

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.

TOWN OF MACHIASPORT

BUILDING PERMIT APPLICATION

A copy of the *Building Permit Ordinance* is available at the Town Office.

Date of Application: _____
Fee Paid: _____

Building Permit No.: _____
After-the-Fact Fee Paid: _____

TYPE OF APPLICATION

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Teardown/Removal | <input type="checkbox"/> After-the-Fact App. |
| <input type="checkbox"/> Non-Residential | <input type="checkbox"/> Change of Use | <input type="checkbox"/> Driveway/Culvert | <input type="checkbox"/> Extend Permit (1 yr.) |
| <input type="checkbox"/> Alteration | <input type="checkbox"/> Replacement | <input type="checkbox"/> Septic/Well/Foundation | <input type="checkbox"/> Temp. Bldg./Structure |

1. Map # _____ Lot # _____ (Attach a copy of the Town's Map.)
NOTE: If the lot is located in the Shoreland Zone, YOU MUST USE THE SHORELAND ZONE BUILDING PERMIT APPLICATION.

2. BUILDING SITE MAP & BUILDING/STRUCTURE FLOOR PLAN SKETCHES: Attach a drawing (sketch) of the proposed building project. Sketch a map of the floor plan on the grid provided.

3. LOCATION/ADDRESS for the proposed Building/Structure:

4. **LANDOWNER(S):**

Name: _____
Address: _____
Home Phone: _____
Cell Phone: _____
E-mail: _____

APPLICANT(S): *If other than landowner.*

Name: _____
Address: _____
Home Phone: _____
Cell Phone: _____
E-mail: _____

***NOTE:** *If Applicant is not the landowner, a written authorization from the landowner appointing him/her to present this Application must be attached to this Application.*

5. **PROJECT DESCRIPTION**

What is the size of the proposed building/structure in square feet? _____

Will *additional* bedrooms be added? ☐ Yes ☐ No If YES, how many? _____

If YES, attach a copy of an amended HHE-200.)

Will *additional* bathrooms be added? ☐ Yes ☐ No If YES, how many? _____

Describe work to be done: _____

6. **WHAT IS THE PROPOSED BUILDING/STRUCTURE** (Check all that apply.)

☐ New Residence. It will be ☐ stick built ☐ manufactured home ☐ mobile home

☐ New Addition

☐ Alterations beyond the original footprint

☐ Roof

☐ Foundation: ☐ slab ☐ frost wall ☐ basement

☐ Driveway & Culvert (Attach Driveway & Culvert Permit Application)

☐ Septic (Attach a copy of the HHE-200)

☐ Well

☐ New Deck/Balcony: Width _____ Length _____

☐ Outbuilding: Describe _____ Square Feet: _____

☐ Garage: Width _____ Length _____

☐ Outdoor Wood-Fired Furnace (Must meet State MDEP & other State Regulations.)

- ☐ Tower (Describe type/purpose): _____ Height: _____
- ☐ Windmill Height: _____
- ☐ Permanent Pier: Length: _____ Width _____ Height _____ (attach any permits required)
- ☐ Temporary Pier: Length: _____ Width _____ Height _____ Length of Time _____ (in months)
- ☐ Manufactured Home Size: _____
- ☐ New Mobile Home Year: _____ Model: _____
- ☐ Used Mobile Home Year: _____ Model: _____
- ☐ Temporary Building/Structure Proposed Length of Time (in months): _____
- ☐ Other Describe: _____

7. **LIST ALL ABUTTING LANDOWNERS and show them on the site map (Item #2 above):**

8. **ESTIMATE TOTAL COST OF THE PROJECT:** _____
(NOTE: The dollar amounts should be based upon fair market value of both the materials & labor.)

9. **LEGAL STANDING** (Attach a copy of the DEED or Property Tax Bill)

10. ☐ Yes ☐ No Is the building lot at least 40,000 square feet in size? **If NO, complete ## 14 and 15 below.**
- ☐ Yes ☐ No Does the building have at least a 50-foot front yard setback from the middle of the traveled way?
- ☐ Yes ☐ No Is the building at least 15 feet from all property lines?
- ☐ Yes ☐ No Will the proposed building height be more than 35 feet above the highest finished grade, measured to the highest roofline?
- ☐ Yes ☐ No Will an external fire escape be put on the building/structure (required if the height exceeds 35 feet from the lowest finished grade measured to the highest roofline)?

11. **ROAD & CULVERT**

The building/structure will be placed on a lot with access as follows:

☐ Town Road ☐ Private Road ☐ State Road ☐ Deeded Access ☐ Other

If a driveway is being added, the Applicant must obtain and submit a Driveway & Culvert Permit Application. This Application is available at the Town Office. (Attach the Driveway & Culvert Permit Application signed by the Road Commissioner.)

- ☐ Yes ☐ No Does the lot have a minimum of 100 feet of frontage on a Town Road, Private Road, State Road, or Deeded Access?
If NO, explain: _____
- ☐ Yes ☐ No Will there be a new driveway and/or culvert placed on a town road? (If YES, indicate on the Building Site Plan and attach a Driveway & Culvert Application signed by the Road Commissioner.)
- ☐ Yes ☐ No Is a culvert being installed?
If NO, explain: _____
- ☐ Yes ☐ No Has a Road Opening Permit been obtained from MDOT for the driveway entrance on a State Road? If YES, attach documentation.
- ☐ Yes ☐ No Will there be any off-street parking spaces? If YES, how many spaces will be provided? _____ (Show parking spaces on the Building/Structure Site Plan.)

12. **SEPTIC SYSTEM**

Note: The septic system must be shown on the Building/Structure/Site Plan and must be approved by the Local Plumbing Inspector.

- ☐ Yes ☐ No Are you installing a new septic system? (If YES, attach a copy of the HHE-200 form.)
- ☐ Yes ☐ No Are you adding additional bedrooms to your dwelling unit? (If YES, attach an amended HHE-200 form.)

13. **WATER SUPPLY & SURFACE WATER DRAINAGE: The water supply must be shown on the Building Site Plan, and must be approved by the Local Plumbing Inspector.**

☐ Yes ☐ No What is the source of water supply? ☐ Well ☐ Spring ☐ Shared Water Supply ☐ Other: describe _____

☐ Yes ☐ No Will surface water drainage adversely affect any neighboring properties? _____

14. **NON-CONFORMING LOT (Grandfather Provision)** This section must be completed if your lot is a non-conforming lot, meaning less than 40,000 square feet, but no less than 10,000 square feet.

☐ Yes ☐ No This non-conforming lot meets the setback requirements.
Explain: _____

15. **NON-CONFORMING BUILDING/STRUCTURE (Grandfather Provision)** This section must be completed if the building/structure is non-conforming, meaning a structure which does not meet any one or more of the setback, height, or other requirements. One cannot 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 structure closer than fifty (50) feet from the center of the traveled way or fifteen (15) feet from the other property lines. Completion of the proposed building project cannot make a structure "more non-conforming".
Note: The non-conforming building/structure must have existed prior to July 31, 2008 (Refer to Building Permit Ordinance).

☐ Yes ☐ No This non-conforming building/structure meets the setback requirements.
Explain: _____

16. **LIST OF ATTACHMENTS**

☐ Yes ☐ No Legal Standing – Written Authorization to act on Landowner's behalf.
☐ Yes ☐ No Proof of ownership – copy of Deed or Tax Bill
☐ Yes ☐ No Copy of Town Tax Map
☐ Yes ☐ No Driveway & Culvert Permit signed by Road Commissioner (if applicable)
☐ Yes ☐ No Septic Design, HHE-200 (if applicable)
☐ Yes ☐ No Building/Structure/Site Plan (Sketch of Proposal)
☐ Yes ☐ No Floor Plan/Sketch
☐ Yes ☐ No Other (Please specify): _____

17. **COMPLIANCE**

I, _____, declare that the information I am providing is true and correct to the best of my knowledge, and I hereby agree to abide by any conditions set forth by the Planning Board. I understand that the Building Permit will be approved or denied on the basis of the information provided with this Building Permit Application. I agree that I will not start this project until this Building Permit Application has been approved, and I have been issued a Building Permit. I understand that I have two (2) years from the date this Building Permit Application is approved to complete this project, and if I need more time to complete the construction I may apply to the Planning Board for a one (1) year extension. I understand that it is my responsibility to obtain all other signatures and approvals, including but not limited to approvals for driveway/culvert(s), septic system (HHE-200), Dig Safe, *etc.* I understand that any non-compliance with this Building Permit Application can result in the levying of fines as defined by State Statute, and that those fines may range from \$100 to \$2,500 per day, per violation. I understand that it is my responsibility to declare, in writing, to the Town Clerk by *April 1 of each year* the status of construction requested on my Building Permit, including but not limited to all property changes, additions or deletions. (A postcard is provided by the Town), and I understand that I may not be eligible for Tax Abatement if I do not provide notification to the Town Clerk. I understand that after completion of this project, an inspection may be done to assure that the construction conforms to the original Building Permit Application.

LANDOWNER(S) DATE and/or LANDOWNER'S LEGAL DESIGNEE DATE

PLANNING BOARD ACTION

☐ APPROVED by the Planning Board

Conditions: _____

☐ DENIED by the Planning Board. If DENIED, state the reason for the denial.

Machiasport Planning Board, Chair

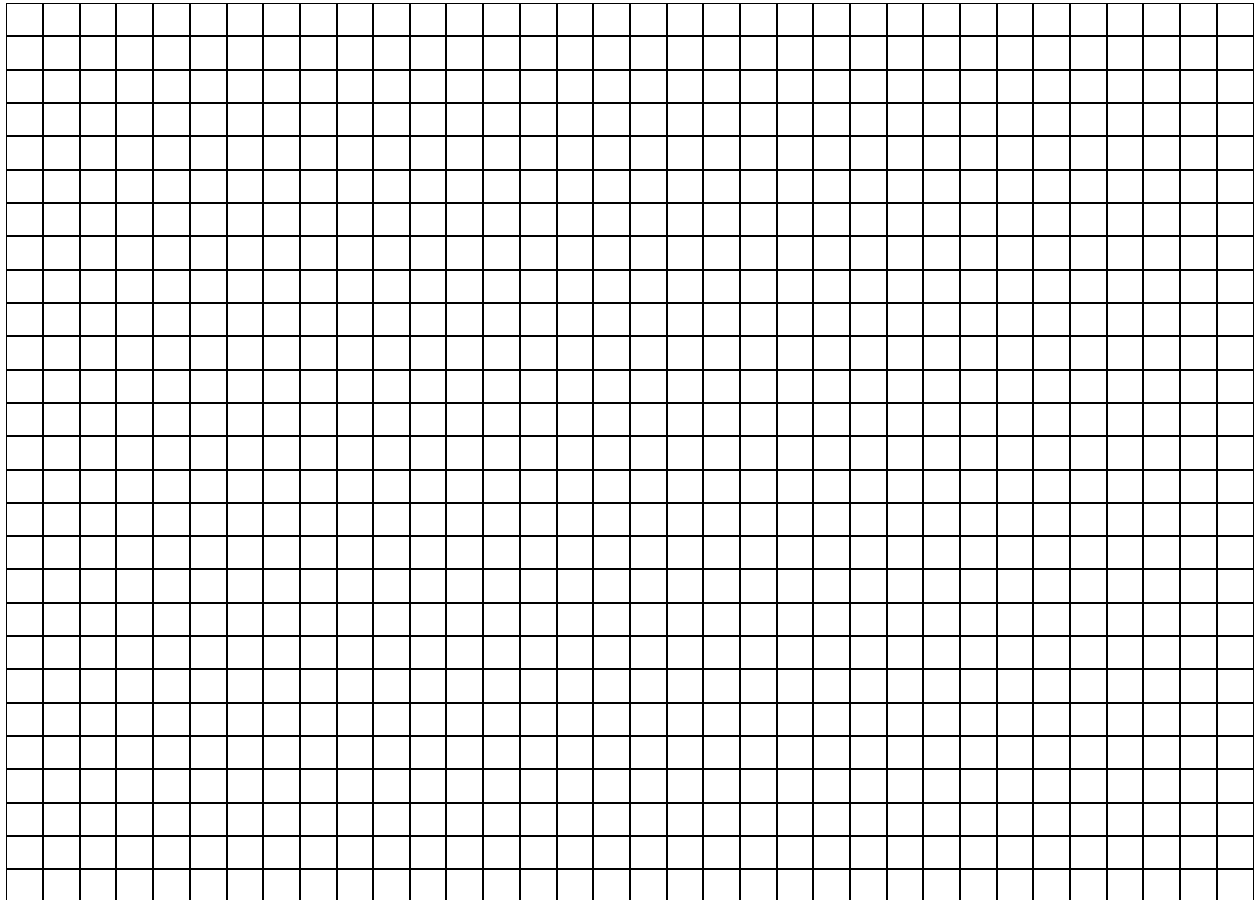
Date Approved

A copy of the Building Permit Application will be kept on file at the Town Office.

Tax Map Number _____ **Lot Number** _____

BUILDING/STRUCTURE/SITE PLAN – *The Sketch*

Scale = 10 feet per square



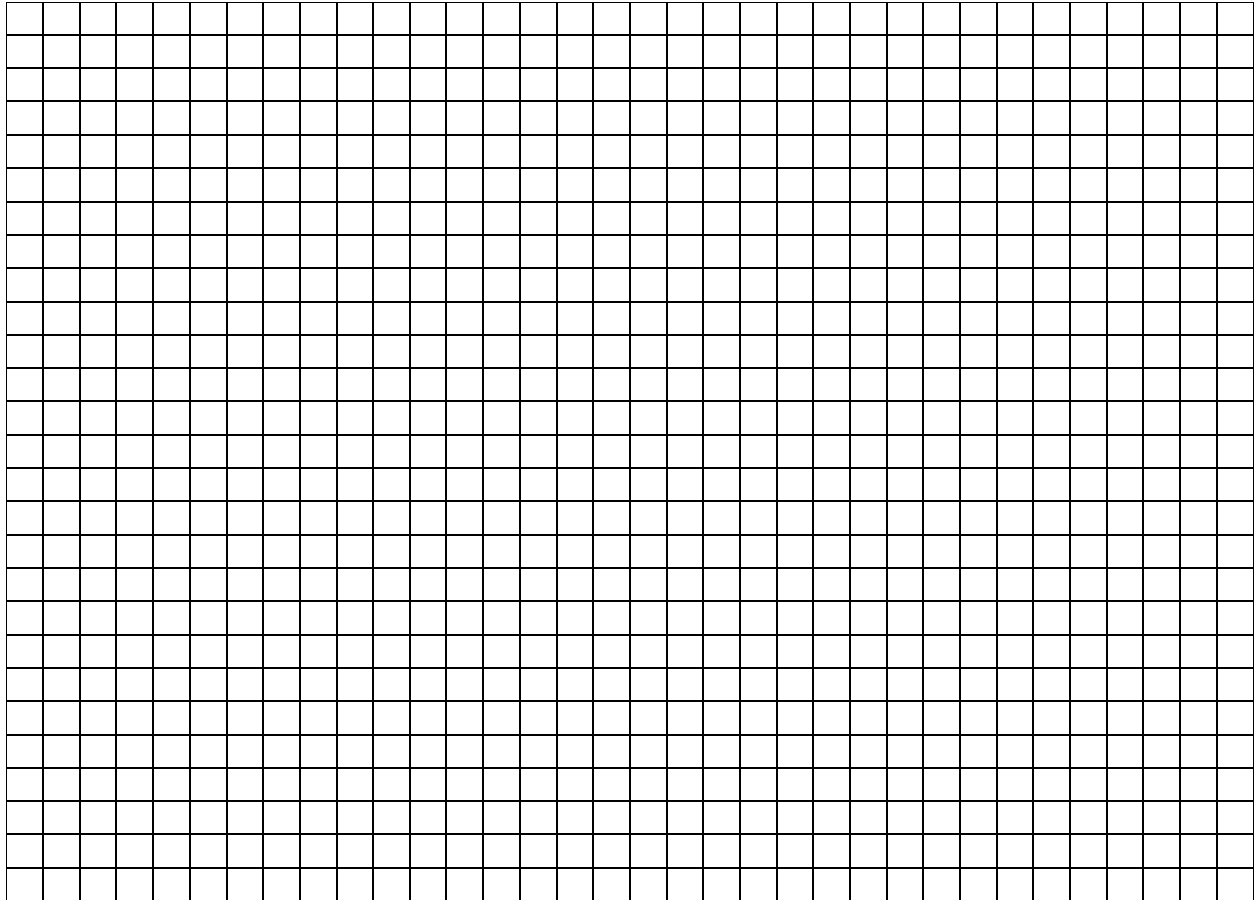
The Sketch should include the following:

- a. Identify the dimensions of the lot and the lot size in square feet.
- b. Identify the names of abutting property owners, and locate their properties. Include rights-of-way, public and private roads, and state or town roads.
- c. Show the exact location of existing and proposed structures/buildings and the distance of each from the nearest property line, and the front set back. (Setbacks are 15 feet from property lines and 50 feet from the middle of any town or state road.)
- d. Identify the existing and/or proposed water supply and septic system. Indicate the distance in feet between the well and the septic tank.
- e. Show the proposed dimensions of any building/structure in square feet.
- f. Identify the location of the driveway and culvert, if applicable.
- g. Identify areas of grading or other earth moving activity, if applicable.
- h. Attach a separate sheet of any supplemental information, or explain any points you feel need clarification.

Tax Map Number _____ **Lot Number** _____

**BUILDING/STRUCTURE
FLOOR PLAN – *The Sketch***

Please Draw a Sketch of your floor plan*

A large grid of 30 columns and 20 rows, intended for drawing a floor plan sketch. The grid is composed of small squares, each representing a unit of measurement for the sketch.

The Sketch should:

- a. Show the floor plan with dimensions (square feet), including porch, decks, garage, outbuildings, *etc.*

*NOTE: If a floor plan is available from the builder/contractor/architect it can be attached to the Application in place of this Sketch.

DRIVEWAY & CULVERT PERMIT APPLICATION

Town of Machiasport

Date Application Filed: _____

Fee Paid: _____

NOTE: If a Driveway & Culvert Application is included with a Building Permit, a fee of \$50.00 will cover both Applications. However, if this Driveway & Culvert Application is submitted separately, the fees will be \$50.00 for the Building Permit Application and \$20.00 for the Driveway & Culvert Application.

When locating Roads, Driveways and Culverts, please refer to the *Building Permit Ordinance* and the *Shoreland Zoning Ordinance* for the appropriate road setbacks.

An APPLICATION for a **Driveway & Culvert Permit** is required when a driveway or culvert is added onto a town or private road. The Road Commissioner must approve and sign this Application, and this Application must be attached to the Building Permit Application, if appropriate, and presented to the Planning Board for its approval.

NOTE: An **APPLICATION FOR ENTRANCE ONTO A STATE AID ROAD OR STATE HIGHWAY** must be obtained from the Maine Department of Transportation. (Copies are available at the Town Office.) The State Application for Entrance onto a State Aid or State Highway must be signed by a state official and be attached to a Building Permit Application before it is submitted to the Planning Board for its approval.

1. **ADDRESS (911) WHERE THE DRIVEWAY & CULVERT IS LOCATED**

NOTE: The 911 address is obtained from the Machiasport Town Clerk

2. **MAP #** _____ **LOT #** _____ **SUB-LOT #** _____

3. **ESTIMATE VALUE of the Driveway and Culvert:** _____

4. **LANDOWNER:** _____ **APPLICANT** (If other than landowner)

Name: _____ Name: _____

Address: _____ Address: _____

Home Phone: _____ Home Phone: _____

Local Phone: _____

Cell Phone: _____ Cell Phone: _____

E-mail: _____ E-mail: _____

* Applicant must attach a written authorization from the landowner appointing him/her as the landowner's legal DESIGNEE to complete and sign this Application.

5. **Draw a SKETCH PLAN showing the location of the DRIVEWAY and/or CULVERT work to be done.**

6. **DRIVEWAY & CULVERT INFORMATION:**

Is the new driveway to be placed on a lot with a ☐ Town Road ☐ Private Road
☐ Private Way ☐ State Road, or ☐ Deeded Access?

What is the name of the road where the driveway/culvert will be placed?

☐ Yes ☐ No Does the lot have a minimum of 100 feet of frontage on a Town Road,
Private Road, Private Way, Deeded Access, or State Road? If NO, explain:

☐ Yes ☐ No Has a *Road Opening Permit* been obtained from MDOT for the driveway
entrance on a State Road? (*The PERMIT must be attached to the Building Permit
Application.*)

What size culvert would be installed? _____ Length _____ Width

What is the width _____ and length _____ of the proposed driveway?

What type of culvert is being installed: _____

How deep will the culvert be placed: _____

7. **DECLARATION OF APPLICANT:**

In many cases the contractor or other party may obtain a Driveway & Culvert Permit on the
landowner's behalf as his/her legal designee. Remember, as the landowner, he/she is
ultimately responsible for complying with all building requirements. Failure to obtain a
Building Permit and/or Driveway/Culvert permission from the Road Commissioner may result
in costly construction delays, legal action, and/or removal of work already completed.

I declare that I am the applicant for the DRIVEWAY & CULVERT Permit for a legal lot. The
information I am providing with this Application is true and correct to the best of my
knowledge. **I understand that I am responsible for installing the first culvert according to
the standards set forth by the Road Commissioner, and further understand that the
Town will maintain my culvert if it is installed according to the standards.**

I agree that I will not start this project until this Application has been approved. I understand
it is my responsibility to meet any Dig Safe requirements.

LANDOWNER DATE and/or _____
LANDOWNER'S DESIGNEE DATE

8. **ROAD COMMISSIONER APPROVAL:**

NOTE: The Town requires approval by the Road Commissioner for any culvert type
and size to be installed.

☐ APPROVED ☐ DENIED State reason for DENIAL: _____

THE CONDITIONS ARE: _____

Approved Driveway/Culvert: _____ Length _____ Width

Approved Type of Culvert: _____

Approved Depth of Culvert: _____

Road Commissioner _____
Signature Date

SHORELAND ZONE APPLICATION

Please complete this Application *only* if your project is located within 250 feet of the ocean, a river, coastal wetland (including all areas affected by tidal action) or freshwater wetland or within 75 feet of a stream.

Shoreland Zoning District (*e.g.*, Limited Residential, Resource Protection, Commercial Fisheries/Maritime Activities, *etc.*): _____

Are you changing the use of your property? ☐ Yes ☐ No If YES, please explain:

Size of lot (acres or square feet): _____

Approximate percentage (%) of lot covered by non-vegetated surfaces (*e.g.*, house, garage, bar, driveway, *etc.*): _____

Do you plan to clear any vegetation within 75 feet of normal high water line?

☐ Yes ☐ No If YES, please describe: _____

Waterfront frontage (feet): _____

Note: effective January 1, 2013, any contractor doing excavation or site preparation work which displaces more than 1 cubic yard of soil within the Shoreland Zone must be certified by the State.

Contractor's Name and Erosion Control Certification Number:

Other information: _____

SHORELAND NON-CONFORMANCE INFORMATION

An existing non-conforming structure may be added to or expanded if such addition or expansion does not increase the non-conformity of the structure per the Shoreland Zoning Ordinance. If your project involves an existing non-conforming structure, please review this section of the Ordinance prior to submitting your Building Permit Application since specific and detailed information about your project is required.

Please see the Town of Machiasport's 1992 Shoreland Zoning Ordinance and Map and 2008 Building Permit Ordinance for assistance in completing your Building Permit Application.

Landowner Date and/or Contractor/Legal Representative Date

This application was approved by the Planning Board on August 8, 2013.

Approved by the Planning Board July 24, 2011.

NOTICE TO LANDOWNERS WHERE TITLE TO THE LAND, BOUNDARY LOCATION OR OTHER TITLE PROBLEM HAS BEEN RAISED BY A THIRD PARTY:

The Building Permit is approved on the basis of information provided by the applicant in the record regarding his ownership of the property and boundary location. The applicant has the burden of ensuring that he has a legal right to use the property and that he is measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on permit.

The signature simply acknowledges that this notice has been received.

Applicant

Date

IMPORANT NOTICE

From the *Code Enforcement Officer*:
Jim Bradley 255-8874

AS OF JANUARY 1, 2013 ANY CONTRACTOR DOING EXCAVATION OR SITE PREP WORK WHICH DISPLACES MORE THAN 1 CUBIC YARD OF SOIL **WITHIN THE SHORELAND ZONE** MUST BE CERTIFIED BY THE STATE TO MAKE CERTAIN THAT EROSION AND SEDIMENTATION CONTROL PRACTICES ARE IN EFFECT. THE CERTIFIED INDIVIDUAL MUST BE ON THE SITE FOR THE DURATION OF THE EARTH MOVING ACTIVITY. THIS IS STATE LAW THAT WILL BE ENFORCED BY MUNICIPAL OFFICIALS.

Permits *are available from the Code Enforcement Officer.*

NOTE: TO LEARN ABOUT CERTIFICATION COURSE SCHEDULES ACCESS:

<https://www.maine.gov/dep/land/training/>
or call Bill LaFlamme at 207-215-9237.

Approved at Annual Town Meeting June 27, 2016.

Town of Machiasport
Building Permit Ordinance

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 wellbeing of the town and its residents.
2. **ADMINISTRATION.** This Ordinance shall be administered by the following:
 - A. *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.
 - B. *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.
 - C. *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:
 - (1) to hear and decide administrative appeals where it is alleged that there is an error in any decision, order to determination by the Planning Board or CEO, and
 - (2) 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.
3. **BUILDING PERMIT REQUIRED.** No person in the Town of Machiasport shall, without first obtaining a building permit, engage in any of the following activities:
 - A. New building construction including erecting modular structures.
 - B. Erection of a temporary structure intended to be in place for more than ninety (90) days.
 - C. Expansion of a building/structure.
 - D. Replacement of an existing building/structure.
 - E. Construction or extension of a porch larger in area than twenty-five (25) square feet.
 - F. Construction or extension of a deck attached to any building/structure.

- G. Relocation of a building/structure.
 - H. Installation of a mobile home.
 - I. 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.
 - J. 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.)
 - K. Construction of a permanent pier. (Note: Approval for the construction of a temporary pier is the responsibility of the CEO.)
 - L. 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.
 - M. Installation of a driveway and/or culvert connecting to a town road. (A Driveway and Culvert Construction Application is available at the Town Office.)
 - N. Installation of a driveway and/or culvert connecting to a state road. (An Opening Permit Application is available at the Town Office.)
 - O. Installation of an outdoor wood-fired furnace/boiler.
 - P. Remodeling of a building/structure to add one or more bedrooms.
 - Q. Demolition of an existing structure includes tearing down and/or burning of the structure.
 - R. Removal and/or replacement of an existing structure, including a mobile home/trailer.
4. EXEMPTION FROM BUILDING PERMIT REQUIREMENTS.
- A. 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.)
 - B. Installation of a septic system. (Note: Approval of a septic system design is the responsibility of the Local Plumbing Inspector.)
 - C. Painting or decorating.
 - D. 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.
 - E. Construction of a porch twenty-five (25) square feet or smaller in area.
 - F. 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.

5. CHANGE OF USE PERMIT REQUIRED. A change of use permit is required for the following:
 - A. 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.)
6. PERMIT APPLICATION. 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, designed 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.

7. REQUIRED ATTACHMENTS TO THE BUILDING PERMIT.
 - A. Attach a copy of the applicable town map showing the map number and the lot number of the property.
 - B. Attach 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.
 - C. Attach evidence of an approved septic system plan (HHE-200 form), if applicable.

- D. Attach a copy of an approved MDOT Road Opening Permit, if the driveway extends onto a state road or state aid road.
- E. 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 Corps of Engineers, and Submerged Lands Permits.
- F. Attach any other evidence necessary to show the ability to meet all Ordinance requirements.

8. SITE PLAN AND SKETCH REQUIREMENTS.

- A. Identify the size and dimensions of the lot in square feet.
- B. Identify the names and locations of abutting rights-of-way, public and private roads, and state roads.
- C. Include a sketch showing the locations 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.
- D. Identify the size of the proposed building and/or structure in square feet.
- E. Identify the location of the driveway and culvert, if applicable.
- F. 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 (1) 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.
- G. Attach a separate sheet with any supplemental information. Explain any points you feel need clarification.
- H. Attach other documentation as necessary or required by the Planning Board.

9. PERMIT APPLICATION FEES.

- A. 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.

10. 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.

11. 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.

12. 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 and 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.

13. ENFORCEMENT OF THIS ORDINANCE BY CODE ENFORCEMENT OFFICER.
- A. 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.
 - B. The Code Enforcement Officer may conduct on-site inspections to ensure compliance with all applicable rules and conditions attached to Building Permits.
 - C. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
 - D. 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.
14. MINIMUM STANDARDS. The applicant shall show that the proposed construction detailed in a Building Permit Application complies with the Town of Machiasport's Building Permit Ordinance and the minimum Local, State and Federal requirements and codes.
- A. *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.

- B. *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.)
- C. *911 Addresses.* If a new residence, the applicant must ask the Town Clerk to assign a 911 address. (Refer to the Addressing Ordinance.)
- D. *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.
- E. *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.
- F. *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.
- G. *Air Pollution.* The applicant will meet all Department of Environmental Protection requirements regarding air quality.
- H. *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.
- I. *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.
- J. *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 a.m. and 8:00 p.m.

- (3) Noise created by safety signals, warning devices and emergency activities.
- (4) Traffic noise on public roads.
- K. *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.]
- L. *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.]
- M. *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.
- N. *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.
- O. *Plumbing Code*. The Plumbing Code is administered by the Local Plumbing Inspector (LPI), with general oversight through the Plumbers Review Board.
- P. *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.
- Q. *Town and Private Road Culvert Permit*. The Town of Machiasport's 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's Road Commissioner must approval all of this work. Driveway and Culvert Applications are available at the Machiasport Town Office.
- R. *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.
- S. *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.

- T. *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.
16. 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.
17. 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 of this Ordinance shall be allowed to continue subject to the following five items:

- A. *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.
 - B. *Repair and Maintenance.* Without a building permit normal upkeep and maintenance of non-conforming structures, including repairs and interior renovations are allowed. (See Paragraph 4.C and 4.D.)
 - C. *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.
 - D. *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.)
 - E. *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.
18. **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 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.)

19. **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:
- A. *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.
 - B. *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.
 - C. *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.
 - D. *Driveway.* A vehicular access designed to serve property and/or a building/structure.
 - E. *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.
 - F. *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.
 - G. *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.
 - H. *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.
 - I. *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.
 - J. *HHE-200.* An HHE-200 Form is a subsurface wastewater disposal plan.
 - K. *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.

- L. *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.
- M. *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.
- N. *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.
- O. *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.
- P. *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.
- Q. *Official Submittal Date*. The date the Building Permit Application is determined by the Planning Board to be a complete application.
- R. *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.]
- S. *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.)
- T. *Substantial Start*. (New building construction.) Completion of the following: road access; power supply; a cleared house site; water source and septic system.
- U. *Street*. A public or private way such as an alley, avenue, boulevard, lane, highway, road and other right-of-way.
- V. *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.]
- W. *Vehicular Access*. Access and egress from public and private roads.
- X. *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.)
- Y. *Windmill*. A small machine driven by the wind blowing against a wheel or blades attached to a shaft. [See Small Wind Energy Systems Ordinance.]

20. 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.
21. SEVERABILITY. Should any portion of this Ordinance be declared invalid or unenforceable by a court, the other provisions shall remain in force.
22. 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.

APPROVED AT ANNUAL TOWN MEETING JUNE 27, 2016.

Selectman

Selectman

Selectman

CERTIFIED BY: _____
Town Clerk

Date

AFFIX SEAL

Committee Recommended:	April 25, 2008
Public Hearing Held:	May 6, 2008
Special Town Meeting Held:	May 27, 2008
Amendment Approved:	July 7, 2008 (Board of Selectmen)
Public Hearing on Amendment:	July 21, 2008
Approved at Special Town Meeting:	July 31, 2008
Planning Board Recommended:	May 12, 2016
Public Hearing Held:	June 6, 2016
Town Meeting Held:	June 27, 2016