

§ 140-12. Word usage and definitions.

B. As used in this chapter, the following terms shall have the meanings indicated:

Half-Story – The portion of a building between the top floor and a sloping roof with at least 2 opposite exterior walls meeting the sloping roof not over 3 feet above such floor level.

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3/6/24
Date

LD 2003 Amendments to Chapter 140 Site Plan Review

§ 140-3 Applicability.

...

D. This chapter does not apply to:

- (1)** Construction of detached single-family and two-family dwellings and customary outbuildings for the use of the residents thereof.
- (2)** Construction of barns, stables, and other buildings for use in agriculture.
- (3)** The subdivision of land as defined by 30-A M.R.S.A. § 4404 and/or Chapter 150, Subdivision of Land.
- (4)** Nonstructural use of land for agriculture or forestry, including agricultural and forest management roads and gravel pits that include excavations for borrow, topsoil, clay, and silt. For operation of rock crushers see § 140-7, Special regulations, Subsection E(2), Heavy industrial.
- (5)** Existing buildings or premises legally established prior to the adoption of this chapter unless subject to review under the provisions of Subsection A to C of this section.
- (6)** Seasonal farm stands selling only agricultural products.
- (7)** Home occupations.
- (8)** Any structure damaged or destroyed by fire, explosion or natural disaster if it is rebuilt on the same or a rebuilt foundation of equal or lesser floor area for the same use at the time of destruction and if completed within two years of destruction.
- (9)** The construction of small structures necessary for the provision of utilities or services such as power, water and sewage. Exempted structures shall not exceed 100 square feet in area.
- (10)** The construction of any cabinets, dishes, radio units, platforms, ice bridges or other equipment located within the fenced ground compound of any previously approved telecommunications facility.
- (11)** Change of use which does not affect the performance standards.
- (12)** The use of food trucks.
- ~~**(13)** Construction of up to four detached or attached dwelling units on a lot that does not contain an existing dwelling unit and is located in a designated growth area or is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system.~~
- ~~**(14)** Construction of up to three detached or attached dwelling units on a lot that contains one existing dwelling unit.~~

§ 140-7. Special regulations.

The following regulations shall be complied with, in addition to the performance standards contained in § 140-5 of this chapter. Please note that setback and open space requirements may not be applicable to changes of use of existing structures.

A. Multifamily dwelling requirements.

(1) Lot requirements and use.

(a) Developments with Town sewer.

[1] A minimum of 10% of the land area shall be held and utilized as open space.

[2] There shall be no more than seven dwelling units per acre, or any smaller portion of an acre.

[3] Setback requirements.

[a] Front: minimum requirement will reflect the setbacks of adjacent structures or 30 feet from the boundary of the public or private right-of-way, whichever is smaller.

[b] Side and rear: minimum requirement may reflect the existing adjacent setback with the written approval of the Fire Department, otherwise a minimum of 20 feet from boundary lines.

(b) Developments without Town sewer.

[1] A minimum of 40% of the land area shall be held and utilized as open space.

[2] The maximum number of dwelling units per acre shall be determined by the Minimum Lot Size Law, 12 M.R.S.A. § 4807-A, and the sanitary regulations embodied in the State of Maine Subsurface Wastewater Disposal Rules, but in no event shall the number of dwelling units exceed four per acre.

[3] Setback requirements.

[a] Front: a minimum of 30 feet from the boundary of the public or private right-of-way.

[b] Side and rear: a minimum of 40 feet from boundary lines.

(c) Affordable Housing Developments

[1] Affordable housing developments located in a designated growth area or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system shall have a dwelling unit density of at least 2 1/2 (two and one half) times the base density otherwise allowed as provided above.

[2] Before approving an affordable housing development, the Planning Board shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of

~~and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:~~

~~[a] For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and~~

~~[b] For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.~~

(2) Parking requirements.

(a) General: two spaces per unit, plus one additional space per three units.

(b) Elderly/affordable: ~~one space per unit, plus one additional two spaces per for every~~ three units.

(3) Building height.

(a) Maximum building height: 35 feet above the average finished grade.

(b) Maximum number of stories: 2.5.

(4) Utilities.

(a) For all multifamily dwelling developments, lines for electricity, telephone and cable television shall be put underground.

(b) Underground utilities shall be installed prior to the installation of the final gravel base of the road.

§ 140-12 **Word usage and definitions.**

B. As used in this chapter, the following terms shall have the meanings indicated:

.....

AFFORDABLE HOUSING DEVELOPMENT

~~(1) For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and~~

~~(2) For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a~~

majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing cost

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3/7/24
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LD 2003 Amendments to Chapter 150 Subdivision

(25) Subdivisions with affordable housing.

(a) Purpose. The purpose of this standard is to encourage developers of residential subdivisions and multifamily developments to provide lots or units which are affordable to very low-, low- and median-income households as defined by the United States Department of Housing and Urban Development and comply with the policies of the Bethel Comprehensive Plan.

(b) Incentive. The Planning Board may, in approving a residential subdivision (but not a mobile home park) and multifamily development, allow for an increase of up to 10% in the total number of lots or units if the applicant can meet the following criteria and provisions:

[1] Documentation is provided to the Planning Board that subsurface sewage disposal systems will be sufficient to meet the increased density if not served by public sewer;

[2] The Planning Board shall require all provisions of this chapter to be met except provisions relating to density;

[3] The applicant shall provide the Planning Board with information as to the upper income limits for very low, low and median family incomes prepared and published by the Department of Housing and Urban Development and affordability formulas and data used to calculate rents and prices;

[4] Prior to the initial occupancy of any multifamily dwelling and prior to any occupancy thereafter of any multifamily dwelling unit which the affordable housing incentive created, the Code Enforcement Officer shall be provided proof that the occupant(s) meets the very low-, low- or median-income criteria;

[5] The Planning Board shall require the applicant to provide proof that, upon transfer, sale or disposition of the multifamily unit and/or complex, those units created as the result of the affordable housing incentive shall continue to be occupied by very low-, low- or median-income households;

[6] Prior to the initial sale of any lot or lot and dwelling which the affordable housing incentive created, the Code Enforcement Officer shall be provided proof that the purchaser meets the very low-, low- or median-income criteria; and

[7] The Planning Board shall, at time of subdivision approval, require the deed to the lot or lots and dwelling units which are affordable to contain a transfer, sale or disposition clause that provides legally enforceable assurances that upon transfer, sale or disposition the property remains affordable to very low-, low- or median-income households. The Planning Board shall require, at a minimum, the following provisions to be contained in the deed:

[a] Transfer shall be to a very low-, low- or median-income household.

[b] Upon death of the owner, the property may be transferred to the following: spouse; child or children; or members of the household who have resided on the premises for at least one year.

[c] Future sale prices of lots which the affordable housing incentive created shall be based upon an inflation factor based upon the Consumer Price Index or, if no longer published, an equivalent index and an improvement factor.

[d] Future sale prices of lots and dwellings which the affordable housing incentive created shall be based upon an inflation factor based upon the Consumer Price Index or, if no longer published, an equivalent index, improvement factors and wear and tear factor.

[8] The term of such deed restrictions shall be 40 years.

(c) Affordable Housing Developments that meet the definition below and are located in a designated growth area or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system shall have a dwelling unit density of at least 2 1/2 (two and one half) times the base density otherwise allowed as provided above.

[1] Before approving an affordable housing development under this subsection, the Planning Board shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:

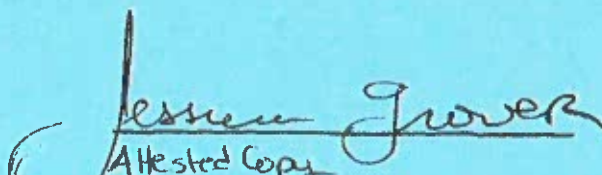
[a] For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

[b] For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

_____ [2] For purposes of the subsection, Affordable Housing Development shall mean:

[a] For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and

[b] For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.


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3/7/24
Date

3/6/24 revision

**Town of Bethel
Code Adoption Ordinance**

**Schedule A
Specific Revisions at Time of Adoption of Code**

Nomenclature.

Throughout the Code:

The terms "Board of Selectmen," "Selectmen," and "Selectboard" are amended to read "Select Board."

The term "Chairman" is amended to read "Chair."

References to registered land surveyors and professional land surveyors are amended to read "professional licensed land surveyor."

References to registered professional engineers, professional engineers, and engineers registered in the State of Maine are amended to read "licensed professional engineer" or "professional engineer licensed in the State of Maine," as applicable.

References to the Maine Department of Human Services are amended to read "Maine Department of Health and Human Services."

The term "Natural Resource Protection Act" is amended to read "Natural Resources Protection Act."

References to Chapter 150 of the Town Code as "Subdivision of Land" are amended to read "Subdivision."

In Chapter 46, Marijuana, Part 2, Medical Use, the terms "license" and "conditional license" are amended to read "registration certificate"; the term "licensee" is amended to read "registrant"; and the term "licensed" is amended to read "registered" when referring to a registration certificate issued by the State Department of Administrative and Financial Services.

Chapter 5, Administration.

- A. Former § 5-4D, regarding gender-neutral references to the terms "Selectmen" and "Board of Selectmen," is repealed.
- B. Sections 5-7A(4) and 5-11A(5) are amended to change "Recreation Committee" to "Bethel Area Recreation Board."

C. Sections 5-7A(10), 5-11A(9), and 5-61 are amended to change "Bingham Forest Advisory" to "Bingham Forest Advisory Committee."

D. Section 5-17B is amended as indicated:

The Town Manager, upon appointment, shall automatically assume the positions of Road Commissioner, Tax Collector, Treasurer, and ~~Welfare Director~~ General Assistance Administrator and may designate one or more deputies for the execution of duties associated with these positions.

E. Section 5-37A is amended as indicated: "The budget and capital plan shall be due to the Select Board and Budget Committee ~~not later than March 1 of each year~~ as provided in § 5-20A."

F. Former § 5-29C, regarding the Public Works Department's responsibilities for solid waste and recyclables, is repealed.

G. Section 5-30B is amended as indicated:

The Department shall be responsible for the disposal and ~~reeycling~~ removal of solid waste materials ~~generated within Bethel, in accordance with applicable laws and ordinances~~ and recyclables, as well as for the maintenance of related facilities, in accordance with applicable Town policies, Town ordinances, and laws.

H. Section 5-48C is amended as indicated:

With the exception of easements granted for normal utility activity within Town rights-of-way to ~~Central Maine Power, Oxford West Telephone, or Adelpia Communications~~ the power, telephone, internet, and cable TV providers, the sale and/or conveyance of any easement or right-of-way encumbering Town property shall be subject to Town Meeting approval.

I. Section 5-48D is amended as indicated:

The Select Board shall have the authority to grant normal utility easements within Town rights-of-way to ~~Central Maine Power, Oxford West Telephone, or Adelpia Communications~~ the power, telephone, internet, and cable TV providers.

Chapter 12, Alarms.

A. In § 12-3, definitions of "alarm system," "E-911," and "E-911 hang-up," "Oxford County Regional Communication Center" is amended to read "Oxford County Regional Communications Center."

B. Section 12-7 is amended as indicated:

In lieu of the issuance of a uniform summons and complaint form and the mandatory appearance in Maine District Court, a cash forfeiture can be made to the Town of Bethel in an amount set forth by the Town of Bethel ~~Fee Schedule~~ Select Board.

C. Section 12-8 is amended as indicated:

Whoever violates any of the provisions of this chapter shall be issued a State of Maine uniform summons and complaint form and, upon conviction thereof, be punished by a fine set forth by the Town of Bethel ~~Fee Schedule~~ Select Board.

Chapter 17, Animal Control.

A. Section 17-4 is amended as indicated:

When impounding any dog, the police officer, animal control officer, or constable shall, at the time of such impounding, make a complete registry entering the date of impounding and the breed, color, sex, and general condition of such dog, as can be reasonably ascertained, and if licensed or unlicensed and the name of the owner or keeper, if known, on a registry form prepared, approved and supplied by the Town Manager. A copy of this registry form shall be furnished to the person or shelter where the dog is impounded, together with written instructions setting forth conditions under which the dog can be released. The Town Clerk shall post a copy of the registry form in a conspicuous place in the Town office for a period of ~~10~~ six days following the date of the impoundment of the dog. Upon expiration of ~~10~~ eight days, if the owner of the dog has not appeared to claim the same, then the person or shelter may give away, sell or otherwise humanely dispose of the dog.

B. Section 17-6B is amended to add the following sentence to the end thereof: "This subsection shall not apply to a disabled person using a service dog who, by reason of the disability, is physically unable to comply with the requirements of this subsection."

Chapter 29, Entertainment.

A. Section 29-5H is amended as indicated:

The municipal officers shall grant a permit unless they find that issuance of the permit is detrimental to the public health, safety, or welfare as defined in § 29-6, or would violate municipal ordinances, or rules and regulations, articles or bylaws, ~~or would permit continued operation of an establishment which has had violations of § 29-6G, Permissible noise pressure levels, on five separate contiguous or random days since the date of issuance of the most recent special amusement permit, without showing evidence that substantive efforts had been made to prevent further violation.~~

B. Section 29-8 is amended as indicated:

The Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, or welfare, ~~as defined in § 29-6G~~, or that the denial, revocation, or suspension was arbitrary or capricious ...

C. Section 29-11B is amended as indicated:

The municipal officers may, after a public hearing preceded by at least 10 days' notice to the licensee and other interested parties, suspend or revoke any special amusement permits which have been issued under this chapter on the grounds that the entertainment so permitted constitutes a detriment to the public health, safety, or welfare, ~~as defined in § 29-6G~~ or violates any Town of Bethel ordinances, or sections of any ordinances, articles, bylaws, or rules and regulations, ~~or when the establishment has had five violations of § 29-6G.~~

Chapter 33, Food Sovereignty.

A. Section 33-2B is amended to change 7 M.R.S.A. § 6283 to 7 M.R.S.A. § 284.

B. Section 33-7, definition of "food or food products," is amended as indicated:

Food or food products ~~intended that are~~ grown, produced, processed or prepared for human consumption, including, but not limited to, vegetables, fruit, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, cider or juice, acidified foods or canned fruits or vegetables.

Chapter 46, Marijuana.

Article I, Adult Use Marijuana Cultivation Facilities.

A. Section 46-4 is amended to change "application for a license" to "application for a permit."

B. Section 46-5I, regarding requirements for the transferability of Town permits, is repealed. In addition, former Subsections J through N are redesignated as Subsections I through M, respectively.

Section 46-5L is amended as indicated: "No cultivation facility shall begin operations until the permittee receives an active license for the ~~testing~~ cultivation facility issued by the State of Maine."

Article II, Adult Use Marijuana Manufacturing Facilities.

C. Section 46-18A(2) is amended as indicated:

"Inherently hazardous substance" means a liquid chemical; a compressed gas; ~~carbon dioxide~~; or commercial product that has a flash point at or lower than 38° C. or 100° F., including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" ~~includes~~ does not include any form of alcohol or ethanol.

D. Section 46-19 is amended to change "application for a license" to "application for a permit."

E. Section 46-28 is amended as indicated: "This article may be amended by the ~~Board of Selectmen~~ Town after proper notice and Town Meeting."

Article III, Adult Use Marijuana Retail Stores.

F. Section 46-36B is amended as indicated:

Permits will only be issued for an adult use marijuana retail store that is located no less than 1,000 feet from the property line of a preexisting private or public school, state-licensed day-care center, public athletic field, public park, playground or recreational facilities.

G. Former § 46-36H, which read "Permits are valid for one year," is repealed. In addition, former Subsections I through L are redesignated as Subsections H through K, respectively.

H. Section 46-44 is amended as indicated: "This article may be amended by the ~~Board of Selectmen~~ Town after proper notice and Town Meeting."

Article IV, Adult Use Marijuana Testing Facilities.

I. Section 46-51 is amended to change "application for a license" to "application for a permit."

Article V, Medical Marijuana Dispensaries.

J. In § 46-64, the definition of "medical dispensary" is amended as indicated:

~~A dispensary authorized under state law to cultivate and dispense medical marijuana to qualifying patients and caregivers~~ An entity registered under 22 M.R.S.A. § 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients; also called a "medical marijuana dispensary" or "medical marijuana caregiver dispensary."

K. In § 46-64, the defined term "license" is changed to "registration certificate," and the definition is amended as indicated: "A ~~card or license~~ registration certificate issued by the State of Maine to operate a medical marijuana caregiver dispensary."

Article VI, Medical Marijuana Cultivation Facilities.

L. In § 46-79, the defined term "license" is changed to "registration certificate," and the definition is amended as indicated: "A ~~license~~ registration certificate issued by the State of Maine to operate a medical marijuana cultivation facility."

Article VII, Medical Marijuana Manufacturing Facilities.

M. In § 46-94, the defined term "license" is changed to "registration certificate," and the definition is amended as indicated: "A ~~license~~ registration certificate issued by the State of Maine to operate a medical marijuana manufacturing facility."

N. Section 46-95A(2) is amended as indicated:

"Inherently hazardous substance" means a liquid chemical; a compressed gas; ~~carbon dioxide~~; or commercial product that has a flash point at or lower than 38° C. or 100° F., including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" ~~includes~~ does not include any form of alcohol or ethanol.

O. Section 46-96 is amended to change "application for a license" to "application for a permit."

P. Section 46-105 is amended as indicated: "This article may be amended by the ~~Board of Selectmen~~ Town after proper notice and Town Meeting."

Article VIII, Medical Marijuana Caregiver Retail Stores.

Q. In § 46-110, the definition of "medical marijuana caregiver retail store or retail store" is amended as indicated:

~~A storefront operated by a registered medical marijuana caregiver, which is operated in a facility separate from her/his personal address for the purpose of selling medical marijuana and related products to qualifying patients~~ A store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

R. In § 46-110, the defined term "license" is changed to "registration certificate," and the definition is amended as indicated: "A ~~card or license~~ registration certificate issued by the State of Maine to operate a medical marijuana caregiver retail store."

Article IX, Medical Marijuana Testing Facilities.

- S. In § 46-125, the defined term "license" is changed to "registration certificate," and the definition is amended as indicated: "A ~~license~~ registration certificate issued by the State of Maine to operate a medical marijuana testing facility."
- T. Section 46-126C is amended as indicated: "Security requirements for a medical marijuana testing facility shall include:"

Chapter 52, Property Assessed Clean Energy.

- A. Sections 52-2B and 52-5, lead-in paragraph, are amended to change "35-A M.R.S.A. § 10154(A)(2) and (B)" to "35-A M.R.S.A. § 10154, Subsection 2A(2) and B."
- B. Section 52-9B is amended as indicated:
- Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into pursuant to this chapter, ~~a municipality~~ the Town has no liability to a property owner for or related to energy saving improvements financed under a PACE program.

Chapter 60, Sewer and Water Use.

- A. Section 60-1A, definition of "watercourse," is amended as indicated: "The terms '~~waterway~~' 'watercourse' and 'swale' shall be considered interchangeable."
- B. Section 60-9B is amended as indicated:
- Any owner who shall continue any violation beyond the time limit provided for in the written notice may be subject to court action and shall be guilty of a civil violation and on conviction shall be fined not less than \$100 nor more than ~~\$2,500~~ \$5,000 or such other penalty provided by 30-A M.R.S.A. § 4452, except where otherwise provided in this chapter.
- C. Section 60-10B is amended as indicated: "Within 30 days of the date of the decision of the Select Board or CEO/LPI, the appeal shall be entered at the office of the Town Clerk."
- D. Sections 60-21 and 60-53B are amended to change "Maine State Plumbing Code, Subsurface Wastewater Disposal Rules" to "Maine State Plumbing Code and the Maine Subsurface Wastewater Disposal Rules, 10-144 CMR Ch. 241."
- E. Section 60-24 is amended to change "State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Regulations" to "Maine State Plumbing Code and the Maine Subsurface Wastewater Disposal Rules, 10-144 CMR Ch. 241."
- F. Section 60-33B is amended as indicated:
- If the Select Board require the pretreatment or equalization of waste flows, the design and installation of the process structures and equipment shall be subject to review of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws.
- G. Section 60-35B is amended as indicated: "Signed copies of these records shall be submitted every ~~one~~ year to the Select Board."

- H. Section 60-40 is amended to change "Title 40, Chapter 1, Part 128 and Part 403" to "40 CFR 403."
- I. Section 60-46A is amended, in part, as indicated: "an engineer ~~registered~~ licensed in the State of Maine."

Chapter 67, Streets and Sidewalks.

Article I, Snow and Ice.

Section 67-2 is amended as indicated:

Whoever violates this article shall forfeit not less than \$~~5~~ \$25 for each offense, the same to be recovered on complaint before any court, and the same shall at once be paid to the Treasurer of the Town of Bethel for the use of said Town.

Chapter 75, Traffic, Parking and Pedestrians.

A. Section 75-5, definition of "authorized emergency vehicle," is amended as indicated:

A privately owned vehicle commandeered by the Fire or Police Chief or owned or used by a ~~fireman, policeman, firefighter,~~ police officer, or ambulance attendant shall have the same status under this chapter as a publicly owned authorized emergency vehicle while actually engaged in or responding to a call for public emergency service.

B. Section 75-5, definition of "police officer," is amended as indicated:

Every officer of the Bethel Police Department, the Oxford County Sheriff's Department, the Maine State Police, the Department of Inland Fisheries and Wildlife (~~Bureau of~~ Warden Service) and the Bureau of ~~Liquor Enforcement~~ Alcoholic Beverages and Lottery Operations and any other state, county and/or municipal law enforcement officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations within the State of Maine.

C. Section 75-22.

(1) The second and third sentences thereof are amended as indicated:

They may, however, in lieu of such penalty, elect the payment of a parking fine of ~~\$10~~ \$20 (United States currency) for each violation. If payment is not made within 10 days of the date of violation, then the fine shall increase to ~~\$20~~ \$40 (United States currency).

(2) The last sentence thereof is deleted, which originally read: "Notwithstanding anything contained in the foregoing, the right to the elections set forth in Subparts (a) through (h), 10 business days of the date of the offense and only the general penalty shall then be applicable."

D. Section 75-38D.

(1) Subsection D(1) is amended as indicated: "For violations by person(s) ~~+8~~ 17 years of age or older:"

- (2) Subsection D(2) is amended as indicated: "For violations by person(s) under ~~18~~ 17 years of age:"
- E. Section 75-43 is amended to change "not less than \$250 nor more than \$1,000" to "not less than \$250 nor more than \$4,000."

Chapter 76, Trails and Bridges, Recreational.

- A. Section 76-6B(5) is amended as indicated: "Operation of snowmobile and cross-country skiing grooming equipment (November 15 to April 30 only)."
- B. Section 76-8C is amended as indicated:
- Persons responsible for control of cats and dogs shall be responsible for immediate removal of cat and dog waste from trails and bridges. This subsection shall not apply to a disabled person using a service dog who, by reason of the disability, is physically unable to comply with the requirements of this subsection.
- C. Section 76-9 is amended to change "not less than \$100, nor more than \$2,500" to "not less than \$100, nor more than \$5,000."

Chapter 96, Building Construction.

- A. Section 96-4D, E, and F is amended to change "Building Inspector" to "Code Enforcement Officer."
- B. Section 96-5A is amended as indicated:
- A certain document, one copy of which is on file with the Town Clerk of the Town of Bethel, being marked and designated as National Fire Protection Association No. 211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances ...
- C. Section 96-7A is amended to change "The purpose of this District" to "The purpose of this section."

Chapter 105, Floodplain Management.

- A. Section 105-1E is amended, in part, as indicated: "... a report entitled 'Flood Insurance Study—Oxford County, Maine,' dated July 7, 2009 ..."
- B. Section 105-3H(1)(a) is amended as indicated:
- In Zone AE, from data contained in the "Flood Insurance Study—Oxford County, Maine," as described in § 105-1; or

Chapter 125, Road Design and Construction.

Article II, Private Road Standards.

- A. Section 125-17B(2) and C(2)(c) is amended as indicated:

Land Use Regulation Commission Guidelines 10, 17, A, 4, Roads and Water Crossings. Maine Land Use Planning Commission, Land Use Districts and Standards for Areas Served by the Maine Land Use Planning Commission, 01-672, Chapter 10.27(D), "Roads and Water Crossings."

- B. Section 125-19B(1) is amended as indicated: "The minimum penalty for a specific violation shall be \$100 and the maximum penalty shall be ~~\$2,500~~ \$5,000."

Chapter 132, Shoreland Zoning.

- A. Section 132-8C is amended as indicated:

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. ~~In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.~~

- B. Section 132-11D(3) is amended as indicated:

An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, ~~including water dependent uses in the CPMA District,~~ than the former use, as determined by the Planning Board.

- C. Section 132-12A is amended as indicated:

This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial[,] or General Development I, ~~or Commercial Fisheries/Maritime Activities Districts~~ need not be included within the Resource Protection District.

- D. Section 132-12B is amended as indicated:

It includes areas other than those in the Resource Protection District or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District[,] or the General Development Districts, ~~or the Commercial Fisheries/Maritime Activities District.~~

- E. Section 132-14G(1) is amended as indicated:

Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, ~~except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least 25 feet, horizontal distance, from the shoreline.~~

- F. Section 132-14N(1) is amended to update the Nutrient Management Law citation from 7 M.R.S.A. § 4201-4209 to 7 M.R.S.A. §§ 4201 to 4214.

- G. Section 132-14O(3)(a) is amended as indicated:

This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the General Development ~~or Commercial Fisheries/Maritime Activities Districts~~ District.

- H. Section 132-14Q(5) is amended as indicated:

The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects, provided that the removal of vegetation is necessary for remediation activities to clean up contamination on a site in a General Development District, ~~commercial fisheries and maritime activities district~~ or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A § 343-E, and that is located along:

- I. Former § 132-15D(2)(g), regarding activities in the Commercial Fisheries/Maritime Activities District, is repealed. In addition, former § 132-15D(2)(h) and (i) is redesignated as § 132-15D(2)(g) and (h).
- J. Section 132-15H(2)(d) is amended to change "codes enforcement officer" to "Code Enforcement Officer" in the first sentence thereof.
- K. Section 132-15I(5) is amended as indicated: "However, in a Resource Protection District, the maximum penalty is increased to ~~\$5,000~~ \$10,000 (~~38-30-A~~ M.R.S.A. § 4452)."
- L. Section 132-17.
 - (1) In the definition of "recreational vehicle," "State Division of Motor Vehicles" is changed to "State Bureau of Motor Vehicles."
 - (2) The definition of "significant river segments" is amended as indicated: "See Appendix A of 06-096 CMR Ch. 1000 or 38 M.R.S.A. § 437."
- M. Table 1, Land Uses in the Shoreland Zone, attached to this chapter, is amended as follows:
 - (1) To delete the "CFMA" column from the table.
 - (2) To amend footnote 5, following the table, as indicated:

Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page (see the definition of "functionally water-dependent use" in § 132-17).
 - (3) To delete footnote 13, following the table, which read "Option 3 towns only."
 - (4) To delete the first paragraph, following the table and footnotes, which read:

Item 17. In its entirety, should be deleted from Table 1 if a municipality elects not to regulate "piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland."

Chapter 136, Signs.

- A. Section 136-6A is amended as indicated:

Signs that have been erected without a permit shall pay a ~~fifty-dollar~~ late fee as set forth in the Fee Schedule upon application if no action has been taken after 10 days' notice by the CEO.
- B. Section 136-8I(2) is amended to change "Codes Enforcement Officer" to "Code Enforcement Officer."
- C. Section 136-9E is amended as indicated:

Seasonal agricultural signs that were in use prior to the 2021 Annual Town Meeting will be considered to be grandfathered. Seasonal agricultural signs shall be permitted when crops are offered for sale on the premises where those crops were grown from May 1 to December 31 of each year. Signs may advertise only those fruits and vegetable that are available for immediate purchase. A grower may not erect more than four signs. A sign must not exceed eight square feet in size and must be located within five miles of the farm stand. The signs must be erected on private property with the landowner's written consent, except that the signs may be erected within, but at the edge of, the rights-of-way of highways that receive no federal aid (23 M.R.S.A. § 1913-A).

D. Section 136-10I is amended as indicated:

Roadside directional signs shall be located at least 200 feet in advance of key intersections where travelers must change directions or confirm travel in the correct destination direction and at least 200 feet away from other traffic control devices.

E. Section 136-13.

- (1) The defined terms "awning" and "marquee" are amended to read "awning sign" and "marquee sign," respectively.
- (2) The definition of "billboard" is amended as indicated: "Any off-premises advertising sign on public or private property regardless of size ~~is not allowed under current Maine law.~~ Billboards are prohibited in the State of Maine."
- (3) The definition of "seasonal agricultural signs" is amended as indicated:

Signs erected by growers of fresh fruits and vegetable crops advertising those fresh fruits and vegetable crops. ~~shall be permitted when crops are offered for sale on the premises where those crops are grown from May 1 to December 31 of each year. Signs may advertise only those fruits and vegetable that are available for immediate purchase. A grower may not erect more than four signs. A sign must not exceed eight square feet in size and must be located within five miles of the farm stand. The signs must be erected on private property with the landowner's written consent, except that the signs may be erected within, but at the edge of, the rights-of-way of highways that receive no federal aid (23 M.R.S.A. § 1913-A).~~

Chapter 140, Site Plan Review.

- A. Section 140-5C(2)(g) is amended as indicated: "The current use of abutting properties shall also be indicated, such as, but not limited to, agricultural land and managed forest land."
- B. Section 140-5C(3)(o) is amended as indicated: "If the project falls in a potentially sensitive archaeological site, the applicant shall consult with the Maine Historical Preservation Commission regarding an archaeological survey."
- C. Section 140-5C(4)(b) is amended as indicated: "Based on soil test results, certain modifications of the preliminary site plan may be required."
- D. Section 140-5D(3) is amended as indicated:

In the event that the Planning Board determines to hold a public hearing on the proposed project, it shall hold such public hearing within 30 days of having received a completed

~~preliminary project site plan~~ application and shall cause notice of the date, time and place of such hearing to be published in a newspaper of general circulation in Bethel at least one time.

E. Section 140-5.1B(6) is amended as indicated:

This analysis may include, but not be limited to, sewer, water, roads, solid waste, drainage, police and fire protection, rescue services, schools, open space[,] such as a parks, recreation programs and facilities and other municipal services and facilities.

F. Section 140-7C is amended as indicated: "Bed-and-breakfast establishment and tourist home requirements."

G. Section 140-7H(6)(b) is amended as indicated:

The Planning Board shall require the owner/operator of any antenna or tower to provide annually to the Town office proof that it is maintaining a certificate of liability insurance covering accident or damage.

H. Section 140-7I(1) is amended to change "The purpose of this District" to "The purpose of this subsection."

I. Section 140-8.1A(4) is amended as indicated:

Erosion and sedimentation control will be addressed in accordance with currently acceptable best management practices such as Maine Erosion and Sediment Control ~~Handbook for Construction~~ Best Management Practices (BMPs).

J. Section 140-8.1A(20) is amended as indicated:

A municipal reviewing authority may request technical assistance from the Department of ~~Conservation~~ Agriculture, Conservation and Forestry, Bureau of Forestry, to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, Chapter 76.

K. Section 140-12B.

(1) The definition of "driveway volume," Subsection (3), is amended as indicated: "High-volume driveway: ~~over 200 or more~~ 200 or more peak hour trips per day."

(2) The definition of "handicapped parking space" is amended as indicated:

~~One for every 25 public spaces to be 14 feet wide by 18 feet long. The first space shall be van accessible and every eighth space thereafter shall be van accessible (16 feet wide by 18 feet long)~~ An off-street area of 14 feet wide by 18 feet long or, for a van-accessible space, 16 feet wide by 18 feet long.

(3) The definition of "home occupation," Subsection (2), is amended as indicated:

The Planning Board shall use the standards contained in Chapter 375.10C, Sound level limits, of the Maine Department of Environmental Protection Rules, and as amended, to make a determination of "adversely affected."

(4) The definitions of "inn" and "motel" are amended as indicated: "See 'hotel/motel/inn.'"

(5) The definition of "waiver" is amended as indicated:

A relaxation of the terms of this chapter from application requirements or performance standards or special regulations, granted by the Planning Board

where, because of the special circumstances of the site such application requirements or ~~because~~ standards would not be applicable or would be an undue hardship, as defined under 30-A M.R.S.A. § 4353(4), on the applicant and, if modified, would not adversely affect the abutting landowners and the general health, safety and welfare of the Town.

Chapter 144, Solar Energy Systems.

- A. Section 144-15, definition of "solar energy system," is amended as indicated:

A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. It may be roof-mounted or ground-mounted, and may be ~~any one of the following three types:~~ residential, commercial or industrial as described in § 144-2B(1), (2) and (3).

~~A. RESIDENTIAL—A system used for producing energy at the property where the applicant resides.~~

~~B. COMMERCIAL—A system used for producing energy at a property where the applicant operates a business or where the applicant rents or leases space to another individual or entity.~~

~~C. INDUSTRIAL—A system used primarily for the production of energy for the power grid.~~

Chapter 146, Street Names and Numbering.

Section 146-11, Violations and penalties, is added to read: "Anyone who violates the provisions of this chapter shall be subject to a fine of \$50."

Chapter 150, Subdivision.

- A. Section 150-5C(3)(o) is amended as indicated: "If the project falls in a potentially sensitive archaeological site, the applicant shall consult with the Maine Historical Preservation Commission regarding an archaeological survey."

- B. Section 150-6C(6) is amended as indicated:

This analysis may include, but not be limited to, sewer, water, roads, solid waste, drainage, police and fire protection, rescue services, schools, open space[,] such as a parks, recreation programs and facilities and other municipal services and facilities.

- C. Section 150-9A(7) is amended as indicated: "Municipal solid waste disposal: will not cause an unreasonable burden on the ability of the Town of Bethel to dispose of solid waste if municipal services ~~if they~~ are to be utilized."

- D. Section 150-9A(20) is amended as indicated:

A municipal reviewing authority may request technical assistance from the Department of ~~Conservation~~ Agriculture, Conservation and Forestry, Bureau of Forestry, to determine

whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, Chapter 76.

E. Section 150-14B is amended as indicated:

Any person who violates the provisions of this chapter or the conditions of a permit shall be guilty of a civil violation and, on conviction, shall be fined not less than \$100 nor more than ~~\$2,500~~ \$5,000, as required by 30-A M.R.S.A. § 4452 .

Chapter 160, Wind Energy.

Article I, Commercial Facilities.

A. Section 160-5A(2) is amended as indicated:

The qualifications of an independent acoustical consultant include, at a minimum, demonstration of competence in the specialty of community sound testing and full and current board-certified membership in the Institute of Noise Control ~~Engineers~~ Engineering (INCE).

B. Section 160-5C(3) is amended as indicated: "These will provide access to the material by the Planning Board, the Select Board, the CEO and other Town officials, and a copy shall be kept in the Town office for public review."

C. Section 160-8C.

(1) Subsection C(1) is amended as indicated:

A nonrefundable fee of ~~\$200 as set by the Town Fee Schedule~~ will be assessed to cover all Planning Board and other Town costs associated with evaluation of the MET application.

(2) Subsection C(2) is amended as indicated:

The applicant shall comply with all portions of ~~the Town's Site Plan Review Ordinance and Telecommunications Ordinance~~ Chapter 140, Site Plan Review, of the Town Code, as determined by the Planning Board.

D. Section 160-10A(1) is amended as indicated:

A nonrefundable application fee of ~~\$1,500 for one to three proposed CWTs; \$3,000 for four to 10 CWTs; \$4,000 for 11 to 15 CWTs; and \$5,000 for 16 or more CWTs~~ set forth by the Town Fee Schedule will be assessed to cover all Planning Board costs associated with the evaluation of the construction application.

E. Section 160-10A(3) is amended as indicated:

~~Supplement to Site Plan Review.~~ The applicant shall notify all property owners within two miles of the proposed CWF footprint at least 14 days prior to the Planning Board's consideration of the application.

F. Section 160-11C is amended as indicated:

~~In § 140-6C of the site plan review, the time frames for a CWF are lengthened to provide adequate opportunity for public input.~~ Within 60 days of the public hearing or 90 days of the determination of a complete application, the Planning Board shall approve the application, approve the application with conditions, or disapprove the application.

G. Sections 160-12C(2) and 160-16, definition of "scenic or special resource," are amended to change "National Registry of Historic Places" to "National Register of Historic Places."

H. Section 160-16.

(1) The definition of "applicant" is amended as indicated:

This term is interchangeable with the term "owner/operator" during any CWF application process. See definition of "owner/operator."

(2) The definition of "Town of Bethel" is amended as indicated:

For the purpose of this ~~document~~ article, the Town of Bethel shall ~~hereinafter~~ herein be referred to as the "Town."

Jessica Grover
Attested Jessica Grover
Town Clerk

3/6/24
Date

