

**Amendments to the “Land Use Ordinance, Town of Phippsburg, Maine dated June 5, 1993” (through May 6, 2008)**

***June 25, 1994 Special Town Meeting***

• ***(Article #33)***

Delete the second paragraph of Section 2.2: In its entirety and replace with the following paragraph: “It shall be unlawful to drill any well for the purpose of human or animal consumption; or to construct or occupy any building as a place of residence; or to place a mobile home or any structure to be used as human habitation within 1000’ (one thousand feet) of the Phippsburg Landfill located on the Sam Day Hill Road, Tax Map 43, Lot 33.” The 1000’ (one thousand feet) setback shall be measured from the “proposed limit of waste,” which is the outermost perimeter of the cap on the landfill; as currently designated on the Proposed Site Plan (sheet 3) of the Phippsburg Landfill Closure Plan by Dufresne-Henry, Inc. (JDP 5-24-94). This prohibition shall not apply to existing residence or wells; or replacement wells; or any existing valid Town permits being held by persons for this area.

***May 18, 1996 Town Meeting***

• ***(Article #58)***

Section 2.14 amended to require Town notification when a structure is demolished or removed, as follows:

**Add:** Section 2.14 Structure Demolition or Removal Notice

It will be the responsibility of the property owner to notify the Code Enforcement Officer within thirty days of any structure torn down or removed. This section shall not be subject to section 4.10

• ***(Article #59)***

Section 2.2 amended to increase building permit fees by deleting: "~~structures estimated to cost \$1000 to \$5000, \$10; \$5,000 to \$10,000, \$20; \$10,001 and over, \$20 plus \$1 per \$1,000 or part thereof~~"

and replacing it with

"structures estimated to cost \$1,000 to \$5,000 = \$20; \$5,001 to \$10,000 = \$40; \$10,001 to \$100,000 = \$40 plus \$1 per \$1,000; \$100,001 to \$200,000 = \$40 plus \$2 per \$1,000; \$200,001 and over = \$40 plus \$3 per \$1,000."

• ***(Article #60)***

Relaxed the requirement for building on land within the 500 foot setback from the former Phippsburg Landfill, located on the Sam Day Hill Road.

***May 16, 1998 Town Meeting***

• ***(Article #62)***

Section 1.9 Apartments, Condominiums and Cluster Developments:

**Delete:** "30,000 square feet of land is available per dwelling unit"

**Replace with:** "the net residential acreage meets requirements for a Minor or Major Subdivision".

***May 17, 1999 Town Meeting***

• ***(Article #58)***

Section 2.3 New Business Permit **Delete:** "A quorum for new business hearings shall be constituted by a minimum of ~~three (3) Planning Board members and two (2) Selectmen~~, and any ....." in paragraph 2

**Replace with:** "five (5) members from a combination of the Board of Selectmen and Planning Board"

**Delete and Add:** to allow for changes in the fee schedule as follows: "Applicant for new business shall pay a \$50.00 license fee, \$10.00 of which shall be retained by the Codes Enforcement Officer, plus an additional fee to defray the costs of the required public notice and other expenses incurred. ~~The balance shall be used to defray the costs of the required public notice with any surplus going to the Town's general fund.~~

Section 2.5 Lot Size **Delete:** "30,000 square feet" in paragraphs 1, 3, and 4 **Replace with:** "40,000 square feet" in paragraphs 1, 3, and 4 **Add 5th paragraph as follows:** Any non conforming lot of record as of the effective date of this ordinance or amendment may be built upon providing that all provisions of this ordinance, except lot size, can be met.

Section 2.7 Construction Standards **Delete and Replace** in paragraph 3: "No building shall exceed 35 feet in height, measured from the ~~lowest finished grade of the ground to adjoin the building~~ mean original grade at the downhill side of the building."

Section 5.2 Definitions **Delete:** entire "~~Building Height~~" definition **Replace with:** "Height of a building: The vertical distance between the mean original grade at the downhill side of the building and the highest point of the building, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area."

***May 17, 2000 Town Meeting***

• *(Article #61)* Section: 1.2 - Validity, Severability, and Amendments **Replace:** "~~Title 30, M.R.S.A., Section 1917~~" with "Title 30A, M.R.S.A., Section 3001"

Section: 2.4 paragraph g. - Standards for Commercial and Industrial Uses **Replace:** "~~Title 30, M.R.S.A., Section 2451-B~~" with "Title 30A, M.R.S.A., Section 3752"

Section: 4.10 Paragraph 4 - Fines

**Replace:** "~~Title 30, M.R.S.A., Section 4966~~" with "Title 30A, M.R.S.A., Section 4452"

***May 16, 2001 Town Meeting***

• *(Article #70)*

Section 2.2 Permit Required - **Delete the following from paragraph 3:** “structures estimated to cost \$1,000 to \$5,000 = \$20; \$5,001 to \$10,000 = \$40; \$10,001 to \$100,000 = \$40 plus \$1 per \$1,000; \$100,001 to \$200,000 = \$40 plus \$2 per \$1,000; \$200,001 and over = \$40 plus \$3 per \$1,000.”

**Replace with:** “structures estimated to cost \$1,000 to \$5,000 = \$20; \$5,001 to \$10,000 = \$40; \$10,001 to \$100,000 = \$40 plus \$1.50 per \$1,000; \$100,001 to \$200,000 = \$40 plus \$2.50 per \$1,000; \$200,001 and over = \$40 plus \$3.50 per \$1,000. If the estimated cost of the project is deemed unreasonable by the Code Enforcement Officer, he or she has the right to assess a renovation at \$50.00 per square foot and new construction at \$85.00 per square foot.”

• *(Article #72)*

Section 2.14 Structure Demolition or Removal Notice - **Delete entire section and replace with:**

Property owners and contractors shall notify the Codes Enforcement Officer before the demolition of any structure can take place. The Codes Enforcement Officer will, in turn, notify the Phippsburg Historical Preservation Commission who will determine whether that structure is associated with events that have made a significant contribution to the broad patterns of our history; or that is associated with the lives of persons significant in our past, or embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that have yielded, or may be likely to yield, information important in prehistory or history (National Historic Register of Historic Places.) If the structure is deemed not to be of historical significance, the Phippsburg Historical Preservation Commission will notify the Codes Enforcement Officer that the demolition delay should be withdrawn. This determination will be made as soon as possible, but no later than 45 days after Commission notification from the Code Enforcement officer. If the property is deemed to be of significant historical value, the Phippsburg Historical Preservation Commission will negotiate with the owner or contractor for permission to move the structure or negotiate/seek a suitable alternative for the structure.

**May 15, 2002 Town Meeting**

• **(Article #79)**

Section 2.3 New Business Permit **Delete:** Entire Section **Replace with:** “No new business shall begin operation, unless exempted under section 1.8, without first obtaining a permit. Any expansion or change of an existing business shall be considered a new business for the purposes of this Ordinance and shall require a new business permit. The Town shall provide application forms.

No permit shall be issued until a public hearing has been held, notices of which shall be posted in two public places and published in a newspaper with general circulation in the Town at least seven (7) days and not more than fourteen (14) days prior to the hearing.

Applicant shall notify abutters of the proposed business plan. Proof of such notice shall be presented with the application at the public hearing. Acceptable proof shall consist of an abutter’s signature on the application form, an abutter’s statement and signature on a separate document, or a certified mail return receipt showing either a signature or post office failure to deliver to the abutter’s last known address.

New business hearings shall be held jointly by the Planning Board and the Board of Selectmen. A quorum shall be constituted by a minimum of, and any five (5) members from the combined Boards. Those members present at the hearing shall, by a majority vote, approve, approve with conditions, or deny all applications for a new business. Members shall render their decisions in writing, specifying the reasons for denial or imposition of conditions.

Applicant shall pay a \$50.00 permit fee plus \$45.00 to defray the cost of advertising the public hearing.”

Section 2.5 Lot Size **Delete and replace:** “..... Dwellings, cottages, mobile homes or new businesses shall be set back a distance of not less than 75 feet from the center line of the road or highway State and Town maintained roads and 50 feet from the center line of all other roads.....”

Section 2.11 Existing Structures on Non-Conforming Lots **Add** (to third paragraph): “Any such permit issued under this section must be recorded in the Sagadahoc Registry of Deeds. No building permit shall be issued by the Codes Enforcement Officer without proof of such recording.”

Section 4.1 Codes Enforcement Officer **Delete:** ~~“Except where otherwise specified, said fees shall be retained by the Codes Enforcement Officer as partial compensation for his services.”~~

Section 4.7 Board of Appeals, Section 4.8 Appeal Procedures, and Section 4.9 Appeals Standards - **Delete entire sections and renumber:** (these sections were repealed and replaced by the Board of Appeals Ordinance enacted March 19,1994)

Section 5.2 Definitions **Add:** “Abutter: A person who owns adjacent property and including property directly across any road.”

*Jan 9, 2008 Special Town Meeting*

- *(Article #3)*

**Section 1.8 Home Business**

**Delete** the strike through word and **Replace** with the underlined word as follows:

Section 1.8 .....shall be restricted to one on-premise sign totaling not more than ~~two~~  
eight square feet.

*May 6, 2008 Annual Town Meeting*

- *(Article #58)*

**Section 5.2 Definitions**

*Add the underlined portion as follows:*

Section 5.2. Definitions

Increase in nonconformity of a structure - Any change in a structure or property which causes further deviation from the dimensional standard (s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.