusal to take action of the Code Enforcement Officer or the Planning Board may appeal to the Town of Denmark Board of Appeals.

5.7.5. Remote Work

5.7.5.1. Home Occupation regulations herein do not apply to Remote Work

5.7.5.2. Remote Work shall be operated conscientiously and with respect for the neighborhood in which they are situated.

5.7.5.3. Remote Work shall be carried on primarily within the principal Dwelling Unit or Accessory Dwelling Unit (ADU) on a parcel.

5.7.5.4. Remote Work shall be carried on by a member or members of the family residing in the Dwelling Unit or ADU.

5.7.5.5. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, gas, fumes, hazardous materials, refuse, odors, heat, light, and glare, associated with Remote Work shall not be generated or permitted.

5.7.5.6. No more than three vehicular visits per day associated with Remote Work shall be permitted or generated.

4.11. Signs.

4.11.3.6. In addition to the other provisions of this Sub-Section 4.11, exterior signage for Home Occupations shall include one sign, placed flat and immovable against an exterior wall of each Dwelling Unit or Accessory Dwelling Unit used for Home Occupation, each not exceeding two square feet in area, and may be illuminated only by shielded, non-flashing lights.

9.2. Definitions.

~~**Home Occupation:** An occupation or profession which is: customarily carried on in a dwelling unit or structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; and clearly incidental and secondary to the use of the dwelling unit for residential purposes.~~

Home Occupation: An occupation, profession, activity, use, or business that results in a product or service which is conducted entirely within part of a Dwelling Unit or Accessory Dwelling Unit carried on by a member of the family residing in the Dwelling Unit or Accessory Dwelling Unit and clearly incidental and secondary to the use of the Dwelling Unit or Accessory Dwelling Unit for residential purposes.

Remote Work: Remote Work, also known as telecommuting, telework, work from home, hybrid work, and other terms, is the practice of an organization's consultant(s) or employee(s) working at or from their home or some other place that is not the organization's usual place of business.

~~5.7. Home Occupations.~~

~~5.7.1. Home occupations shall be carried on wholly within the principal building or within a building or other structure accessory to it.~~

~~5.7.2. Not more than two persons outside the family shall be employed in the home occupation.~~

~~5.7.3. There shall be no exterior display, no exterior sign (except as permitted by the provisions of this Ordinance), no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal buildings.~~

~~5.7.4. No nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, or radiation shall be generated.~~

~~5.7.5. The sale of products shall be limited to those which are crafted, assembled, or substantially altered on the premises, to catalog items ordered off the premises by~~

customers, to items which are accessory and incidental to a service which is provided on the premises, and to antiques and other collectibles.



Municipal Officers' Certification of Official Text of a Proposed Ordinance [30-A M.R.S. § 3002(2)]

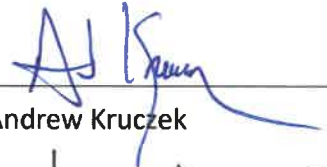
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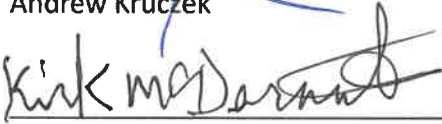
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Dated: April 29, 2025


Select Board



Andrew Kruczek



Kirk McDermith



Michael Stacy

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Signature


Frances Warner
Town Clerk

**TOWN OF
DENMARK, MAINE**
“Beautiful by Nature”



**Proposed Amendments To The June 2024
Zoning Ordinance of the Municipality of Denmark, Maine**

WATER EXTRACTION AMENDMENTS
Sections 3.2. And 5.18.

**APPROVED BY THE TOWN OF DENMARK
PLANNING BOARD AND SELECT BOARD**

**PREPARED FOR TOWN OF DENMARK, MAINE
JUNE 07, 2025 ANNUAL TOWN MEETING WARRANT**

Amendments Shown in Red-Line

MARCH 28, 2025

3.2. Land Use Controls. (6.1.24)

Permitted and Conditional Uses shall conform to the performance standards delineated in Article 5 of this Ordinance as Applicable. Uses permitted and allowed as conditional uses in each District shall be only those uses designated in the table below:

- Y - Permitted use, no permit required
- P - Permitted use, Code Enforcement Officer permit required
- C - Conditional use, Planning Board permit required
- N - Prohibited use
- N/A - Not Applicable
- * - See performance standards in Chapters 4 or 5
- ** - See separate ordinance
- *** - See "Ordinance Governing The Large Scale Pumping Or Extraction Of Groundwater, Spring Water And/Or Water From Aquifers Within The Municipality Of Denmark, Maine", a separate ordinance.

Table 3.2 Schedule of Uses

	<u>Resource Protection</u>	<u>Shoreland</u>	<u>Village</u>	<u>Rural</u>	<u>Aquifer Protection</u>
Blasting Associated with Metallic Mineral Exploration And Extraction	N	N	N	P	N
Water Extraction***					
Structures accessory to permitted structures or uses	P	P	P	P	P

5.18. Metallic Mineral Exploration and Mining (6.1.24)

5.18.4.3.1.2.1.7. That the requirements of "Ordinance Governing The Large Scale Pumping Or Extraction Of Groundwater, Spring Water And/Or Water From Aquifers Within The Municipality Of Denmark, Maine", a separate ordinance, are followed.

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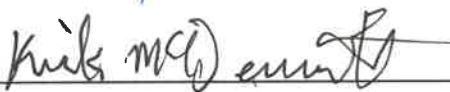
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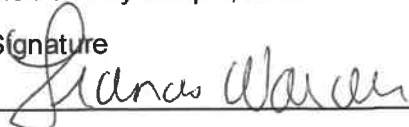


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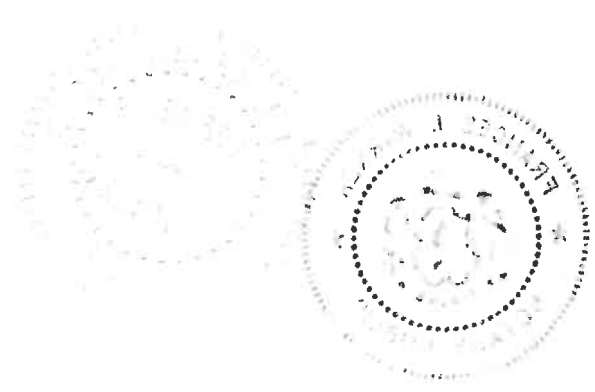
Signature


Frances Warner
Town Clerk

FRANCES I. WARNER
Notary Public, Maine

My Commission Expires September 13, 2027





**TOWN OF
DENMARK, MAINE**
“Beautiful by Nature”



**Proposed Amendments To The June 2024
Zoning Ordinance of the Municipality of Denmark, Maine**

BOARD OF APPEALS – ENFORCEMENT APPEALS
Section 8.8.4.

**APPROVED BY THE TOWN OF DENMARK
PLANNING BOARD AND SELECT BOARD**

**PREPARED FOR TOWN OF DENMARK, MAINE
JUNE 07, 2025 ANNUAL TOWN MEETING WARRANT**

Amendments Shown in Red-Line

MARCH 28, 2025

8.8. Board of Appeals. (6.1.24)

8.8.4. Enforcement Appeals.

8.8.4.1. Notices of violation and enforcement orders issued by the Code Enforcement Officer and/or the Select Board are not appealable to the Board of Appeals.

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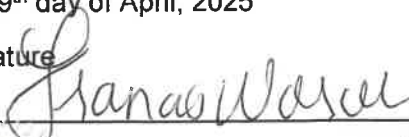
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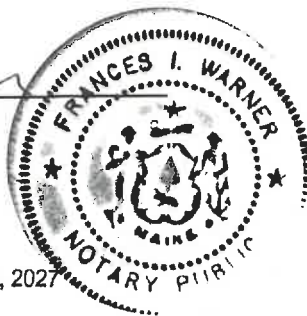
Signature



Frances Warner
Town Clerk

FRANCES I. WARNER
Notary Public, Maine

My Commission Expires September 13, 2027





**TOWN OF
DENMARK, MAINE**
“Beautiful by Nature”



Proposed Amendments To The June 2024
Zoning Ordinance of the Municipality of Denmark, Maine

PLANNING BOARD – APPEAL PROCEDURE
Section 8.9.1.

**APPROVED BY THE TOWN OF DENMARK
PLANNING BOARD AND SELECT BOARD**

**PREPARED FOR TOWN OF DENMARK, MAINE
JUNE 07, 2025 ANNUAL TOWN MEETING WARRANT**

Amendments Shown in Red-Line

MARCH 28, 2025

8.9. Planning Board. (6.1.24)

8.9.1. General Permit Application Procedure.

8.9.1.9. A party may file an appeal with the Superior Court in accordance with the requirements of the Maine Rules of Civil Procedure, Rule 80B of a Planning Board Permit decision that is a final decision within 30 days of the date of the vote on the final decision, except that the time period for filing an appeal may be extended by the court upon motion for good cause shown. The hearing on an appeal filed pursuant to this section before the Superior Court must be conducted without a jury.

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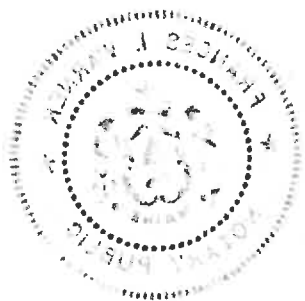
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Notary Public, Maine
My Commission Expires September 10, 2027





**TOWN OF
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“Beautiful by Nature”



**Proposed Amendments To The June 2024
Zoning Ordinance of the Municipality of Denmark, Maine**

PLANNING BOARD - SUBMISSION REQUIREMENTS
Section 8.9.1. And Appendices

**APPROVED BY THE TOWN OF DENMARK
PLANNING BOARD AND SELECT BOARD**

**PREPARED FOR TOWN OF DENMARK, MAINE
JUNE 07, 2025 ANNUAL TOWN MEETING WARRANT**

Amendments Shown in Red-Line

MARCH 28, 2025

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8.9. Planning Board. (6.1.24)

8.9.1. General Permit Application Procedure.

8.9.1.1. The Planning Board is authorized to hear and decide upon applications for permits and approvals in accordance with State law and the provisions of this Ordinance.

8.9.1.2. Applications for permits shall be heard and decided upon by the Planning Board in accordance with the provisions of this Ordinance.

8.9.1.3. All applications for review or approval of the Planning Board shall be based upon a written decision of the Code Enforcement Officer.

8.9.1.4. The Planning Board shall hear and approve, approve with modifications or conditions, or disapprove all applications for permits.

8.9.1.5. Upon submission of an application, the applicant shall pay the fee(s) for review and approval of the Planning Board as set forth on the Town of Denmark Fee Schedule, and shall be responsible for any additional costs to the Planning Board for advertising and processing the application.

8.9.1.6. Ten complete copies of all applications and any supporting documents, and ten 11"X17" copies of the main site plan (if any), and 3 full size copies of all site plans and related drawings shall be submitted to the Planning Board Secretary at the Town of Denmark Municipal Building, along with a Portable Document Format (PDF) version of all submission materials (or other digital format approved by the Code Enforcement Officer and the Planning Board Chair), at least ~~ten~~fourteen (14) days prior to the Planning Board meeting at which they are scheduled to be considered.

~~8.9.1.6.~~8.9.1.7. All applicable and required state and federal permits shall have been obtained and shall be submitted with Applications for Planning Board permits unless waived by the Planning Board for cause.

APPENDIX C
Town of Denmark, Maine
Application Submission Requirements For Planning Board Permits

Shoreland District Foundation Permits+

All applications and plans for Planning Board Shoreland District Foundation Permits+ presented for approval shall include, at a minimum, the following information unless the Planning Board waives these requirements:

a. A plan or plans presented for approval shall show the following information unless the Planning Board waives these requirements:

- a.1. Site plan(s) Drawn at a scale 1" equals of not more than 50';
- a.2. The name and address of the applicant (or his/her authorized agent) plus the name of the proposed development;
- a.3. The assessor's map and lot number;
- a.4. A date, scale and north arrow;
- a.5. The zoning district where the premises in question is located;
- a.6. All existing and proposed setback dimensions;
- a.7. All landscaped areas, fencing, and size and type of plant material upon the premises in question;
- a.8. All proposed signs and their size, location and direction of illumination;
- a.9. The location of all existing and/or proposed buildings, if any, with dimensions showing finished grade elevations at all corners and entrances, plus all existing or proposed parking areas, driveways and access from a public street;
- a.10. Complete building elevation drawings of any proposed structures, to show their height and bulk in relation to structures on adjacent lots;
- a.11. All existing contours and proposed finished grade elevations of the entire site, and the system of drainage proposed to be constructed; and
- a.12. An appropriate place for the signatures of the Planning Board.

b. A copy of the deed or other record of right, title or interest in the property;

c. The applicable provisions of the "Additional Application Submission Requirements" of Section 5.16. Solar Energy Systems have been met;

d. If located in any part of the Shoreland District, a photographic record of preconstruction conditions of the area anticipated to be disturbed and of the vegetation along the entire shorefront shall be submitted with the application.

e. Information addressing the applicable provisions of Chapter 4.

f. Proposed erosion, sedimentation, and storm water management control methods and features for all areas of land disturbed within 500 feet of a great pond, river, or the upland edge of a wetland.

eg. ~~Three~~ Ten complete copies of all application materials, and ten 11"X17" copies of the main site plan (if any), 3 full size copies of all site plans and related drawings, and a Portable Document Format (PDF) version of all submission materials (or other digital format approved by the Code

Enforcement Officer and the Planning Board Chair), all submitted at least fourteen (14) days prior to the Planning Board meeting at which they are scheduled to be considered. ~~have been submitted.~~

APPENDIX C - Continued

Town of Denmark, Maine

Application Subdivision Requirements For Planning Board Permits

Conditional Use Permits And Certain Other Permits (other than LSSES)

All applications and plans for Planning Board Conditional Use Permits and other permits other than Large Scale Solar Energy System Permits, presented for approval shall include, at a minimum, the following information unless the Planning Board waives these requirements:

a. A plan or plans presented for approval shall show the following information unless the Planning Board waives these requirements:

- a.1. Site plan(s) Drawn at a scale 1" equals of not more than 50';
- a.2. The name and address of the applicant (or his/her authorized agent) plus the name of the proposed development;
- a.3. The assessor's map and lot number;
- a.4. A date, scale and north arrow;
- a.5. The zoning district where the premises in question is located;
- a.6. All existing and proposed setback dimensions;
- a.7. All landscaped areas, fencing, and size and type of plant material upon the premises in question;
- a.8. All proposed signs and their size, location and direction of illumination;
- a.9. The location of all existing and/or proposed buildings, if any, with dimensions showing finished grade elevations at all corners and entrances, plus all existing or proposed parking areas, driveways and access from a public street;
- a.10. Complete building elevation drawings of any proposed structures, to show their height and bulk in relation to structures on adjacent lots;
- a.11. All existing contours and proposed finished grade elevations of the entire site, and the system of drainage proposed to be constructed; and
- a.12. An appropriate place for the signatures of the Planning Board.

b. A copy of the deed or other record of right, title or interest in the property;

c. A soils report identifying the soils boundaries the names in the proposed development with the soil's information superimposed upon the plot plan in accord with the USDA Natural Resources Conservation Service National Cooperative Soil Classification.

d. If located in any part of the Shoreland District, a photographic record of preconstruction conditions of the area anticipated to be disturbed and of the vegetation along the entire shorefront shall be submitted with the application.

e. Information addressing the applicable provisions of Chapter 4.

f. Proposed erosion, sedimentation, and storm water management control methods and features for all areas of land disturbed within 500 feet of a great pond, river, or the upland edge of a wetland.

eg. Other pertinent information necessary to determine if the proposed development or use meets the provisions of this Ordinance.

~~f. Three complete copies of all application materials, and ten 11”X17” copies of the main site plan (if any) have been submitted.~~

h. Ten complete copies of all application materials, ten 11”X17” copies of the main site plan (if any), 3 full size copies of all site plans and related drawings along with a Portable Document Format (PDF) version of all submission materials (or other digital format approved by the Code Enforcement Officer and the Planning Board Chair), all submitted at least fourteen (14) days prior to the Planning Board meeting at which they are scheduled to be considered.

APPENDIX C - Continued

Town of Denmark, Maine

Application Submission Requirements For Planning Board Permits

Large Scale Solar Energy System (LSSSES) Conditional Use Permit - Continued

- ab. A written manual or guide for the Denmark Fire Department providing clear response information and instructions, including disconnection locations necessary for fire/emergency response.
- ac. A list of possible or intended dual uses of the property.
- ad. If located in any part of the Shoreland District, a photographic record of preconstruction conditions of the area anticipated to be disturbed and of the vegetation along the entire shorefront shall be submitted with the application.
- ae. A check(s) for application fee(s) and for anticipated notification costs, consultant and legal fees, and reproduction and other miscellaneous costs.
- af. Evidence that no portion of the LSSSES is visible from any point on a great pond or navigable waterway in Denmark.
- ag. Evidence that no portion of the LSSSES is visible from a point five feet above a Public Road in Denmark.
- ah. Information addressing the applicable provisions of Chapter 4.
- ai. Proposed erosion, sedimentation, and storm water management control methods and features for all areas of land disturbed within 500 feet of a great pond, river, or the upland edge of a wetland.
- ~~ajh. Other pertinent information necessary to determine if the proposed development or use meets the provisions of this Ordinance.~~
- ~~ai. Three complete copies of all application materials, and ten 11"X17" copies of the main site plan (if any) have been submitted.~~
- ak. Ten complete copies of all application materials, ten 11"X17" copies of the main site plan (if any), 3 full size copies of all site plans and related drawings along with a Portable Document Format (PDF) version of all submission materials (or other digital format approved by the Code Enforcement Officer and the Planning Board Chair), all submitted at least fourteen (14) days prior to the Planning Board meeting at which they are scheduled to be considered.

Municipal Officers' Certification of Official Text of a Proposed Ordinance [30-A M.R.S. § 3002(2)]

To the Town Clerk of the Town of Denmark Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the proposed amendments to the ordinance entitled "Zoning Ordinance of the Municipality of Denmark, Maine," which is to be presented to the voters for their consideration on June 7, 2025

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: April 29, 2025

Select Board



Andrew Kruczek



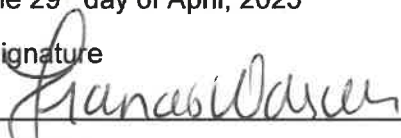
Kirk McDermith



Michael Stacy

Attest: A true copy of proposed amendments to the ordinance entitled "Zoning Ordinance of the Municipality of Denmark, Maine" as certified to me by the municipal officers of _____ on the 29th day of April, 2025

Signature



Frances Warner
Town Clerk

FRANCES I. WARNER
Notary Public, Maine
My Commission Expires September 8, 2024



**TOWN OF
DENMARK, MAINE**
“Beautiful by Nature”



**Proposed Amendments To The June 2024
Zoning Ordinance of the Municipality of Denmark, Maine**

PLANNING BOARD - APPLICATION DENIAL
Section 8.9.2.

**APPROVED BY THE TOWN OF DENMARK
PLANNING BOARD AND SELECT BOARD**

**PREPARED FOR TOWN OF DENMARK, MAINE
JUNE 07, 2025 ANNUAL TOWN MEETING WARRANT**

Amendments Shown in Red-Line

MARCH 28, 2025

8.9. Planning Board. (6.1.24)

8.9.2. General Planning Board Permits Procedures.

8.9.2.13. Factors Applicable to Planning Board Permits.

8.9.2.13.1. An application for a Planning Board permit must be denied for any property where any violation of this Ordinance exists, or where any such violation issued by the Select Board or Code Enforcement Officer exists until such violation has been satisfactorily corrected or resolved as determined by the Select Board or Code Enforcement Officer.

8.9.2.13.~~2.1~~ Prior to granting approval of an application for a Conditional Use Permit, the Planning Board shall make Findings of Fact and Conclusions of Law in accordance with the provisions of Appendix D.

8.9.2.13.~~3.2~~ Prior to granting approval of an application for a Shoreland District Foundation Permit~~+~~, the Planning Board shall make Findings of Fact and Conclusions of Law in accordance with the provisions of Appendix E.

8.9.2.13.~~4.3~~—Prior to granting approval of an application for other permits and approvals, the Planning Board shall make Findings of Fact and Conclusions of Law as determined by the Planning Board.

Municipal Officers' Certification of Official Text of a Proposed Ordinance [30-A M.R.S. § 3002(2)]


To the Town Clerk of the Town of Denmark Maine:

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Dated: April 29, 2025

Select Board



Andrew Kruczek



Kirk McDermith



Michael Stacy

Attest: A true copy of proposed amendments to the ordinance entitled "Zoning Ordinance of the Municipality of Denmark, Maine" as certified to me by the municipal officers of _____ on the 29th day of April, 2025

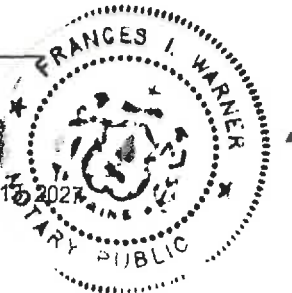
Signature

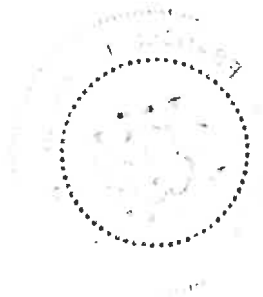


Frances Warner

Town Clerk

FRANCES I. WARNER
Notary Public, Maine
My Commission Expires September 15, 2027





**TOWN OF
DENMARK, MAINE**
“Beautiful by Nature”



**Proposed Amendments To The June 2024
Zoning Ordinance of the Municipality of Denmark, Maine**

PLANNING BOARD - JURISDICTION
Section 8.9.4. & Appendix C

**APPROVED BY THE TOWN OF DENMARK
PLANNING BOARD AND SELECT BOARD**

**PREPARED FOR TOWN OF DENMARK, MAINE
JUNE 07, 2025 ANNUAL TOWN MEETING WARRANT**

Amendments Shown in Red-Line

MARCH 28, 2025

8.9.4. Shoreland Permits – Additional Provisions

8.9.4.1. Placing of a foundation under a non-conforming structure in the 100-foot buffer zone within the Shoreland District shall also conform to the requirements of Section 1.4.4.3. of this Ordinance.

8.9.4.2. New structures and the expansion, relocation, reconstruction or replacement of a non-conforming structure in the 100-foot buffer zone within the Shoreland District shall also conform to the requirements of Section 1.4.4.7. and Section 1.4.4.8. of this Ordinance.

8.9.4.3. Planning Board jurisdiction for Shoreland Permits District Applications received by the Planning Board extends to the full depth (250 feet) of the Shoreland District and to all land areas between 250 feet and 500 feet of a great pond, river, or the upland edge of a wetland, all with respect to sources of erosion and sedimentation and to storm water control.

Municipal Officers' Certification of Official Text of a Proposed Ordinance [30-A M.R.S. § 3002(2)]


To the Town Clerk of the Town of Denmark Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the proposed amendments to the ordinance entitled "Zoning Ordinance of the Municipality of Denmark, Maine," which is to be presented to the voters for their consideration on June 7, 2025

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Dated: April 29, 2025

Select Board



Andrew Kruczek

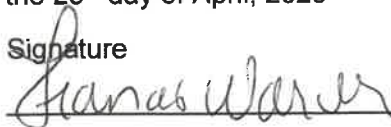


Kirk McDermith



Michael Stacy

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Signature


Frances Warner
Town Clerk

FRANCES I. WARNER
Notary Public, Maine
My Commission Expires September 13, 2027





**TOWN OF
DENMARK, MAINE**
“Beautiful by Nature”



**Proposed Amendments To The June 2024
Zoning Ordinance of the Municipality of Denmark, Maine**

DOCKS AMENDMENTS
Sections 6.9.12., 3.2., 8.9., And 9.2.

**APPROVED BY THE TOWN OF DENMARK
PLANNING BOARD AND SELECT BOARD**

**PREPARED FOR TOWN OF DENMARK, MAINE
JUNE 07, 2025 ANNUAL TOWN MEETING WARRANT**

Amendments Shown in Red-Line

MARCH 28, 2025

CHAPTER 6 – SHORELAND DISTRICT *(Amended 6.1.24)*

6.9. Performance Standards, Specific Activities, and Land Uses

6.9.12. ~~Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High Water Elevation of a Water Body or Within a Wetland.~~

6.9.12.1. Purpose and Jurisdiction.

6.9.12.1.1. The purpose of this Section of this Ordinance is to protect traditional public access to, and use of the shore; and to minimize adverse impacts on fisheries, on the environment, and on public enjoyment of the shoreline, including visual and navigational impacts.

6.9.12.1.2. The regulations and jurisdiction of this Section include Docks, Dock Appurtenances, and any structure built on, over or abutting a Dock or other structure extending or located above or below the normal high-water line or within a wetland, or that extend or are located over the water or are placed on lands lying between high and low waterlines or within wetlands.

6.9.12.2. General.

6.9.12.2.1. Dock Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

6.9.12.2.2. ~~The Dock and Dock Appurtenance~~ locations shall not interfere with existing developed or natural beach areas.

6.9.12.2.3. ~~The facility Docks and Dock Appurtenances~~ shall be located so as to minimize adverse effects on fisheries.

6.9.12.2.4. ~~Docks~~~~The facility~~ shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.

6.9.12.2.5. No new structure shall be built on, over or abutting a ~~Dock pier, wharf, dock~~ or other structure extending beyond the normal high-water line of a ~~w~~W~~a~~te~~r~~ ~~b~~o~~d~~y or within a wetland.

6.9.12.2.6. No existing structures built on, over or abutting a ~~Dock pier, dock, wharf~~ or other structure extending beyond the normal high-water line of a ~~w~~W~~a~~te~~r~~ ~~b~~o~~dy or within a wetland shall be converted to residential Dwelling Units including Houseboats.~~

6.9.12.2.7. No Dwelling Units or Houseboats (or similar structures or uses) may be placed on, adjacent to, or affixed to Docks in any manner.

6.9.12.2.78. A structure constructed on a Dock or float or floats is prohibited unless it is designed to function as and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.

6.9.12.2.9. Replacement of a permitted Dock with another Dock shall be allowed if the dimensions of the replacement Dock do not exceed those of the Dock being replaced and the configuration of the Dock is the same as the Dock being replaced. The burden is on the Dock owner to demonstrate that the replacement Dock satisfies these requirements.

6.9.12.2.10. This Dock ordinance does not permit the cutting or removal of any trees or vegetation not otherwise permitted in this Ordinance.

6.9.12.3. Location and Dimensional Regulations.

6.9.12.3.1. Dock and their locations in existence prior to June 7, 2025, may remain. If Docks and/or Dock Appurtenances are expanded, moved, or replaced (other than for routine, seasonal removal and installation in the same location), Docks, Dock Appurtenances, and Dock locations must conform to the requirements of this Ordinance.

6.9.12.3.2. Permitted Docks under the jurisdiction of this Ordinance shall adhere to the requirements of the Maine Department of Environmental Protection including Chapter 1000: Guidelines For Municipal Shoreland Zoning Ordinances.

6.9.12.3.3. Dock Access at the shore connection point shall be a maximum of 6 feet wide within 3 feet of either side of the shore.

6.9.12.3.4. Locations of Docks and Appurtenances.

6.9.12.3.4.1. All portions of a Dock or any Dock Appurtenances shall not encroach upon the area located within the waterside projections of the lot lines.

6.9.12.3.5. Limits on Number of Docks: Governmental, Institutional, and Commercial Use.

6.9.12.3.5.1. One Dock is permitted per the first 300.00 feet of a lot's total shorefront length.

6.9.12.3.5.2. For total shorefront length in excess of 300.00 feet a second Dock is permitted.

6.9.12.3.5.3. Where a planned unit development or cluster development abuts a Water Body, each lot shall not contain more than one Dock conforming to the requirements of this Ordinance, and shall have it's size, shape, and location approved by the Planning Board.

6.9.12.3.6 Limits on Number of Docks: Residential Use

6.9.12.3.6.1. One Dock is permitted per lot with a shore frontage length of up to double the minimum regulated shore frontage length provided for in this Ordinance.

6.9.12.3.6.2. For total shorefront length in excess of double the minimum regulated shore frontage length, a second Dock may be permitted.

6.9.12.4. Additional Regulations.

6.9.12.4.1. Permanent Docks with a fixed location or that are attached to a structure with a fixed location for a period exceeding 7 months within any 12-month period are subject to The Natural Resource Protection Act (NRPA) laws which are administered by the Maine Department of Environmental Protection. Any such permit(s) issued by the Maine Department of Environmental Protection shall be included as part of any relevant Planning Board applications.

3.2. Land Use Controls. (6.1.24)

Permitted and Conditional Uses shall conform to the requirements performance standards delineated in Article 5 of this Ordinance ~~as Applicable~~. Uses permitted and allowed as conditional uses in each District shall be only those uses designated in the table below:

- Y - Permitted use, no permit required
- P - Permitted use, Code Enforcement Officer permit required
- C - Conditional use, Planning Board permit required
- N - Prohibited use
- N/A - Not Applicable
- * - See performance standards in Chapters 4 or 5
- ** - See separate ordinance
- **** - See Shoreland District in Chapter 6

	<u>Resource Protection</u>	<u>Shoreland</u>	<u>Village</u>	<u>Rural</u>	<u>Aquifer Protection</u>
Piers and Docks****					
In the water for 7 months or more per year	C	C	N/A	N/A	N/A
In the water for less than 7 months per year	P	Y	N/A	N/A	N/A

8.9. Planning Board. (6.1.24)

8.9.2. General Planning Board Permits Procedures.

8.9.2.11. Upon consideration of the factors applicable to Planning Board Permits, the Planning Board may attach such conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to further the purposes of this Ordinance and to assure that the standards of this Ordinance are met. Violation of any of these conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for; type of vegetation, increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational controls; professional inspection and maintenance; sureties; deed restrictions, restrictive covenants; locations of piers, ~~Docks~~docks, parking and sign, type of construction; or any other conditions necessary to fulfill the purposes of this Ordinance.

9.2. Definitions.

Dock: Piers, wharves, floats, bridges, stairs and other structures and uses extending over or beyond the normal high-water line of a Water Body or within a wetland, or which may be a floating platform attached to a mooring.

Temporary Dock: A Dock which remains in or over the water for a period of less than seven (7) months in any period of twelve (12) consecutive months.

Permanent Dock: A Dock which remains in or over the water for a period of more than (7) months in any (12) consecutive months.

Dock Access: A Dock ramp, gangway, bridge, stairs, etc., located above the normal high-water mark, which provides access to a Dock.

Dock Appurtenances: Dock Appurtenances include Dock accessory features, equipment, watercraft, floats, and any temporary or permanent floating or non-floating articles affixed to or connected in any way to a Dock or it's appurtenances.

Houseboat: Any watercraft that has a generally flat main deck with a beam of 6 feet or greater, and has above its main deck a superstructure designed or modified for temporary or permanent living or use.

Water Body: ~~Any great pond, rivers and streams.~~ All waters, including but not limited to all ponds, great ponds, lakes, rivers, and streams.

Municipal Officers' Certification of Official Text of a Proposed Ordinance [30-A M.R.S. § 3002(2)]

To the Town Clerk of the Town of Denmark Maine:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the proposed amendments to the ordinance entitled "Zoning Ordinance of the Municipality of Denmark, Maine," which is to be presented to the voters for their consideration on June 7, 2025

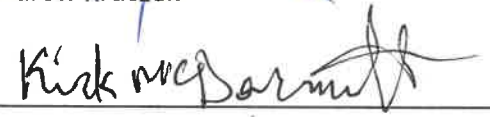
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Dated: April 29, 2025

Select Board



Andrew Kruczek



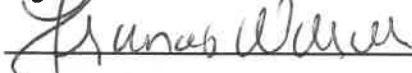
Kirk McDermith



Michael Stacy

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Signature



Frances Warner
Town Clerk

FRANCES I. WARNER
Notary Public, Maine
My Commission Expires September 13, 2027

