



R13-14-21

Amendment to the Hermon Code of Ordinances Chapter 154 Land Use and Development

Be it ordained that an ordinance be adopted titled 'Amendment to the Hermon Code of Ordinances Chapter 154 Land Use and Development for the purpose of prohibiting the agricultural land spreading of pretreatment septage in the Agricultural/Forestry District and permitting wastewater dewatering systems in the Industrial District with condition, such ordinance reading as follows:

Amend Section 154.046 Subsection E Schedule of Land Uses (1) Agriculture and other open spaces to read as follows:

E) Schedule of land uses.

(1) Agriculture and other open space uses.

<i>Agriculture and other open spaces</i>	<i>AF</i>	<i>RA</i>	<i>RB</i>	<i>RC</i>	<i>C</i>	<i>VC</i>	<i>I</i>
Animal husbandry							
On parcel 2 acres or larger	Y	N	P	N	N	N	N
On parcel less than 2 acres	Y	N	S	N	N	N	N
Commercial feed lot	S	N	N	N	N	N	N
Equestrian activity - riding, training, showing, breeding	Y	N	S	N	N	N	N
Farm stand	Y	N	Y	N	N	N	N
Off site farm stand¹	N	N	N	N	P ¹	P ¹	P ¹
Forestry	S	S	S	S	S	S	S
Fur farm	S	N	N	N	N	N	N
General agriculture Spreading of Manure	Y y2	N	P	N	N	N	N
Goat farm	S	N	N	N	N	N	N
Livestock for home use							
On parcel 5 acres or larger	Y	N	P	N	N	N	N

On parcel less than 5 acres	Y	N	S	N	N	N	N
Raising of pigs	S	N	N	N	N	N	N
Public parks, playgrounds	S	S	S	S	N	S	N
Recreation trails	Y	Y	Y	Y	Y	Y	Y
Accessory structure or use	P	P	P	P	P	P	P
<p>Note to table of agricultural and other open space uses:</p> <p>¹Off-site farm stand - Applicants for an off-site farm stand shall provide to the CEO a signed lease agreement from the property owner(s). Off-site farm stands may be in operation only during the months of July, August, September, and October of each year and the stand shall be removed from site by November fifteenth of each year. Adequate off-street parking shall be provided. Signage shall be of the temporary sandwich type (A-frame) or located on the stand itself. Items sold from an off-site farm stand shall be limited to those relating to vegetables, fruit and flowers.</p> <p>²All spreading of manure must conform with the requirements of the Maine Department of Agriculture's November 1, 2001 publication entitled, Manure Utilization Guidelines, as amended, and 7 M.R.S.A §§4201-4209 (the Nutrient Management Law). All manure storage areas must be constructed or modified to prevent the discharge of effluent or contaminated stormwater.</p>							

(Amended 08/15/2013; Effective 09/15/2013)

Amend Section 154.046 Subsection E Schedule of Land Uses (4) Industrial uses to read as follows:

(4) Industrial uses.

<i>Industrial Uses</i>	<i>AF</i>	<i>RA</i>	<i>RB</i>	<i>RC</i>	<i>C</i>	<i>VC</i>	<i>I</i>
Administrative offices of manufacturing, research corporations	N	N	N	N	P	N	P
Firewood processing	S	N	N	N	N	N	P
Fuel storage	N	N	N	N	N	N	S
Junkyard	N	N	N	N	N	N	S
Living quarters for security personnel ¹⁶	N	N	N	N	N	N	P ¹⁶
Manufacturing, heavy	N	N	N	N	N	N	S
Manufacturing, light	N	N	N	N	S	N	S
Recycling facilities	N	N	N	N	N	N	S
Railroading	N	N	S	N	P	N	P

<i>Industrial Uses</i>	<i>AF</i>	<i>RA</i>	<i>RB</i>	<i>RC</i>	<i>C</i>	<i>VC</i>	<i>I</i>
Research and testing facilities of a laboratory nature	N	N	N	N	N	N	P
Sawmill	S	N	N	N	N	N	S
Septage storage and dewatering facilities	N	N	N	N	N	N	S ¹⁷
Storage of pulpwood or logs for shipping	Y	N	N	N	S	N	P
Storage, processing of agricultural products	S	N	N	N	N	N	S
Truck terminal	N	N	N	N	S	N	P
Warehousing	N	N	N	N	P	N	P
Wholesaling of goods and products	N	N	N	N	P	N	P
Rear lot development, in accordance with § 154.090	N	N	P	N	N	P	S ¹⁵
Accessory structure or use	S	N	S	N	P	N	P
<p>Notes to Table of Industrial Uses:</p> <p>¹⁵ Rear Lot Development in Industrial District: Only "Open Space Uses" are allowed as rear lot development in the Industrial District.</p> <p>¹⁶ Living quarters for security personnel, employed by a company located in the industrial park, limited to one dwelling unit. The living quarters may be located within the principal structure.</p> <p>¹⁷ Septage Storage and Dewatering Facilities see Title XV § 154.091</p> <p>¹⁸ Reserved.</p>							

(Amended 08/15/2013; Effective 09/15/2013)

Amend Section 154.009 Definitions: Rules and Interpretations Subsection B Definitions by adding a definition for Dewatering Facility to read:

DEWATERING FACILITY. A place where sanitary wastewater is processed and discharged or otherwise disposed of in accordance with State licensing requirements.
(Amended 08/15/13; Effective 09/15/13)

Amend Section 154.091 by deleting Subsections A Handling, B Setbacks, C Agricultural Land Spreading of Septage and adding a new Subsection A reading as follows:

§ 154.091 **SEPTAGE STORAGE AND DEWATERING FACILITIES.**

Wastewater Treatment Facilities must comply with the following requirements:

- 1.) The facility may not be located over a significant sand and gravel aquifer.
- 2.) A minimum of 15 inches must be maintained between the seasonal high-water table and the base of the facility. A minimum of 24 inches must be maintained between bedrock and the base of the facility.
- 3.) The facility must be located on soils deemed suitable for such use, as determined by a Maine registered geologist or a Maine certified soil scientist.
- 4.) The boundary of the septage handling and containment area of the facility must comply with DEP setback requirements. A variance or waiver granted by the DEP for any dimensional requirement or any other requirement equivalent to a standard listed in this section must be approved by the planning board before it may be implemented.
- 5.) The facility must be screened from view from any public street and residential property. A vegetated buffer may be required by the planning board in accordance with the requirement in §154.081 Landscaping of the Town of Hermon Code of Ordinances.
- 6.) An access gate must be installed at the entrance to the facility. Legible signs must be posted at the gate. Signs must read as follows: "Notice – Septage Storage Area – Access Prohibited" or similar wording. Lettering on signs must be a minimum of 2 inches in height. The top of the signs must be between 4 feet and 8 feet above the ground surface. All access points to the facility must be locked to prevent unauthorized entry when the facility is not in use.
- 7.) The facility may not include open –air sludge drying or land spreading of any type.
- 8.) The facility must be located within fully-enclosed structures.
- 9.) Septage containment structures must be constructed of impermeable materials suitable for the intended use and adequate to prevent any leakage. The facility must be designed to contain any septage spills caused by a failure of any above-ground containment structure, contain any leachate generated from the facility, and contain any leakage from septage conveyances. The facility must provide for detection of any subsurface septage leaks which may occur.

(Amended 08/15/13; Effective 09/15/13)

Reletter Sections 154.091 Septage Stand Subsection D Enforcement to new letter B and Subsection E Availability of records to new Letter C.

SIGNED this August 15, 2013 by the Hermon Town Council:

Anthony Reynolds

Anthony Reynolds

Absent

Alden Brown

Tim McCluskey

Timothy McCluskey

Donald Pelletier

Donald Pelletier

Anne Freeman

Anne Freeman

Doug Sinclair

Douglas Sinclair, Sr.

William Scott

William Scott

Attest Original:

Rebecca D. Dickerson

Motion	<u>Reynolds</u>	Yeas	<u>6</u>
Second	<u>Pelletier</u>	Nays	<u>0</u>