**Town of Machiasport**

**Building Permit Ordinance**

1. PURPOSE. New buildings and structures, additions to existing buildings, conversions of existing structures to other uses, and changed land uses all have a significant effect on many things in the Town of Machiasport, including the cost, capacity and efficiency of town services. Also impacted are the environment, aesthetics, and, of course, property values. Therefore, it is the purpose of this ordinance to help manage building and land use changes with an eye to mitigating negative impacts for the general well-being of the town and its residents.
2. ADMINISTRATION. This ordinance shall be administered by the following:
3. Planning Board. The Planning Board is appointed by the Board of Selectmen and functions in accordance with the rules established by the Planning Board Ordinance. The Board issues Building Permits. The Planning Board reviews and approves Building Permit Applications for one and two family residential structures in the Shoreland Zone in consultation with the Code Enforcement Officer (CEO). Building Permits in the Shoreland Zone are signed by both the Planning Board Chair or designee and the CEO.
4. Code Enforcement Officer. The Code Enforcement Officer (CEO) is hired to serve the town by the Board of Selectmen. The CEO’s responsibilities are to investigate issues relating to public compliance with this ordinance. The CEO will attend Planning Board meetings to serve as an advisor and will perform such other tasks as are detailed in this ordinance.
5. Board of Appeals. The Board of Appeals is appointed by the Board of Selectmen and functions in accordance with the rules established by the Board of Appeals Ordinance and the State of Maine. Its primary responsibilities are the following:
6. to hear and decide administrative appeals where it is alleged that there is an error in any decision, order or determination by the Planning Board or CEO, and
7. to grant variances after a decision has been made by the Planning Board or CEO denying an applicant approval to proceed with a requested building or land use activity.
8. BUILDING PERMIT REQUIRED. No person in the Town of Machiasport shall, without

first obtaining a building permit, engage in any of the following activities:

1. New building construction including erecting modular structures.
2. Erection of a temporary structure intended to be in place for more than ninety (90) days.
3. Expansion of a building/structure.
4. Replacement of an existing building/structure
5. Construction or extension of a porch larger in area than twenty-five (25) square feet.
6. Construction or extension of a deck attached to any building/structure.
7. Relocation of a building/structure.
8. Installation of a mobile home.
9. Placement of any building/structure/vehicle intended for occupancy for periods exceeding ninety (90) days, including but not limited to, mobile homes, trailers (a.k.a. fifth wheels) and recreation vehicles.
10. Construction of a windmill or tower, including but not limited to a communications tower, since windmills and towers are considered structures. (See Communication Facility Ordinance and Small Wind Energy Systems Ordinance.)
11. Construction of a permanent pier. (Note: Approval for the construction of a temporary pier is the responsibility of the CEO.)
12. Placement of any building/structure, not attached to another building/structure, with a footprint larger than one hundred-twenty (120) square feet or more than one (1) story in height.
13. Installation of a driveway and/or culvert connecting a town road. (A Driveway and Culvert Construction Application is available at the Town Office.)
14. Installation of a driveway and/or culvert connecting to a state road. (An Opening Permit Application is available from the Maine Department of Transportation.)
15. Installation of an outdoor wood-fired furnace/boiler.
16. Remodeling of a building/structure to add one or more bedrooms.
17. Demolition of an existing structure includes tearing down and/or burning of the structure.
18. Removal and/or replacement of an existing structure, including a mobile home/trailer.
19. EXEMPTION FROM BUILDING PERMIT REQUIREMENTS.
20. Construction of any building/structure not attached to another building/structure with a footprint of one hundred-twenty (120) square feet or less, and no more than one (1) story in height. (Note: All buildings/structures must meet the setback requirements detailed in paragraph 14.S.)
21. Installation of a septic system (Note: Approval of a septic system design is the responsibility of the Local Plumbing Inspector.)
22. Painting or decorating.
23. Repairs or interior renovations in general so long as the work does not modify the building/structure’s lateral dimensions, raise the building/structure height or add any bedrooms, subject to the provisions in 3. above.
24. Construction of a porch twenty-five (25) square feet or smaller in area.
25. Installation of a new roof over an existing roof of a mobile home that changes the height of the structure.

Notwithstanding the above, the building permit applicant is ultimately responsible for complying with all town permit requirements. The Planning Board should be consulted if there is any question about whether or not a building permit will be required. Further, the CEO and/or the Local Plumbing Inspector (LPI) should be consulted when an owner plans to add one or more bedrooms which may impact the water and sewer systems. Failure to obtain a building or other required permit can result in costly construction delays, legal action and/or the removal of work already completed.

1. CHANGE OF USE PERMIT REQUIRED. A change of use permit is required for the following:
2. Conversion of an existing building/structure to create a dwelling, bunkhouse, guest cottage, an apartment or business that involves changes in the water and/or sewer systems.

B. Conversion of an existing residence to a commercial business use.

C. Conversion of an existing commercial business to a residential use.

D. Conversion of an existing residence to a home-based business as defined (See item 19.K.).

1. PERMIT APPLICATIONS. Applications for permits under this ordinance shall be submitted on forms provided by the Planning Board. The applicant is responsible for reviewing the requirements of all applicable Town Ordinances, including but not limited to, the Shoreland Zoning Ordinance and the Building Permit Ordinance, and for legally verifying the information submitted on all applications.

A building permit applicant under this ordinance shall be the landowner, or the authorized designee of the landowner, designated by said landowner in writing. Said written designation shall be a necessary part of an application.

A building permit application shall be considered complete when all attachments are submitted and the fee paid. The Planning Board shall issue a building permit to the applicant upon determination that the application is complete and signed by the landowner or his/her authorized designee, and the Planning Board votes to approve it, according to the Planning Board rules. A site inspection by the CEO may be required prior to the issuance of a Building Permit.

A building permit is only valid for the person named on it. It is not transferable.

The application will be dated on the day it is received by the town. The Planning Board will act on a completed application within forty-five (45) days.

To ensure full consideration by the Planning Board, an application for a building permit must be received by twelve (12:00) noon on the Friday prior to a scheduled Planning Board Meeting. Applications received after this deadline will be considered at the sole discretion of the Planning Board.

1. REQUIRED ATTACHMENTS TO THE BUILDING PERMIT.
2. Attach a copy of the applicable town map showing the map number and the lot number of the property.
3. Attach a copy of the deed showing proof of ownership along with written approval from the landowner or his/her designee (or other acceptable written form of legal standing) to sign the Building Permit Application, if applicable.
4. Attach evidence of an approved septic system plan (HHE 200 form), if applicable.
5. Attach a copy of an approved MDOT Road Opening Permit, if the driveway extends onto a state road or state aid road.
6. Attach a copy of any official decisions of Federal, State or Local Agencies regarding the use of this property, if applicable. Such official decisions could include copies of a site location permit, minimum lot size waivers, subdivision approvals, a Great Ponds Permit and Department of Environmental Protection, Army Corp of Engineers, and Submerged Lands Permits.
7. Attach any other evidence necessary to show the ability to meet all Ordinance requirements.
8. SITE PLAN AND SKETCH REQUIREMENTS.
9. Identify the size and dimensions of the lot in square feet.
10. Identify the names and location of abutting rights of way, public and private roads, and state roads.
11. Include a sketch showing the location of existing and proposed structures/buildings and the distance of each from the nearest property line (15 feet minimum) and the front setback (50) feet minimum from the center of the traveled way.) Identify the existing and/or proposed water supply and sewage disposal facilities and systems (septic tank). Indicate the distance in feet between the well and the septic system.
12. Identify the size of the proposed building and/or structure in square feet.
13. Identify the location of the driveway and culvert, if applicable.
14. Identify general areas of cut, fill, grading or other earth moving activity. An earth moving permit

must be obtained from the CEO or a certified contractor prior to moving more than one cubic yard of earth material in the Shoreland Zone. A copy of said permit must be provided to the Planning Board to be included with the Building Permit Application.

1. Attach a separate sheet with any supplemental information. Explain any points you feel need clarification.
2. Attach other documentation as necessary or required by the Planning Board.
3. PERMIT APPLICATION FEES.
4. Building Permit Application Fees are established by the Board of Selectmen and are subject to change. Please see the Town Clerk for a list of current Building Permit Application Fees.
5. BUILDING PERMIT EXPIRATION AND RENEWAL. After a building permit has been issued, if a “substantial start” is not made to the permitted activity within one (1) year from the date of issuance, the permit shall become void.

The Planning Board may issue a one (1) year extension for a building permit. Application for any extension must be requested in writing before the initial permit or an approved extension expires. There are no fees for an extension.

1. PENALTIES. Monetary penalties for violation of this ordinance are defined in State law and may include fines of no less than one hundred dollars ($100). Fines are imposed by the Code Enforcement Officer in accordance with State laws.
2. AFTER-THE-FACT PERMIT VIOLATIONS

If the Planning Board has not issued a building permit and building (or other activity requiring a permit) has taken place, the landowner will be required to submit a Building Permit Application After-The-Fact.

After-The-Fact Building Permit Fees are established by the Board of Selectmen and are subject to change. Please see the Town Clerk for a list of current After-The-Fact Building Permit Fees.

If the Planning Board has not issued a change of use permit and changes are made in the use of a building/structure as detailed in paragraph 5, the landowner will be required to submit a Change of Use Application After-The-Fact.

After-The-Fact Change of Use Permit Fees are established by the Board of Selectmen and are subject to change. Please see the Town Clerk for a list of current After-The-Fact Change of Use Permit Fees.

There is no guarantee that the Planning Board will approve an After-The-Fact permit application, and it may be necessary for the landowner to remove construction undertaken without a permit. In addition, the Code Enforcement Officer shall issue an immediate stop work order and/or Notice of Violation until the Board has acted on said application.

1. ENFORCEMENT OF THIS ORDINANCE BY CODE ENFORCEMENT OFFICER.
2. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this ordinance. If the Code Enforcement Officer finds that any provision of this ordinance is being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering that action necessary to correct it, including but not limited to, discontinuance of illegal construction of buildings, structures or illegal use of land. A copy of such notices shall be submitted to the Chair of the Planning Board and be maintained as a permanent record.
3. The Code Enforcement Officer may conduct on-site inspections to insure compliance with all applicable rules and conditions attached to Building Permits.
4. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this ordinance.
5. The Code Enforcement Officer will keep a complete record of all essential transactions of the office, including applications submitted, permissions granted and denied, revocation actions, decisions appealed, court actions, violations investigated, violations found, fees collected and fines levied.
6. MINIMUM STANDARDS. The applicant shall show that the proposed construction detailed in a Building Permit Application complies with the Town of Machiasport Building Permit Ordinance and the minimum Local, State and Federal requirements and codes.
7. Minimum Lot Size. The Applicant must affirm that a building/structure will be placed on a lot with a minimum size of forty thousand (40,000) square feet with access via a state road, a town road, a private road or has access via a legal right-of-way or deed. Lots on state or town roads will have a minimum of one hundred (100) feet of road frontage. Each building/structure intended for use as a single family/residential dwelling such as a house, bunkhouse, guest cottage or garage apartment requires a minimum of forty thousand (40,000) square feet. Please refer to the Shoreland Zoning Ordinance for minimum lot size requirements in the Shoreland Zone.
8. Maximum Height of Structure- Structures and expansions of existing structures shall not exceed thirty-five (35’) feet in height measured from the highest finished grade to the roof peak. This provision shall not apply to structures such as towers and windmills having no floor areas. (The only exception to this maximum height of structure requirement is within the Shoreland Zone where the maximum is measured as thirty-five (35’) feet from the lowest finished grade. (See the Machiasport Shoreland Zoning Ordinance.)
9. 911 Addresses. If a new residence, the applicant must ask the Town Clerk to assign a 911 address. (Refer to the Addressing Ordinance.)
10. Water. The applicant must demonstrate that sufficient water is available for the reasonably foreseeable needs of the proposed building/structures or propose an adequate water source.
11. Sewage Disposal. The applicant will make adequate provisions for sewage waste disposal. For buildings requiring a septic system, a report by a licensed soil evaluator (HHE-200 form) must be submitted with the application for a building permit showing the septic system’s design.
12. Adding Bedrooms to an Existing Building. When adding bedrooms to an existing building, the applicant must provide an HHE-200 form showing that the septic system will support the number of bedrooms that will be in the building/structure.
13. Air Pollution. The applicant will meet all Department of Environmental Protection requirements regarding air quality.
14. Soil Erosion. The applicant will not cause unreasonable soil erosion, reduce the capacity of the land to hold water, or materially increase soil deposition onto abutting properties.
15. Surface Drainage. Drainage of water that runs along the surface shall not adversely affect abutting properties or streets/roads or the downstream water quality of streams.
16. Noise. The applicant’s building project will not result in undue noise pollution. If it is likely that the proposal will result in noise in excess of that which is normal for the area, it shall be designed to minimize noise interference with neighboring uses. That is to say, excessive noise shall be muffled so as not to be objectionable beyond the property lines.

The following construction related uses and activities shall be exempt from noise level regulations:

1. Emergency situations when the health/welfare of persons is threatened or there is likelihood of damage to property.
2. Noise created by construction and temporary maintenance activities between 6:30 am and 8:00 pm.
3. Noise created by safety signals, warning devices and emergency activities.
4. Traffic noise on public roads.
5. Tower. The applicant must meet the Maine State Standards for Towers, including but not limited to height, noise and fall zone (105% to a property line). It is the responsibility of the landowner to notify the Planning Board in writing when a tower is taken out of service for twenty-four (24) consecutive months. [See Communication Facility Ordinance.]
6. Windmill. The applicant must meet the Maine State Standards for Windmills including but not limited to the height, noise and fall zone (105% to a property line). It is also the applicant’s obligation to notify all abutters when applying for a Building Permit to install a windmill on the property and notify the Planning Board in writing when a windmill is taken out of service for twenty-four (24) consecutive months. [See Small Wind Energy Systems Ordinance.]
7. Outdoor Wood-Fired Furnace/Boiler. An outdoor wood-fired furnace/boiler shall be located at least one hundred (100) feet from the nearest building, which is not on the same property as the outdoor wood-fired furnace/boiler, and it shall be located at least one hundred (100) feet from the nearest roadway, driveway or right of way which is not on the same property as the outdoor wood-fired furnace. The outdoor wood-fired furnace/boiler installation must meet or exceed DEP requirements for same.
8. Septic Disposal. All sewage disposal systems must be designed by a Maine licensed site evaluator and be installed according to the State of Maine Subsurface Wastewater Disposal Rules.
9. Plumbing Code. The Plumbing Code is administered by the Local Plumbing Inspector (LPI), with general oversight through the Plumbers Review Board.
10. State Road Culvert Permit. For the installation of a driveway intersecting with a state-aid road, the Maine Department of Transportation (MDOT) must issue a Road Opening Permit to the landowner. Any required culverts on state owned land will be installed by the landowner and maintained by the state. Any required culverts on private land will be installed and maintained by the landowner.
11. Town and Private Road Culvert Permit. The Town of Machiasport Road Commissioner must issue a permit for driveways that intersect with town roads and for all culverts that must be installed at the intersection. For a culvert on the town right of way, the owner will install the required culvert and the town will maintain it. The owner will install and maintain a culvert that is required on the owner’s property. The Town of Machiasport Road Commissioner must approve all of this work. Driveway and Culvert Applications are available at the Machiasport Town Office.
12. Preservation/Enhancement of Landscape. During construction the landscape will be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of soil and loss of existing vegetation in order to minimize the impacts of the proposed use on the property under development and neighboring land.
13. Setbacks. All buildings/structures shall have a front yard setback of fifty (50) feet (measured from the center of the traveled way) and side yard setbacks of fifteen (15) feet from all property lines.
14. Parking. Adequate off street parking for any building/structure will be as follows: at least one (1) and one half (1/2) parking spaces per family unit. Thus, a single family unit will have one (1) and one half (1/2) spaces; a duplex unit will have three (3) parking spaces. Hotels, motels, boarding houses and bed and breakfasts will have one (1) space per guest room. Restaurants, churches, clubs and recreation facilities will have one (1) space per four (4) seats. Stores and offices will have one (1) space per three hundred (300) feet of floor area. Buildings not listed shall provide parking space for the most similar building which is listed.
15. MACHIASPORT COMPREHENSIVE PLAN.

Machiasport has developed a Comprehensive Plan consistent with State of Maine requirements under the Growth Management Act. The Building Permit Ordinance will be reviewed and updated from time to time as necessary to ensure that the ordinance remains consistent with implementation of the town’s plan as adopted.

1. SHORELAND ZONING ORDINANCE

Machiasport has written and approved a Shoreland Zoning Ordinance designed to control building and land use within the town’s coastal land areas. The Building Permit Ordinance has been adopted to apply to the whole town of Machiasport, thus there will be areas of regulatory overlap. In these cases, the ordinance with the most restrictive requirements will be used. Please refer to the Shoreland Zoning Ordinance when building a new or expanding an existing structure on a lot in the Shoreland Zone.

1. NON-CONFORMANCE. “Grandfather Clause” The property owner of a grandfathered non-conforming structure has two (2) years to complete the rebuilding of the structure lost to a catastrophic or other unforeseen event. Please refer to the Non-Conformance section of the Shoreland Zoning Ordinance for properties located in the Shoreland Zone.

Definitions:

Non-Conforming Lot. A single lot of record which at the effective date of adoption of this ordinance does not meet the area, frontage or other requirements specified herein, but is a minimum of ten thousand (10,000) square feet and, if on a state or town road, has a minimum of forty (40) feet of road frontage.

Non-Conforming Structure. A structure which does not meet any one or more of the setback, height or other requirements herein, but which was in lawful existence at the time this ordinance took effect.

Non-Conforming Use. Use of buildings, structures, premises, land or parts thereof which is not under this ordinance, but which was in lawful existence at the time this ordinance took effect.

Purpose: It is the intent of this ordinance to promote land use conformities; however, non-conforming conditions that have existed before the effective date if this ordinance shall be allowed to continue subject to the following five items:

1. Transfer of Ownership. Non-Conforming lots, structures and uses may be transferred, and the new owner may continue the non-conforming use or develop the non-conforming lot or structure subject to the provisions of this ordinance.
2. Repair and Maintenance. Without a building permit normal upkeep and maintenance of non-conforming structures, including repairs and interior renovations are allowed. (See paragraphs 4c and 4d.)
3. Non-Conforming Lots. A non-conforming lot may be developed or used subject to the provisions of this ordinance so long as the lot has a minimum size of ten thousand (10,000) square feet and the frontage is at least forty (40) feet if along a state or town road.
4. Non-Conforming Structure. A non-conforming structure may be expanded subject to any relevant provisions of this ordinance after approval of a building permit, if such addition or expansion does not increase the non-conformity of the structure with these exceptions: a porch twenty-five (25) square feet or smaller may be constructed on the front or sides of a non-conforming building/structure closer than fifty (50) feet from the center of the traveled way or fifteen (15) feet from other property lines. Otherwise, setback requirements will be enforced. (A landowner must check with the State for permission, if necessary, before building a porch close to a state road.)
5. A Non-Conforming Use. A non-conforming use may be continued subject to any relevant provisions of this ordinance or any other relevant town or state rules and regulations; however, if a non-conforming use is discontinued for one (1) year, it may not be reestablished and protected under this grandfather clause.
6. APPEALS. Any and all persons aggrieved directly or indirectly by a written decision or order of the Planning Board, Code Enforcement Officer or other town official (who has authority to act under this ordinance) may appeal said decision or order. Such appeal must be in writing, directed to the Machiasport Board of Appeals and filed with the Town Clerk on the Appeal Request Form within twenty-one (21) days of said decision or order.

The request must state with specificity the decision, order, ruling or act, that is the basis for the appeal. A copy of the relevant permit application or other written determination by the Planning Board, CEO or other official must be attached.

The Machiasport Board of Appeals, upon hearing the appeal may affirm, modify, or set aside the decision, order or ruling in accordance with state law and the guidelines and procedures stated in the Machiasport Board of Appeals Ordinance. The board will render its decision in writing within thirty (30) days of the date the appeal request is delivered to the Town Clerk.

The Code Enforcement Officer may, at his sole discretion, stay any of his orders pending appeal. The appellant may be required to post security or obey other restrictions imposed by the Code Enforcement Officer during the pendency of an appeal if any order is stayed. Any decision, order or ruling of the Planning Board or any town official, authorized under this ordinance, shall not be stayed pending appeal.

An appeal of a decision of the Board of Appeals may be pursued by the aggrieved party or parties to the Maine Superior Court, in accordance with the Maine Rules of Civil Procedure 80B.

The Machiasport Planning Board cannot grant variances from requirements under this ordinance. (See Board of Appeals Ordinance.)

1. DEFINITIONS. In general, words and their terms in these regulations shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:
2. Board of Appeals. The Board of Appeals is the Town Board that hears appeals in accordance with state law. It is the duty of the Machiasport Board of Appeals to hear and act upon appeals of written decisions of the Planning Board, CEO or other town officials (who have authority to act), to modify decisions and to grant variances, if appropriate, under state law. Variance can only be granted under certain narrow circumstances.
3. Buildings/Structure. A building/structure (including a mobile home) for the purpose of this ordinance is supported by columns or walls and is, or will be, used for people, animals, goods or property of any kind. A structure also includes towers, windmills and their additions. It also includes temporary structures that are intended to be used for more than ninety (90) days, tool/storage buildings (or other such) greater than one hundred twenty (120) square feet, outdoor wood-fired furnace/boilers, towers, windmills, decks, porches, piers, stairs and the like.
4. Developed Area. Any area on which site improvement or a change is made, including but not limited to, erection of buildings and structures, landscaping, parking areas and streets.
5. Driveway. A vehicular access designed to serve property and/or a building/structure.
6. Dwelling Unit A structure, room, or suite of rooms used as habitation. Dwelling unit also means such rooms, which contain independent living, sleeping, cooking, bathing and/or sanitary facilities. It includes single family homes, mobile homes, units in a duplex, apartment houses, multi-family dwellings and residential condominiums.
7. Exterior Lighting, (Flashing Lights or Signs). Strong lights shining beyond the lot lines onto neighboring properties, so as to cause a nuisance, or onto any town, private or state road so as to impair the vision of the driver of any vehicle upon that road.
8. Estimate of Cost for Construction. The estimated cost of construction should be based on the cost of the proposed construction for all materials and labor.
9. Expansion. Modification of a building/structure that increases its floor area and/or volume, for example construction of additions, dormers, closed in porches, basements, roof modifications or the like.
10. Expansion of Use. The addition of weeks or months to a use’s operating season, daily hours of operation or the use of more floor space or ground area devoted to that use.
11. HHE-200. An HHE-200 Form is a subsurface wastewater disposal plan.
12. Home-Based Business: A business that utilizes a dwelling unit, or structure accessory to a dwelling unit, for gainful employment, and which use generates a maximum average of ten (10) vehicle trips per day.
13. Lot Area. The area of land enclosed by the boundary lines of a lot, minus land below the normal high-waterline of a water body or upland edge of a wetland and area beneath roads serving more than two (2) lots.
14. Non-Conforming Lot. A single lot of record which at the effective date of adoption of this ordinance does not meet the area, frontage or other requirements specified herein, but is a minimum of ten thousand (10,000) square feet, and, if on a town or state road, has a minimum of forty (40) feet of road frontage.
15. Non-Conforming Structure. A structure which does not meet any one or more of the setback, height or other requirements herein, but which was in lawful existence at the time this ordinance took effect.
16. Non-Conforming Use. Use of buildings, structures, premises, land or parts thereof which is not permitted under this ordinance, but which was in lawful existence at the time this ordinance took effect.
17. Outdoor Wood-fired Furnace/Boiler. An outdoor wood-fired furnace/boiler is any equipment, device, appliance or apparatus or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component or a heating system providing heat for any interior space or water source.
18. Official Submittal Date. The date the Building Permit Application is determined by the Planning Board to be a complete application.
19. Pier. A structure extending into and/or over water for use as a landing place or promenade, or to protect or form a harbor. [Construction of permanent piers requires a permit from the Planning Board and temporary piers from the Code Enforcement Officer. Temporary means remaining in or over the water for less than seven (7) months in a period of twelve (12) consecutive months.]
20. Shoreland Zoning Ordinance. This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, river or saltwater body; within 250 feet, horizontal distance, of the upland edge of a coastal or freshwater wetland and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf, or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland. (See Shoreland Zoning Ordinance.)
21. Substantial Start. (New building construction). Completion of the following: Road access, power supply, a cleared house site, water source and septic system.
22. Street. A public or private way such as an alley, avenue, boulevard, lane, highway, road and other right of way.
23. Tower. A structure without a floor standing alone on the ground or on top of another structure that has dominance in height. [See Communication Facility Ordinance.]
24. Vehicular Access. Access and egress from public and private roads.
25. Variance. Is official permission to construct something normally forbidden by regulations and/or ordinance in the Town of Machiasport. (The Planning Board cannot grant Variances.)
26. Windmill. A small machine driven by the wind blowing against a wheel or blades attached to a shaft. [See Small Wind Energy Systems Ordinance**.]**
27. APPLICATIONS. The Planning Board will write applications and supporting instructions as needed to implement this Building Permit Ordinance. These documents will be revised as necessary to satisfy the requirements of the Board and the public.
28. SEVERABILITY. Should any portion of this ordinance be declared invalid or unenforceable by a court, the other provisions shall remain in force.
29. EFFECTIVE DATE. This ordinance was voted upon and approved at a Town Meeting dated June 27, 2016 and this ordinance shall take effect upon that date.

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Selectman

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 Town Clerk Date

AFFIX SEAL

Committee Recommended on April 25, 2008

Public Hearing held on May 6, 2008

Special Town Meeting held on May 27, 2008

Amendment approved by Board of Selectmen July 7, 2008

Public Hearing on Amendment July 21, 2008

Approved at Special Town Meeting July, 31, 2008

Planning Board Recommended on May 12, 2016

Public Hearing held on June 6, 2016

Town Meeting held on June 27, 2016