

Fresh Pond Watershed Protection Ordinance  
for the  
Town of North Haven, Maine

Draft Amendments: February 16, 2023

## Fresh Pond Watershed Protection Ordinance

### Section 1. Purpose and Applicability:

The Fresh Pond Watershed Protection District is established by this Ordinance and consists of that watershed area in which surface and subsurface waters ultimately flow or drain into Fresh Pond, a public water supply for the Town of North Haven. The North Haven Water Department in an effort to protect this sole supply of drinking water and in order to minimize its cost of operation seeks to protect Fresh Pond from water quality degradation. Additionally this effort will help to maintain the aesthetic value of Fresh Pond.

### Section 2. Statement of Authority:

This Ordinance is adopted in accordance with the authority granted to the Town under the provisions of 30-A MRSA sections 3001 and 3009, 22 MRSA sections 26-42 and 26-49, 38 MRSA sections 435-449.

### Section 3. Definitions:

For purposes of this Ordinance, the following definitions shall be observed. All terms, not specifically defined herein, shall have their ordinary or customary meanings. Words used in the present tense shall include the future, and the plural shall include the singular.

Dry Well – stone or brick lined pit constructed for the purpose of collecting surface waters and conducting such waters to the absorbent earth underground.

Expansion of a Structure – an increase in the floor area or volume of a structure, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses.

Expansion of Use – the addition of weeks or months to a use’s operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

(F) – the amount of additional phosphorous that, exported from the watershed to the lake, would produce a 1 ppb increase in the lake’s phosphorous concentration. This value is determined by the DEP Lakes section.

Grey Water – a liquid waste discharged from any fixture, appliance or appurtenance in connection with a plumbing system which does not receive or contain fecal matter.

Impervious – impenetrable by water

Primary Shoreland Zone – a strip of land, 250 feet in horizontal distance from the normal high water line of Fresh Pond, or 75 feet from the normal high water line of its tributaries (as defined

below). In the case where wetlands are adjacent to Fresh Pond, the zone will extend 250 feet from the upland edge of the wetland rather than 250 from the open water line.

Recharge – the infiltration of stormwater into the ground to recharge an aquifer.

Resource Protection District – An area 600 feet back from the shore of Fresh Pond, so designated to protect the water supply from development that could lower the water quality, significantly disturb essential natural plant and animal relationships or general scenic and natural values, and to discourage developments in unsafe or unhealthy areas.

Seasonal Conversion – the expansion of use of a residence from seasonal to year-round.

Tributary – any perennial or intermittent stream depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map.

Water Department – North Haven Water Department

Watershed District – the North Haven Watershed Protection District: the area delineated on the official map on file at the North Haven Town Office.

Watershed – that area of land drained by Fresh Pond and as defined by the Soil Conservation Service on an official map on file at the North Haven Town Office.

#### Section 4. Effective Date:

The effective date of this Ordinance is 12/10/91. A certified copy of this Ordinance shall be filed with the Department of Environmental Protection and the Department of Human Services, Division of Health Engineering upon its adoption.

#### Section 5. Amendments:

- a. This Ordinance may be amended by a majority vote at Town Meeting. The Commissioner of the State Department of Environmental Protection in accordance with the procedures in the Mandatory Shoreland Zoning Act, 38 MRSA Section 438-A, and the Chief of the Drinking Water Program of the State Division of Health Engineering shall be notified by mail of amendments to this Ordinance prior to the effective date of such amendments. A file of return receipts from such mailings shall be maintained as a permanent record.
- b. Initiation of Amendment – an amendment to this Ordinance may be initiated by:
  1. The Planning Board or the Water Department provided a majority of the Board has so voted;
  2. Request of the Selectmen; and
  3. Written petition of ten percent (10%) of the registered voters to the Selectmen.

- c. Adoption – All proposed amendments shall be referred to the Water Department and the Planning Board for their recommendations. The Planning Board may hold a public hearing on any proposed amendment. Within thirty (30) days of receiving a proposed amendment, the Planning Board and the Water Department shall make its recommendation known to the Selectmen and the Town. After receiving these recommendations, the amendment may be adopted or rejected by a majority vote of the Town at Town Meeting.

Section 6. Severability and Conflicts with other Ordinances:

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, including the Land Use and Subdivision Control Ordinance and the Fresh Pond Ordinance, the more restrictive provision shall apply.

Section 7. Official Map and Boundary:

For the purposes of this Ordinance, the Fresh Pond Watershed District shall be delineated on a watershed map, on file at the North Haven Town Office. Due to the scale of the map, there may be small inaccuracies in the delineation of the watershed or shoreland zone boundary. Where there is some dispute as to where the watershed or shoreland zone boundary lies on a particular property, the Water Department and the landowner shall conduct an on-site investigation to determine where the drainage divide lies. If the Water Department and the landowner cannot agree on the location of the drainage divide or shoreland zone based on the on-site investigation, the burden of proof shall lie with the landowner to provide information from a registered land surveyor or other certified professional showing where the drainage divide lies. [Last sentence deleted]

Section 8. Land Use Requirements:

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created in the Fresh Pond Watershed District, as defined in this Ordinance, except in conformity with all of the regulations herein specified, unless a variance is granted.

Section 9. Non-conformance:

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section.

B. General

1. **Transfer of Ownership:** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
2. **Repair and Maintenance:** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-conforming Structures

1. **Expansions:** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as the new structure, if such addition or expansion does not increase the non-conformity of the structure.

Further Limitations:

- a. After January 1, 1991 if any portion of a structure is less than the required setback from the normal high-water line of a water body or edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by thirty percent (30%) or more, during the lifetime of the structure.
- b. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure, provided: that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent, as determined by the Planning Board, basing its decision on the criteria specified in Subsection 2, Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet, unless additional elevation is mandated by the North Haven Floodplain Ordinance.

- c. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.
2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided the site of relocation conforms to all setback requirements to the greatest practical extent, as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

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

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent, the Planning Board shall consider, in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

Any non-conforming structure which is damaged or destroyed by fifty percent (50%) or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer.

4. Change of Use of a Non-conforming Structure

The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new

use will have no greater adverse impact on the water body or wetland, or on the subject or adjacent properties and resources, than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources.

#### D. Non-conforming Uses

1. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansion of such structures as permitted in Section 8 (C) (1) (a) above.
3. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one-year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
4. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no great adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 8 (C) (4) above.

#### E. Non-conforming Lots

1. Non-conforming Lots: A non-conforming lot of record, as of the effective date of this Ordinance or amendment thereto, may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance, except lot size and frontage, can be met. Variances relating to setback or other requirements, not involving lot size or frontage, shall be obtained by action of the Board of Appeals.
2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership or record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. Contiguous Lots – Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance; if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments; and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.

#### Section 10. Permitted Uses:

The following uses are permitted, provided all necessary state and local permits have been obtained, and the use meets all applicable performance standards in Section 12 of the Ordinance:

- Low Intensity Recreation
- Emergency Operations
- Agriculture (PB)
- Single Family Residential Dwelling Units (CEO)
- Timber Harvesting (CEO)
- Public Utilities and Related Facilities (PB)
- Road Construction (PB)
- Uses accessory to the foregoing (PB, CEO)
- Uses similar to permitted uses (PB, CEO)

Note: (PB) Planning Board Permit Required  
(CEO) Code Enforcement Officer Permit Required

The Planning Board shall determine that a use is similar to a permitted use only if it is:

- 1) consistent with the purposes of this Ordinance;
- 2) similar to permitted uses;
- 3) not similar to prohibited uses;
- 4) is compatible with the low-density, low-impact uses permitted in this Ordinance.

#### Section 11. Prohibited Uses:

The following uses are prohibited in the Fresh Pond Watershed Protection District:

- Swimming and all water activities that involve body contact
- Campgrounds



Commercial, industrial or retail uses  
Dry cleaning  
Mineral extraction industry  
Furniture stripping and wood preserving  
Golf courses  
Multi-unit residential dwellings  
Junkyards  
Landfills  
Land application of sludge and other process wastes  
Manufacture, use, storage, or disposal of solid wastes, hazardous materials  
Use of chemical pesticides or herbicides  
Commercial motor vehicle service, repair, storage or salvage  
Operation of motorized vehicles on Fresh Pond, as referenced in the Fresh Pond Ordinance  
Salt and salt-sand stockpiles  
Spray irrigation of sewage or industrial wastewater  
Truck terminals  
Underground storage of petroleum or hazardous materials  
Warehouses, storage units

Section 12. Performance Standards:

In the Fresh Pond Watershed Protection District, in order to minimize phosphorous runoff and other deleterious impact on water quality, the following additional resource protection measures will be required:

A. Resource Protection District. Within the Resource Protection District, the following activities are allowed or prohibited as noted:

1. Low-intensity recreation is allowed. This includes launching and retrieving non-motorized watercraft and specifically excludes the operation of motorized recreational vehicles of any kind, including on the ice when the pond is frozen. Motorized vehicles designated by the Town for pond maintenance and tractors and other equipment to mow grass and maintain private property along the pond are allowed.
2. Timber harvesting. Timber harvesting is permitted if properly authorized and permitted under applicable conditional use standards.
3. New structures of any kind are prohibited, except as necessary for the Town to obtain and deliver water to the Town's Water Department customers.
4. Existing residential structures which become non-conforming as a result of their location under this Ordinance may be expanded, reconstructed, or accessory

buildings added, provided that no structures may be expanded in the direction of the shoreline of Fresh Pond and further provided that the landowner obtain all necessary permits before construction begins.

B. Agriculture

1. Tilling is not permitted within 500 feet of the normal high-water mark of Fresh Pond or the upland edge of the adjacent wetlands or 250 feet of its tributaries.
2. Manure spreading for commercial agriculture is prohibited in the Primary Shoreland Zone, but is permitted in the remaining watershed area if carried out in conformance with a Conservation Plan which meets the standards of the State Soil and Water Conservation Commission and if approved by the Knox County Soil and Water Conservation District. The Conservation Plan must include provision for control of surface water runoff and non-point sources of water pollution. Use and application of nitrogen fertilizer for commercial agriculture in the 'primary shoreland zone' must be carried out in conformance with an approved Conservation Plan which meets the standards listed above.
3. Animal husbandry and associated manure handling must be carried out in conformance with a Conservation Plan which meets the standards of the State Soil and Water Conservation Commission and is approved by the Knox County Soil and Water Conservation District. The Conservation Plan must include provision for control of surface water runoff and non-point sources of water pollution. Stockpiling of manure is prohibited in the 'primary shore land zone'.

C. Runoff, Drainage, and Dry Wells

1. Unless it can be shown that an increase in runoff will have no off-site impact, peak runoff from the site in the developed state shall not be increased beyond that in the undeveloped state.
2. Provision shall be made for on-site recharge of stormwater runoff unless the Planning Board, in consultation with the Water Department, determines that recharge is infeasible because of site conditions or is undesirable because of uncontrollable risks to water quality from such recharge. Recharge shall be by surface infiltration through vegetative surfaces unless otherwise approved by the Planning Board.
3. Dry wells shall be used for control of surface runoff only if other methods of control are infeasible.
4. Dry wells shall not be used for disposal of any leachable materials or hazardous materials and shall not be connected to floor drains.

5. Within the Fresh Pond Watershed District, all activities other than normal home gardening and property maintenance, involving the disturbance of existing ground cover due to excavation, grading or filling of an area in excess of 500 square feet, shall require the preparation of an Erosion and Sediment Control Plan making use of appropriate Best Management Practices from the Maine Erosion and Sediment Control Handbook for Conservation, March 1991, (DEP and Cumberland County S&WCD) as part of the permit application. Within the Watershed district, all areas where ground cover is removed due to excavation, grading, or filling shall be mulched and seeded as specified in the handbook cited above. Specifically temporary mulch shall be placed before any rainstorm event or within 7 days after work stops. Mulch shall be maintained over all unvegetated areas until permanent vegetation, buildings, pavement, or other permanent means to prevent erosion and reduce sedimentation are in place.
6. Steep Slopes: In areas of steep slopes, the following standards shall apply:
  - a. 15 to 20%: No more than thirty percent (30%) of such areas shall be altered, regraded, cleared or built upon.
  - b. Greater than 20%: No more than twenty percent (20%) of such areas shall be altered, regraded, cleared or built upon.

D. Structures

1. Any new principle or accessory structures shall be prohibited in the Primary Shoreland Zone. These structures shall be screened from the water by existing vegetation, and the forest practices standards in Section 11.f. shall be followed.
2. Minimum lot size shall be 3 acres in the Fresh Pond Watershed District.
3. Before any construction is begun adjacent to the 'Primary Shoreland Zone', hay bales, erosion fencing, or a similar sedimentation barrier shall be installed of sufficient width and at appropriate points to protect water bodies from any erosion or sedimentation that might result from the construction.
4. No more than twenty percent (20%) of the total lot area shall be stripped of existing vegetation and no more than ten percent (10%) of the total lot area shall be rendered impervious.

E. Wastewater Disposal Systems

1. Underground sewage disposal facilities and privies shall be placed outside of the 'Primary Shoreland Zone', as defined above. This requirement shall not be reduced by variance except for replacement for systems which were existing prior to enactment of this Ordinance.

2. Not less than twenty-four (24) inches of original soils shall be present between the bottom of the subsurface disposal area and the most limiting factor (seasonal high groundwater table, bedrock, or other restrictive layer).
3. All septic tanks installed after the establishment of this Watershed District shall be pumped at the expense of the landowner and arranged by the Water Department in order to ensure proper functioning of the system. Year round residences shall be pumped every three years and seasonal residences shall be pumped every five years, as a minimum. Sewage collection, treatment, and disposal systems which discharge shall be prohibited.
4. The Water Department shall have the right to inspect any system within the Watershed Protection District during its construction or operation for compliance with these provisions and the requirements of the Maine Subsurface Wastewater Disposal Rules. Defects or malfunctions shall be reported to the Plumbing Inspector for enforcement action.
5. For waste disposal systems existing prior to the effective date of this Ordinance and determined not to be in compliance with the standards contained herein, a yearly renewal permit will be required. A plan satisfactory to the Water Department to mitigate the detrimental effects of such non-conforming waste disposal systems and to achieve compliance with the standards contained herein shall be submitted to the Water Department within one (1) year of the enactment of this Ordinance. Once this plan has been accepted by the Water Department, owners of non-conforming systems will have one (1) additional year to implement the plan.

F. Roadway Construction and Maintenance

1. Developers of new permanent roads, except for those providing access to already permitted uses, shall demonstrate that no reasonable alternative route exists outside of the 250 foot buffer zone around the normal high water mark of Fresh Pond and its adjacent wetlands. When roads must be located within the 'primary shoreland zone', they shall be set back as far as practicable from this buffer zone and shall be screened from the water body by existing vegetation.
2. All roads in the Watershed District shall be constructed to avoid steep slopes (areas larger than five (5) acres with an average slope greater than ten percent (10%)), and to divert road ditching flows periodically into flat wooded areas. When such ditch diversion is not possible the Planning Board will decide whether another alternative (such as a wetpond or buffer strip or other method) is feasible and whether to issue a permit or not.
3. Salt shall be applied at a minimum level on roads within the Watershed District.

#### G. Timber Harvesting

1. Timber harvesting operations shall be conducted in such a way as to minimize soil erosion and sedimentation of surface waters, by the methods described in the “Erosion and Sediment Control Handbook, Best Management Practices”, February, 1991, Maine Forest Service.
2. Skid trails and ruts deeper than one foot (1’) shall be smoothed over as soon as practicable, but no later than November 1 in any given 12-month period.
3. Logging yards, skid trails, landings, and other sites where the operation of logging machinery results in the exposure of substantial areas of mineral soil shall be located such that an unscarified, undisturbed filter strip is retained between the exposed mineral soil and the normal high water mark of public water supplies and their tributaries. This strip shall extend a minimum of 100 feet from Fresh Pond and 50 feet from tributaries of the public water supply, and for each ten percent (10%) rise in elevation from the normal high water mark, the undisturbed strip shall be increased by 20 feet.
4. All harvesting activities on more than five (5) acres shall be reported to the Planning Board at least one (1) week prior to the commencement of operations.
5. Within the strip of land extending 75 feet inland from the normal high water line and its adjacent wetlands there shall be no timber harvesting, except to remove safety hazards. Beyond that 75 foot buffer strip, but within the primary shoreland zone, harvesting shall not remove, in any ten (10) year period, more than twenty percent (20%) of the volume on each acre involved of trees four inches (4”) or more in diameter measured at four and one-half feet (4-1/2’) above ground level. Removal of trees less than four inches (4”) in diameter, measured as above, is permitted if otherwise in conformance with these regulations. For the purpose of these standards, volume may be determined as being equivalent to basal area.

#### H. Seasonal Conversions

1. Seasonal conversions are prohibited in the Primary Shoreland Zone.
2. No permit for conversion shall be issued unless one of the following is met:
  - a. Available records show the dwelling’s sewage disposal system meets the full requirements of the State Plumbing Code without variance.

- b. Site evaluation can demonstrate site conditions will permit installation of a sewage system meeting the full requirements of the State Plumbing Code without variance in the event of future system malfunction.
- c. No conversions shall be permitted unless required minimum lot size is met.

I. Water Quality Protection

1. The application for any proposed residential development or expansion falling partially or completely within the Watershed District shall be reviewed by the Planning Board for phosphorus contribution to the lake by the method outlined in “Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development”, Maine DEP, September 1989. At the writing of this document, the water quality in Fresh Pond has been classified by the DEP as “moderate/sensitive”, because DEP has no available data regarding lake quality. Given that classification and in order to afford the lake a high level of protection, the phosphorus control guide, cited above, specifies that the maximum acceptable increase in lake phosphorus concentration is 0.75 parts per billion. The DEP has given the lake an (F) value of 9.02 lbs/ppb/yr. The Planning Board will use these values and classifications as the premise of the phosphorus review process of development, unless modified values are provided by the DEP.
2. No person shall cause any liquid, gaseous, or solid materials to runoff, seep, percolate, or wash into surface or ground waters such that any pollutant or constituent or derivative thereof attains a concentration in ground or surface water that is above background levels or current public health drinking water standards for Maine, whichever is most stringent. (Note: Drinking water standards shall be obtained from current manuals, including, but not limited to: State of Maine Rules of the Department of Human Services Relating to Drinking Water; “Drinking Water and Health”, published by the National Academy of Sciences; “Suggested No-Adverse Response Levels” as determined by the Environmental Protection Agency; “Ambient Water Quality Criteria” manuals, published by the Environment Protection Agency.)
3. Domestic fuel oil must be stored in accordance with the State of Maine Oil Burner Rules.
4. The washing and bathing or cleaning of humans, animals or objects with soap, detergents, or cleaning agents shall be prohibited in surface waters or in areas adjacent to surface waters if the washwaters can immediately enter the surface water without absorption into the soils.

## J. Local Government Use of Land

The Water Department or Town of North Haven may acquire possessory interests (for example, ownership, easement, lease, right of way, etc.) in lands surrounding Fresh Pond in sizes smaller than those otherwise permitted under this or any other Town Ordinances if necessary to maintain the quality and availability of drinking water and the ecosystem associated with Fresh Pond.

### Section 13. Administration:

A. Any land use or activity in the Fresh Pond Watershed District which is permitted in Section 10 or Section 12 of this Ordinance, contingent on the review and permitting by the Code Enforcement Officer or Planning Board, must be reviewed using the performance standards outlined in this ordinance as the basis for its determination whether to grant or deny a permit application.

B. Applications to conduct a permitted use requiring Planning Board or Code Enforcement Officer review shall be submitted to the Planning Board or Code Enforcement Officer with the following information:

1. A map showing the location of the property and the location of the proposed activity on a USGS topographic map at a scale of 1:24,000 (1" = 2,000' or larger);
2. A written description of the proposed activity and how all applicable performance standards shall be met;
3. If applicable, a copy of the soil evaluation form required under the State of Maine Subsurface Wastewater Disposal Rules, as submitted to the local plumbing inspector;
4. Any additional information the Planning Board or the Code Enforcement Officer considers necessary to properly review the application according to the standards contained herein.
5. Unless otherwise indicated herein, The Town of North Haven, the North Haven Planning Board and the Town's Code Enforcement Officer shall utilize the same procedural and due process requirements as contained in the North Haven Shoreland Zoning Ordinance, in the administration of this Ordinance, including the provisions related to variances and appeals.

### Section 14. Enforcement:

- A. The Code Enforcement Officer or a representative of the Water Department may, with the permission of the landowner or their authorized agent, enter on and inspect any

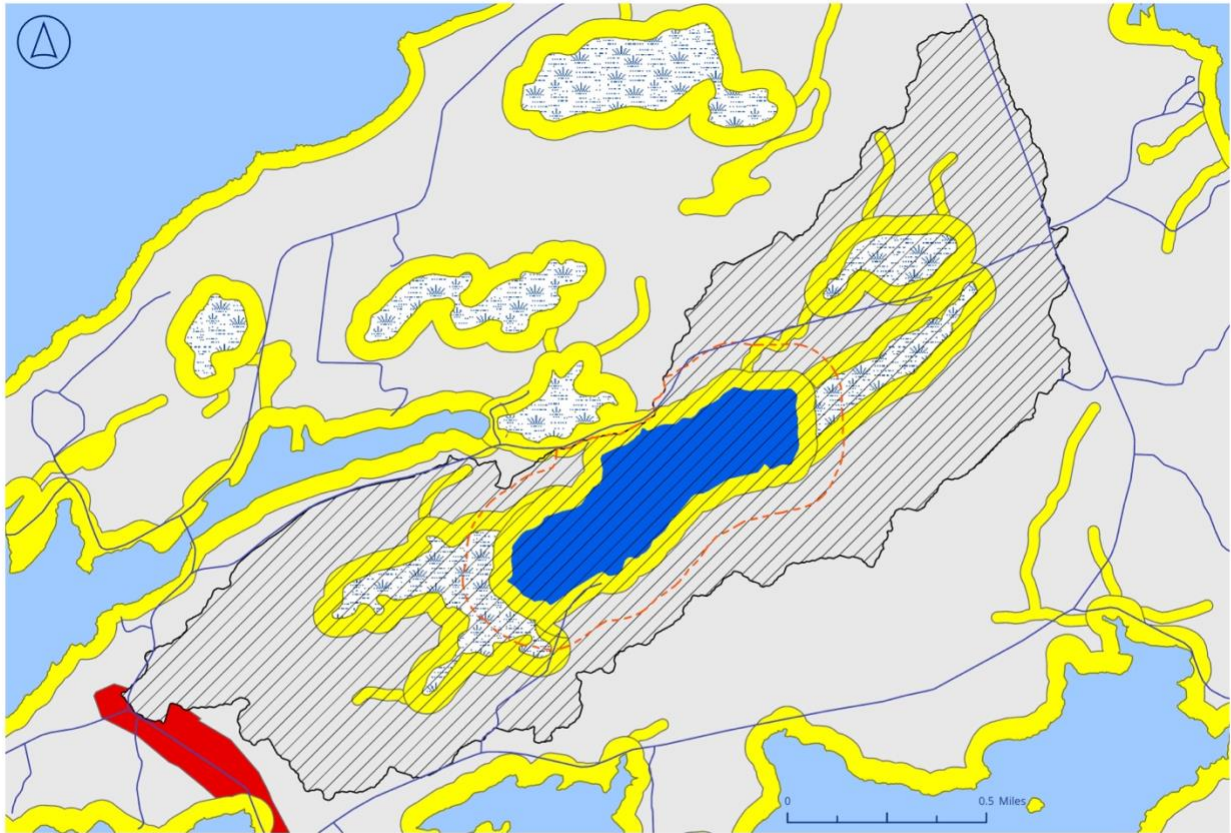
property within the Watershed Protection District to determine whether all land uses and activities conducted on the property are in compliance with the provisions of the Watershed Protection District.

All reviews of permit applications by the Planning Board or Code Enforcement Officer shall be completed within sixty (60) days of receipt of a completed application.

- B. Failure to conform with the provisions of the Watershed Protection District shall constitute a violation and shall be subject to the penalties and actions set forth in the North Haven Shoreland Zoning Ordinance.
- C. The Code Enforcement Officer shall enforce the provisions of this Ordinance.



# Appendix A. Fresh Pond Watershed Protection District Map



**North Haven Fresh Pond Watershed Protection District** *For Planning Purposes Only*

Shoreland Village Rural Fresh Pond Watershed Fresh Pond Resource Protection Fresh\_Pond Wetlands

Data Sources: Town of North Haven, ME Beginning with Habitat (BwH), US Geological Survey, ME Office of GIS. BwH data sourced March, 2022.

