



City of Caribou, Maine

Municipal Building
25 High Street
Caribou, ME 04736
Telephone (207) 493-3324
Fax (207) 498-3954
www.cariboumaine.org

AGENDA **Caribou Planning Board** **Regular Meeting** **Thursday, October 11, 2018 at 5:30 p.m.** **City Council Chambers**

- I. Call Meeting to Order
- II. Approval of minutes from the September 13, 2018 Planning Board meeting. Pgs 2-3
- III. New Business
 - a. Public Hearing regarding the rezoning of portions of the Residential 1 (R-1) Zone to Residential 2 (R-2) to accommodate changing land use patterns. Pg 4
Effected areas are on Map 32 lots 48, 48-A, and 49 on Washburn Street with Map 32 Lot 48 changing from Commercial 2 (C-2) to R-2 and Map 32 Lots 48-A and 49 changing from Residential 1 (R-1) Zone to Residential 2 (R-2) R-1 to R-2. , on Paris Snow Drive, Map 26 Lots 61, 63, 64, 67, 70, 73, 75 and 77 and on Marshall Avenue, Map 26 Lots 25 and 78. The R-1 Residential District encompasses most of the older residential neighborhoods and contains mostly high density single family dwellings, the R-2 Residential district still features single family dwellings but also allows multi-family dwellings.
 - b. Public Hearing for final approval of a building permit application from Caribou Senior Housing, LLC. for the rehabilitation of the former Hilltop Elementary School into an independent living, elderly housing facility at 19 Marshall Avenue, Caribou. Tax Map 26, Lot 78. Pgs 5-25
 - c. Public Hearing regarding the acceptance of a Floodplain Management Ordinance as suggested by the State of Maine Floodplain Management Program Department of Agriculture, Conservation & Forestry, to comply with the National Flood Insurance act of 1968 (P.L. 90-488, as amended) to replace Sec. 13-600 Flood Hazard Area Regulations, page 858 to 867 of Caribou Code. Pgs 27-48
- IV. New Communications
- V. Staff Report
 - a. Updates from Code Enforcement Officer/Zoning Administrator.
- VI. Planning Board Training
- VII. Continue work on Chapter 13, Zoning of Caribou Code
- VIII. Other Business



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Caribou Planning Board Meeting Minutes Thursday, September 13, 2018 @ 5:30 pm City Council Chambers

Members Present: Robert White, Phil Cyr, Philip McDonough III, Thomas Ayer and Todd Pelletier

Members Absent: Todd Pelletier and Matthew Hunter

Others Present: Ken Murchison –CEO & Zoning Administrator, Dennis Marker –City Manager and Denise Lausier –Executive Assistant to the City Manager

- I. Call Meeting to Order** –The meeting was called to order at 5:30 pm.
- II. Approval of minutes from the August 9, 2018 Planning Board meeting** – Phil Cyr moved to accept the minutes as presented; seconded by Evan Graves. Motion carried with all in favor.
- III. Approval of minutes from the June 8, 2017 Planning Board meeting** – Phil Cyr moved to accept the minutes as presented; seconded by Philip McDonough III. 4 Yes, 1 Abstention (Thomas Ayer). Motion carried.
- IV. New Business –**
 - a. Building and Demolition Permits for Caribou Senior Living LLC** – CEO Ken Murchison stated that preliminary plans are available. This is the former Hilltop School. There will be 38 units, four sizes, all one bedroom. The basic shape of the school will stay the same with some façade improvements. Would like to be proactive and schedule a public hearing. They have not obtained the property yet. They are waiting on the state to accept their credit enhancement agreement which might take a month. Phil Cyr moved to hold a public hearing for this project at the next monthly meeting in October; seconded by Thomas Ayer. Motion carried with all in favor.
 - b. Discussion on rezoning the former Hilltop School and Gagnon's Rental Properties LLC area from an R-1 zone to an R-2 zone and c. Discussion on rezoning the "Spot Zoned" 105 Washburn Street property from C-2 to R-2** – CEO Ken Murchison told the Board they will need to consider the zoning being changed for the Hilltop School property for them to obtain a permit. The Board has discussed rezoning the former Hilltop School before with no formal action. Board discussion on each area. Philip McDonough III moved to hold a public hearing in regards to rezoning of the corner of Dahlgren and Washburn and the area that's Hilltop School and the area up across the street from Hilltop School between Newton and Peterson Avenues from an R-1 to an R-2 zone incorporating abutting properties on Paris Snow Drive to the current R-2 to where it ends on the opposite side of the current Hilltop School and the parcel in between, at the October 11th meeting; seconded by Phil Cyr. Motion carried with all in favor.

V. New Communications –

- a. Department of Environmental Protection Flood Plain Ordinance Update** – CEO Ken Murchison explained that this is separate from Shoreland Zoning and is required by the State. There is not much to be adjusted on our end, just mostly needs to be adopted as presented by the State. Thomas Ayer moved to send this item to public hearing at the October 11th Planning Board meeting; seconded by Philip McDonough III. Motion carried with all in favor.

VI. Staff Report -

- a. Updates from Code Enforcement Officer/Zoning Administrator** – CEO Ken Murchison gave an overview of lot line disputes, setback issues, notice of violations on dilapidated buildings have gone out, Birdseye demolition with asbestos and a lagoon of effluent issues. Allen's Environmental has vacuumed up as much of the effluent as they could with their system. The remainder will be made into an ash heap, so it can be scooped up and hauled to the landfill. With street lights, they are close to assigning a cost. City Manager Dennis Marker stated that new heads and mast arms if needed will be around \$360,000 to buy all the lights. Payback with cost savings on the LED lights will be in about 3.1 years.

VII. Planning Board Training –

- a. Dennis Marker, Agricultural Zone Land Use Discussion** – City Manager Dennis Marker discussed with the Board that in Utah they had an Agricultural Zone because they had weaknesses in their current zones that needed to be addressed. After much discussion, the Board consensus was to stay with the R-3 zone.

VIII. Continue work on Chapter 13, Zoning of Caribou Code – Board discussed wrapping up the work on Chapter 13 and sending it to Council for approval. They would like to send the package to the Council before the end of the year.

IX. Other Business –

- a. Manufactured Housing, Trailer and Tiny Houses** – CEO Ken Murchison brought to the Board's attention that the City's ordinance and state statute don't agree for manufactured housing in town. Tiny houses are happening downstate. These tiny houses go down to 200 feet and we need tools to help with this, we need some standards to apply and also need to adhere to state statute. Ken stated they can establish a moratorium.

IX. Adjournment – Board adjourned at 6:45 pm.

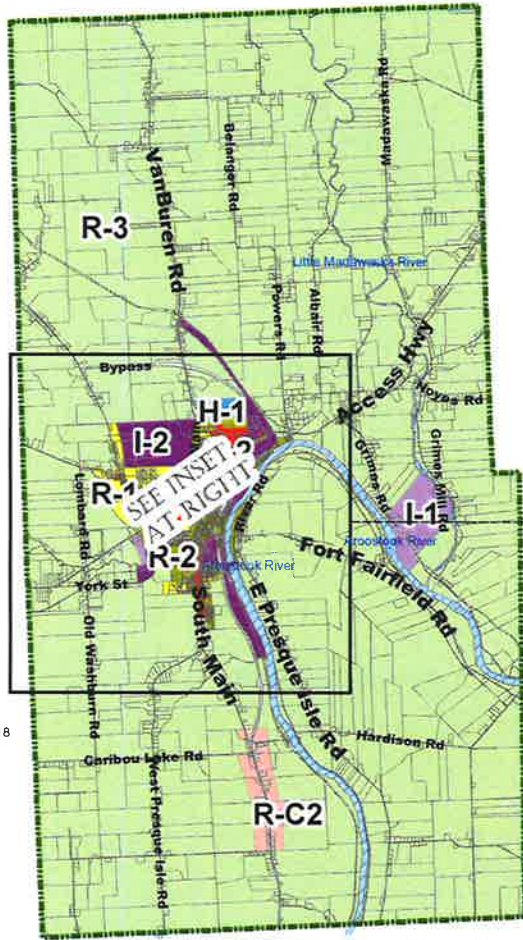
Respectfully Submitted,

Philip McDonough III
Planning Board Secretary

PM/dl



City of Caribou Zoning Map Update 09/26/2018

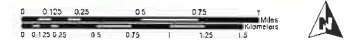
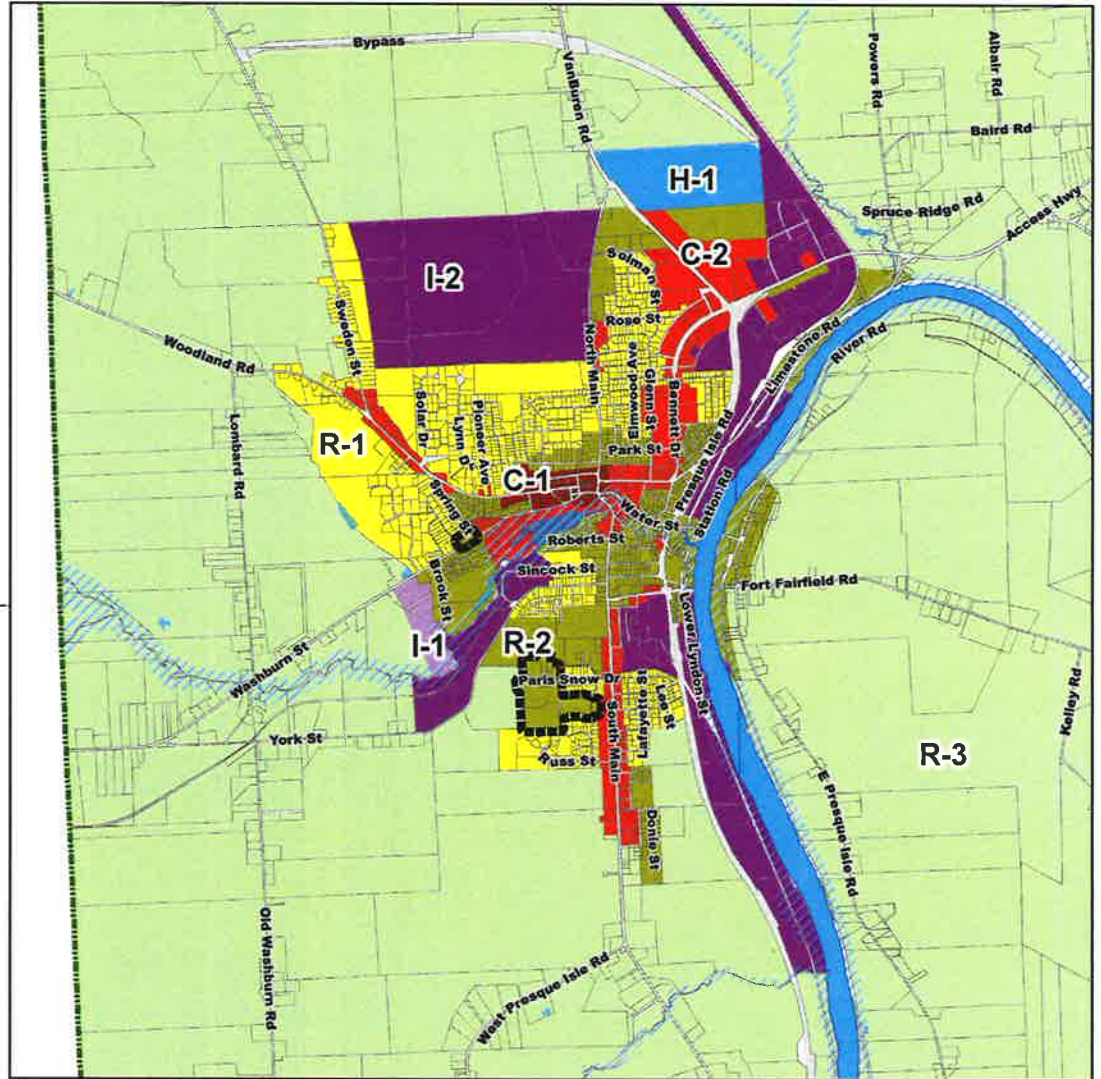


- LEGEND**
- Proposed Rezoning 09/26/2018
 - Township Boundaries
 - Caribou Rivers
 - ponds
 - Parcel Boundaries
 - Shoreland Zone
 - Zoning Update 09/26/2018
 - Zone
 - C-1
 - C-2
 - R-C2
 - H-1
 - I-1
 - I-2
 - R-1
 - R-2
 - R-3

Produced: December 30, 2017 by Caribou City Planning & Zoning
Data: All data derived from Caribou GIS digital tax maps.
Software: ESRI ArcMap 10.1
Hardware: HP ProBook, Intel(R) Core(TM) i5-7200 CPU @ 2.50GHz with 12GB RAM
This map is for general reference purposes only. No warranty of data or representations of such relative to real world conditions is given. Any questions or disputes about the information conveyed on this map should be addressed to the Caribou City Planning and Zoning offices located at 25 High Street, Caribou, ME 04736.

2017 Map Amendments
By official action of the City, the following changes were made:

Ordinance No. 5, 2017 Series, adopted July 10, 2017, effective July 24, 2017, rezoned approximately 211 acres along Access Highway from Otter Street to the Madawaska River from R-C2 to R-3.
Ordinance No. 6, 2017 Series, adopted July 10, 2017, effective July 24, 2017, changed the northwest section of the Skyway Plaza Subdivision, Lot #3, to C-2 from R-2 along the eastern side of Solman Street.
Ordinance No. 8, 2017 Series, adopted October 10, 2017, effective October 24, 2017, rezoned 0.03 acres from I-2 to R-2 at 47 York Street.
Ordinance No. 9, 2017 Series, adopted October 10, 2017, effective October 24, 2017, rezoned 18.0 acres from R-1 to R-3 at 30 Lea Street.
Ordinance No. 11, 2017 Series, adopted November 27, 2017, effective December 11, 2017, rezoned approximately 85 acres from Commercial C-2 to Residential R-3 along Main Street between Preslie Brook and 400 South Main Street.
Ordinance No. 12, 2017 Series, adopted November 27, 2017, effective December 11, 2017, rezoned approximately 17 acres from R-1 to R-2 between Collins Pond and Sincoc Street.



This is to certify that this is the Official Zoning Map
of the Zoning Ordinance of the City of Caribou, Maine.
By: _____ Date: _____
City Clerk

City of Caribou

----- Receipt -----

de Enforcement - Inspections Payments at front counter - first floor.

09/11/18 4:05 PM ID:CJM #13002-1
TYPE----- REF--- AMOUNT
BUILDING PERMITS
BDLG PER LOCAL 50.00
Total: 50.00\$
Paid By: Caribou Senior Housing, LL
Remaining Balance: 0.00

218

Caribou Senior Housing, LLC

Cash : 100.00
Change : 50.00

Flat \$50 fee

\$ 50.00

75% Caribou

25% State

Shellfish Surcharge: \$15.00 (full system - external only)

53 - Zoning Document fee:

54 - Site Design Application: \$90 + \$10 / 2000 sq ft

55 - Board of Appeals Application:

56 - Certificate of Occupancy: \$25.00

57 - Demolition Permit: \$25.00 - waived if received in advance

58 - Sign Permit: \$50.00 per sign X _____ = _____

59 - Subdivision Application: \$180 (first three) + \$10/each add'l _____

61 - Heating Equip. Installation Permit: \$20.00 each X _____ = _____

62 - Misc. Inspection Service: \$40.00 each X _____ = _____

TOTAL:

\$ 50.00

Plumbing Inspections: Please call Steve Wentworth, LPI

551-1007

Building Inspections: Please call Tony

493-5966

Planning Board agenda items: Please call Ken

493-5967

CITY OF CARIBOU

BUILDING PERMIT APPLICATION

207-493-3324 ext. 3

DATE APPLICATION RECEIVED: _____
 No permits will be issued prior to 3 working days from receipt of application.

PROPERTY OWNER

Property Owner: CARIBOU SENIOR HOUSING LLC
 Property Address: OLD HILLTOP SCHOOL
 Mailing Address: 137 Bennett Drive, Caribou
 CARL 207-227-2829 SHAWN 207-551-9339

CONTRACTOR(S)

General Contractor: CSH LLC
 CARL 207-2829 SHAWN 551-9339
 Excavating Contractor: SODERBERG CO. INC.
 Ph: 498-6300 Cell: 227-2829
 Foundation Contractor: N/A
 Ph: _____ Cell: _____

PROJECT DESCRIPTION

Renovate the OLD HILLTOP
SCHOOL Building into
senior Housing units/offices.

All Public Buildings require State Fire Marshal's Approval.
 Please ask for a SFMO Permit Application.

ESTIMATED COST OF PROJECT

\$ 3 million

OFFICE USE ONLY

Permit Number: _____
 Issue Date: _____
 Fee: \$ _____
 Approved By: _____

Map # _____ Lot # _____

Zone: _____

Setbacks:

Front _____ Rear _____ Sides _____

Special Zones:

- ☐ Shoreland
- ☐ Flood Zone
- ☐ Wetland
- ☐ Wellhead Protection District

BUILDING INFORMATION

Number of Stories:

1 Present
1 Proposed
1 Total

Height of Buildings:

30 Present
30 Proposed
30 Total

Number of Bathrooms:

	FULL	HALF
Present	<u>—</u>	<u>—</u>
Proposed	<u>38</u>	<u>—</u>
Total	<u>38</u>	<u>—</u>

Number of Bedrooms:

— Present
38 Proposed
38 Total

Present Septic System is approved for — Bedrooms

city sewer
 Type of Use (Check one)

- ☒ Year Round
- ☐ Seasonal

Residential Site Plan:

Please indicate the following items on the site plan:

Exact position of all new construction and existing structures (including accessory structures).

- Setback distances from property lines to all structures (front, back, and sides)
- Location of well and septic system including distances from structures and property lines
- Area to be cleared of trees and other vegetation
- Any wetlands or water bodies and setback distances from shoreline if applicable

Note: For all projects in the shoreland zone involving filling, grading or other soil disturbance, you must provide a soil erosion control plan describing the measures to be taken to stabilize areas before, during, and after construction.

Note: The State of Maine has adopted the following codes and standards and has mandated that Caribou enforce these codes as well as all existing fire and life safety codes as of January 23, 2018:

2015 International Building Code
2015 International Residential Code
2009 International Energy Conservation Code
2015 International Existing Building Code
2013 ASHRAE 62.1, Commercial Ventilation Standard
2013 ASHRAE 62.2, Residential Ventilation Standard
2013 ASHRAE 90.1, Commercial Energy Standard
2008 ASTM E 1465, Radon Code

Building Plans:

Note: All new construction of both Residential and Commercial structures now requires a complete set of Building Plans and Energy Conservation Detail Plans.

Floor Plan & Elevations
Complete Foundation
Radon Collection System
Complete Framing for Floors, Walls, Roof System, Stairways & Decks
Energy Conservation Detail for Basement Slab, Walls, Ceiling, Windows & Doors,

Note: All new construction of Commercial & Residential structures now require a complete set of Building Plans and Energy Conservation Detail Plan. Commercial building plans must be stamped by a Maine Licensed Professional Engineer or Architect. COMcheck Compliance Certificate is required for commercial projects. REScheck Compliance Certificate is required for residential construction.

Note: Storage and similar small buildings of 120 square feet or less do not require building permits.

SIGNATURE & POLICY PAGE

ADDITIONAL REQUIREMENTS FOR NEW CONSTRUCTION ON AN UNDEVELOPED SITE

1. Property location, street address, map and lot number from City Assessor
2. Curb Cut / Culvert Permit from Public Works or MDOT
3. Sub Surface Waste Water Design, HHE-200 (if applicable)
4. Copy of Deed, Lease, or Purchase & Sale Agreement (for undeveloped lot)

Please read and initial each item below, sign, and date the application

- ☒ I understand that building permits do not include plumbing, septic, or electrical work.
- ☒ I understand that building permits are valid for one year.
- ☒ I agree to comply with all applicable Building Codes, Energy Conservation Codes, Fire Codes & the 2009 Life Safety Code.
- ☒ *- Existing* I understand that my building(s) cannot be within the set back from my property line.
- ☒ I agree to schedule all inspections and get written permission before backfilling the foundation.
- ☒ *Done* I agree to schedule an inspection of the Radon Control System prior to placement of the basement slab.
- ☒ I will not close in the walls until the framing, insulation, vapor barrier, electrical, and plumbing has been inspected.
- ☒ I authorize inspections necessary to insure compliance with regulations.
- ☒ I understand that a Certificate of Occupancy is required prior to occupying the building.
- ☒ I certify that all information given in this application is accurate and complete.

Applicant Signature

Date

BUILDING PERMIT FEES

Effective 1/1/2017: \$50

All building permits – now a flat \$50 permit fee

It is our policy to review and process applications as quickly as possible to ensure code compliance for your safety as well as the safety of others. Fees will be collected when your permit is issued. We accept cash or checks made payable to the City of Caribou.

ADDITIONAL PERMITS, APPROVALS, AND INSPECTIONS REQUIRED

- | | | |
|---|--|---|
| <input type="checkbox"/> Plumbing Permit | <input type="checkbox"/> Swimming Pool Permit | <input type="checkbox"/> Fire Marshall's Office |
| <input type="checkbox"/> Electrical Permit | <input type="checkbox"/> Sign Permit | <input type="checkbox"/> MDOT |
| <input type="checkbox"/> Septic/HHE200 Permit | <input type="checkbox"/> Culvert (Public Works) | <input type="checkbox"/> DEP |
| <input type="checkbox"/> Septic Variance | <input type="checkbox"/> Curb Cut (Public Works) | <input type="checkbox"/> EPA |
| <input type="checkbox"/> Planning Board | <input type="checkbox"/> Road Opening (Public Works) | <input type="checkbox"/> ARMY Corp of Engineers |
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Shoreland | <input type="checkbox"/> Wetland |

OFFICE USE ONLY

This application is

☐ **APPROVED**

The following conditions are prescribed:

☐ **DENIED**

Reason for denial:

Building Official

Date

SCHEDULE OF INSPECTIONS

INSPECTION	DATE	INSPECTOR	INSPECTION NOTES
<input type="checkbox"/> Footings	_____	_____	_____
<input type="checkbox"/> Foundation	_____	_____	_____
<input type="checkbox"/> Radon	_____	_____	_____
<input type="checkbox"/> Framing	_____	_____	_____
<input type="checkbox"/> Insulation	_____	_____	_____
<input type="checkbox"/> Plumbing	_____	_____	_____
<input type="checkbox"/> Electrical	_____	_____	_____
<input type="checkbox"/> Septic	_____	_____	_____
<input type="checkbox"/> Final Occupancy	_____	_____	_____
<input type="checkbox"/> _____	_____	_____	_____
<input type="checkbox"/> _____	_____	_____	_____

CITY OF CARIBOU

Code Enforcement Office

As of July 1, 2012, the State of Maine requires that MUBEC be enforced in a municipality with a population of over 4,000 residents. MUBEC is the Maine Uniform Building and Energy Code. MUBEC was last updated January 23, 2018 and complete information can be found here:

<http://www.maine.gov/dps/bbcs/>

The following information is required to be submitted before a residential building permit can be issued:

1. A completed "City of Caribou Building Permit Application" (4-pages)
2. A complete set of building plans which show the following (if applicable):
 - a. Footing detail including drain
 - b. Foundation detail including anchors
 - c. Radon collection detail if it is to be installed
 - If you are building a new home, please request a copy of the EPA publication "Building Radon Out"
 - d. Detail for column footings
 - e. Detail for chimney footing
 - f. Insulation detail for basement walls and floor
 - g. Floor plan for each floor indicating room use
 - h. Framing detail for floor systems
 - i. Framing detail for walls, doors, windows
 - j. Insulation and vapor barrier detail for all exterior walls
 - k. Framing detail for all stairs and stairwells
 - l. Framing detail for roof system
 - Trusses must be engineered
 - m. Ventilation detail for roof system
 - n. Insulation and vapor barrier detail for ceiling
 - o. Energy ratings for doors, windows and HVAC equipment
3. Site plan which shows the following:
 - a. Any existing buildings, structures or features that may affect construction
 - b. Set back compliance to property lines
 - c. Location of water source (well)
 - d. Location of subsurface wastewater disposal system (septic system)
 - Location of both tank and leach field
 - Proof that the system is appropriately sized for use
 - e. Location of driveway or access
 - f. Location of any pond, stream or wetland within 250 feet
 - g. Topography changes of lot within 100 feet of structure

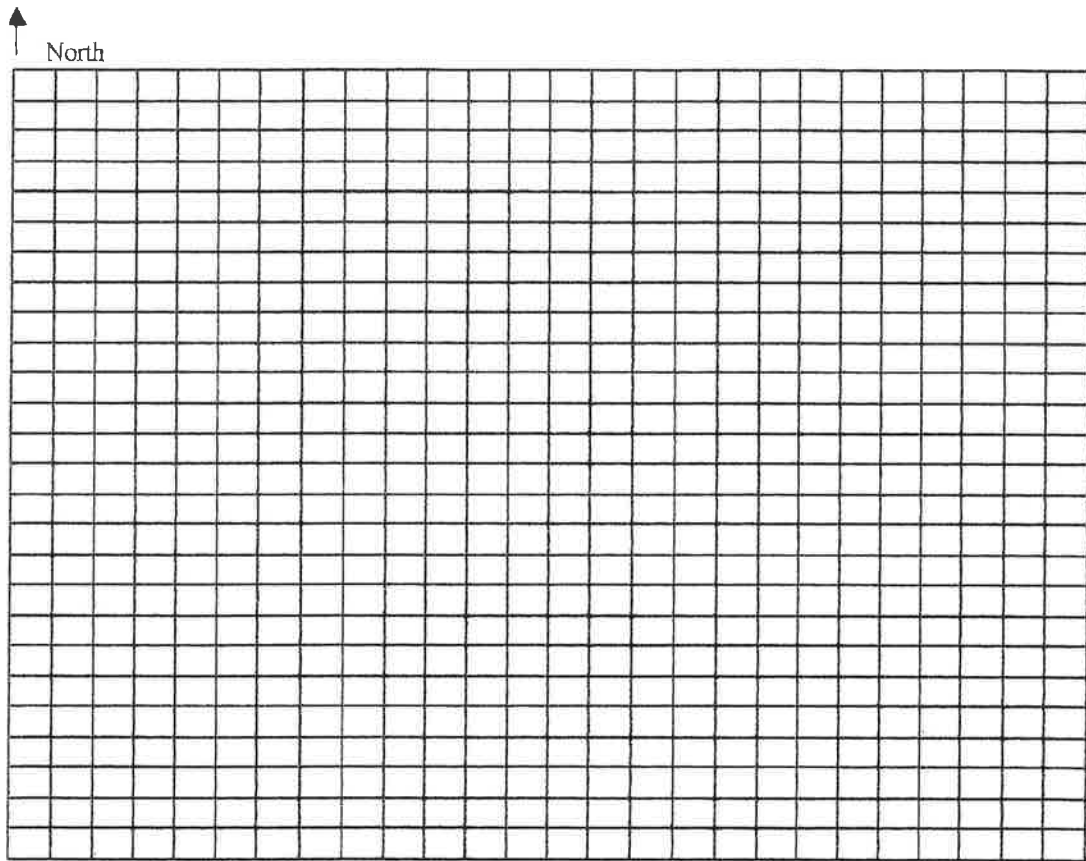
**** YES – THE APPLICABLE ITEMS ARE REQUIRED FOR GARAGES ALSO! ****

FRONT OR REAR ELEVATION

SIDE ELEVATION

Draw a simple sketch showing both the existing and proposed structures.

PLEASE INCLUDE: Lot lines, area to be cleared of trees and other vegetation; the exact position of proposed structures, including decks, porches, and outbuildings with accurate setback distances from the shoreline, side and rear property lines; the location of proposed wells, septic systems; and driveways; and areas and amounts to be filled or graded. If the proposal is for the expansion of an existing structure, please distinguish between the existing structure and the proposed expansion.



Scale: _____ = _____ Ft.

Builders and homeowners are required to obtain a permit prior to constructing, altering or replacing a deck.

The first requirement is submittal of a **Site Plan**, drawn to scale, for the property where the deck is to be built. Please provide all the information shown on the sample.



13



City of Caribou Demolition Permit Application

Planning & Code Enforcement
25 High St.
Caribou, Maine 04736
(207) 493 - 3324 X 214
kmurchison@cariboumaine.org

To the BUILDING OFFICIAL and/or CODE ENFORCEMENT OFFICER of the City of Caribou, Maine:

The undersigned hereby applies for a permit to demolish the following building / structure in accordance with the Laws of the State of Maine and the City of Caribou municipal code.

NOTE: DEP Asbestos Inspection Form and Asbestos Building Demolition (2-paged Form D - 2011) attached

Location of building: Hilltop School

City of Caribou Tax Map and Lot number: Map #: _____ Lot#: _____

Description of building / structure to be demolished:

Interior walls/ceilings/windows/Floors &
Doors to be renovated

NOTE: Each building / structure required a separate completed application and fee!

Owner name: Caribou Senior Housing LLC

Owner address: 137 Bennett Drive

Owner phone: 207-227-2829 Cell phone: 207-551-9339

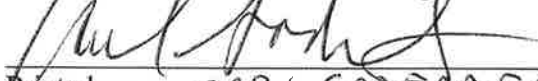
Anticipated date for demolition: Nov 1-2018 thru MAY-2019

By signing below, I agree to the following:

- I have read, understand & will comply with Caribou municipal code Section 4-103.3 Building Demolition
- I have read and I understand the 8-page bulletin "Asbestos Issues in Maine"
- I understand that the Maine DEP requires that an Asbestos Inspection Form be completed prior to renovation or demolition projects and a copy of this form is attached hereto

- I understand that if the building / structure to be demolished requires asbestos inspection or abatement that it will be conducted in accordance with Maine DEP regulations
- I understand that a Demolition Permit will not be issued until the City of Caribou has received all information. No work may begin until a Demolition Permit has been issued.
- The above information and the information contained on any attachments is correct.

Owner or authorized individual signature:



Date: 9/10/18

Printed name: CARL SODERBERG

NOTE: Any contractor applying for a Demolition Permit on behalf of the property owner must also provide a copy of a signed contract by the owner.

*** This section to be completed by municipal official. ***

Date Application Received: _____ Received By: _____
(initials)

Pre-demolition inspection date: _____ Inspected By: _____
(initials)

DEP Asbestos Form attached: _____

\$25 fee paid: _____

Demolition instructions: _____

Date permit issued: _____

Permit Issued By: _____
Authorized Signature

Printed name: _____

Title: _____

Sec. 4-103.2 Building Demolition

a. Any building or structure to be demolished within the City of Caribou, (urban or suburban) requires a Demolition Permit issued by the Code Enforcement Office. Any property owner wishing to obtain a demolition permit must provide the CEO with proof of ownership or a copy of the deed, a completed Demolition Permit Application and schedule of demolition activity. All demolition, clean up and at least one foot of gravel cover with loam and mulch must be completed within one year from the date the permit is issued.

Any contractor applying for a Demolition Permit on behalf of the property owner must also provide a copy of a signed contract by the owner. Any person wishing to demolish a building must provide written proof that all utility providers have removed service from the building to be razed.

b. The Caribou Fire Department must be notified at least 5 business days in advance of the commencement of demolition. At the discretion of the Caribou Fire Chief or their designee, the Fire Department may choose to burn the building as a training exercise provided the property owner initially request such action for consideration.

c. Prior to the commencement of demolition, on the day the building is to be razed, the site must be inspected by the Caribou Building Inspector. The inspection must be scheduled with at least a 24 hour notice in advance.

d. No demolition debris may be buried on site within the Urban Compact Zone.

Demolition debris may be buried on site if located outside of the Urban Compact Zone with the following provisions:

- 1.) No debris may be buried within 100 feet of any property line.
- 2.) No debris may be buried within 100 feet of an existing water well.
- 3.) Biodegradable and inert demolition debris may be buried on site.
- 4.) Inert materials such as brick, concrete or stone may be buried on site, hauled to an off site gravel pit or delivered to a Licensed Disposal Facility.
- 5.) All non biodegradable debris such as asphalt shingles, asbestos, carpeting, sheetrock, vinyl or metal siding, painted materials or similar materials must be delivered to the Tri Community Landfill or another Licensed Disposal Facility. If materials are to be delivered to a Licensed Disposal Facility, a copy of the contract with the Disposal Facility must accompany the Demolition Permit Application.
- 6.) The burial site must be covered with sufficient loam and seeding to prevent erosion of the site unless established as impervious surface pursuant to the redevelopment of the site.

e. A final inspection is required. The owner or contractor must notify the Code Enforcement Officer at the completion of site recovery.

Note: Maine State Law requires demolition notification to the Department of Environmental Protection for certain buildings and buildings with asbestos to be made by the owner.

A record of any demolished building buried on site must be recorded at the Registry of Deeds for Aroostook County in Houlton.

Sec. 4-104 Saving Clause

Nothing in this Ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Sec. 4-105 Date of Effect

The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and the Ordinance shall take full force and effect September 1, 1997, adopted July 14, 1997.



ASBESTOS INSPECTION FORM

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

Lead & Asbestos Hazard Prevention Program

17 State House Station, Augusta, Maine 04333



This form is used to determine if an inspection for asbestos is required prior to renovation or demolition projects

If your project involves the demolition and or renovation of a single family residence or a residential building with less than 5 units, please answer the following questions to determine whether you need to have your inspection performed by a Maine-licensed Asbestos Inspector:

Does this demolition/renovation project involve more than ONE residential building at the same site with the same owner?	Y	N
Is this building currently being used, or has it EVER been used, as a commercial, government, daycare, office, church, charitable or other non-profit place of business?	Y	N
Is this building to be demolished as part of a highway or road-widening project?	Y	N
Is this building part of a building cooperative, apartment or condo building?	Y	N
Is this building used for military housing?	Y	N
Have other residences or non-residential buildings at this site been scheduled to be demolished now, or in the future, as part of a larger project?	Y	N
Is more than ONE building to be lifted from its foundation and relocated?	Y	N
Will this building be intentionally burned for the purpose of demolition or fire department training?	Y	N

IF YOU ANSWER "NO" TO ALL THE QUESTIONS ABOVE, YOUR BUILDING CAN BE INSPECTED BY A KNOWLEDGEABLE NON-LICENSED PERSON AS APPLICABLE (SEE REVERSE SIDE)

ANY "YES" ANSWERS TO THE ABOVE QUESTIONS REQUIRES AN INSPECTION BY A MAINE-LICENSED ASBESTOS INSPECTOR

Remember:

If your renovation project requires the removal of asbestos containing materials, the removal of those materials must be done by a Maine-licensed asbestos abatement contractor.

Before you can demolish any building, including single-family residences, all asbestos materials must be removed from the building. The removal of those materials must be done by a Maine-licensed asbestos abatement contractor, except single-family homeowners may remove some asbestos under certain circumstances (Contact DEP for more information).

With the exception of a single family home, building owners are required to submit the Asbestos Building Demolition Notification to the DEP at least five (5) working days prior to the demolition **EVEN IF NO ASBESTOS** is present.

Once the asbestos is removed, the renovation or demolition project may be performed by any preferred contractor.

I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT

Print Name: Owner/Agent

Title

Signature

Telephone #

FAX #

Date

Keep this completed form for your records



Instructions for Completing the Asbestos Inspection Form

Contact: (207) 287-2651

State and Federal laws require that buildings be inspected for asbestos-containing materials before renovation or demolition activities begin. To determine whether you need to have an inspection performed by a Maine-licensed Asbestos Inspector, or whether you can have an evaluation performed by a knowledgeable non-licensed individual familiar with asbestos containing building materials, (e.g. building inspectors and CEO's who have asbestos-awareness training) depends on the age of the building, current/past use, and number of units. If you are renovating a building you need only inspect the area(s) that will be impacted by the renovation. If you are demolishing the building, the entire structure must be inspected.

For projects in single family residences and residential buildings with less than 5 units, please read and answer the questions on the Asbestos Inspection Form provided on the reverse side. You are not required to submit the form to our department, however, you should sign and keep a copy for your records. If you answer Yes to any question, you need to have your building inspected by a Maine-licensed Asbestos Inspector.

Except as noted above, the following applies:

- Buildings other than residential buildings with less than 5 units (ie institutional, commercial, public, industrial) must be inspected by a Maine-licensed Asbestos Inspector.
- Residential buildings with 2-5 units that were built before 1981 can be surveyed for likely asbestos-containing materials by knowledgeable non-licensed people (e.g. building inspectors and CEO's who have asbestos-awareness training); any materials likely to contain asbestos must be tested by a DEP-licensed inspector or assumed to be ACM.
- Single-family residences and residential buildings built after 1980 are not required to be surveyed for asbestos-containing materials prior to demolition (residential buildings built after 1980 are not likely to contain ACM).

In lieu of any required inspection you may assume suspect material to be positive for asbestos and have it removed accordingly. You may never assume material to be non-asbestos.

If your renovation project will impact more than 3 square feet or 3 linear feet of asbestos containing materials, the ACM must be removed by a Maine-licensed asbestos abatement contractor prior to renovation, except single-family homeowners may remove some asbestos under certain circumstances (Contact DEP for more information). Before you can demolish any building, including single-family residences, all asbestos materials must be removed from the building; again the removal of ACM must be done by a Maine-licensed asbestos abatement contractor. Once the asbestos is removed, the renovation or demolition project may be performed by any preferred contractor.

With the exception of a single family home, building owners are required to submit the **Asbestos Building Demolition Notification** to the DEP at least five (5) working days prior to the demolition EVEN IF NO ASBESTOS is present.

If you have any questions or need assistance completing the forms do not hesitate to call the Maine DEP Asbestos Program at (207) 287-2651. You may also go to

www.maine.gov/dep/rwm/asbestos/index.htm to access forms and other information on asbestos.

Asbestos Building Demolition Notification

State of Maine
Department of Environmental Protection
Lead & Asbestos Hazard Prevention Program
17 State House Station, Augusta, ME 04333
TEL (207) 287-2651 FAX (207) 287-6220

**FORM
D**

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2015

Notice

Prior to demolition, building owners must determine if there is any asbestos-containing material(s) (ACM) in the building. An "asbestos inspection" by a MDEP-licensed Asbestos Consultant is required for all buildings regardless of construction date, except single-family homes and residential buildings with 2-4 units built after 1980. In lieu of an asbestos inspection, pre-1981 residential buildings with 2-4 units can be surveyed to identify possible ACM by someone knowledgeable about ACM, such as a code enforcement officer or building inspector.

If your project involves the demolition of a single family residence or a residential building with less than 5 units, please answer the following questions to determine whether you need to have your inspection performed by a MDEP-licensed Asbestos Consultant:

Does this demolition/renovation project involve more than ONE residential building at the same site with the same owner? ☐ Yes ☒ No

Is this building currently being used, or has it **EVER** been used, as a commercial, government, daycare, office, church, charitable or other non-profit place of business? ☐ Yes ☒ No

Is this building to be demolished as part of a highway or road-widening project? ☐ Yes ☒ No

Is this building part of a building cooperative, apartment or condo building? ☐ Yes ☒ No

Is this building used for military housing? ☐ Yes ☒ No

Have other residences or non-residential buildings at this site been scheduled to be demolished now, or in the future, as part of a larger project? ☐ Yes ☒ No

Is more than ONE building to be lifted from its foundation and relocated? ☐ Yes ☒ No

Will this building be intentionally burned for the purpose of demolition or fire department training? ☐ Yes ☒ No

If you answer "no" to all the questions above, your building can be inspected by a knowledgeable non-licensed person as applicable.

Any "yes" answers to the above questions requires an inspection by a MDEP-licensed Asbestos Consultant.

Important Notice

Before you can demolish any building, including single-family residences, all asbestos materials must be removed from the building. The removal of those materials must be done by a MDEP-licensed Asbestos Abatement Contractor, except single-family homeowners may remove some asbestos under certain circumstances (Contact MDEP for more information).

With the exception of a single family home, building owners are required to submit the Asbestos Building Demolition Notification to the MDEP at least five (5) working days prior to the demolition **EVEN IF NO ASBESTOS** is present.

**Asbestos Building
Demolition
Notification**

State of Maine
Department of Environmental Protection
Lead & Asbestos Hazard Prevention Program
17 State House Station, Augusta, ME 04333
TEL (207) 287-2651 FAX (207) 287-6220

**FORM
D**

Page 2 of 2
2015

Inspection/Survey Results:

Were asbestos-containing building materials identified or presumed positive?

☒ Yes ☐ No

If Yes, is the removal of ACM subject to MDEP asbestos regulations?

☒ Yes ☐ No

If No, explain WHY NOT: _____

property address: <i>Hilltop School CARIBOU, Maine 04736</i>	building description: <input type="checkbox"/> pre 1981 residential with 2-4 units <input type="checkbox"/> post 1980 residential with 2-4 units <input checked="" type="checkbox"/> other: <i>School</i>
asbestos survey/inspection performed by: (name & address) <i>C.E.S. - Brewer, Maine</i>	asbestos abatement contractor <i>TBD</i>
telephone:	telephone:
property owner: (name & address) <i>CARIBOU Senior Housing LLC</i>	demolition contractor: (name & address) <i>CSH LLC</i>
telephone: <i>207-227-2829</i>	telephone: <i>207-227-2829</i>
demolition start date:	demolition end date:

Whenever more than 3 square feet or 3 linear feet of ACM is identified, the ACM must be abated in accordance with the Maine Asbestos Management Regulations by a DEP-licensed Asbestos Abatement Contractor. This includes materials presumed to be ACM. Check www.maine.gov/dep/rwm/asbestos/index.htm for a listing of asbestos contractors.

Prior to issuing a local demolition permit, the MDEP requests that **municipalities** have applicants for municipal demolition permits complete this form and fax it to the MDEP at 207-287-6220. Municipalities should not issue local demolition permits if the required asbestos inspection or survey has not been performed and identified ACM removed.

This demolition notification does not take the place of the Asbestos Project Notification if applicable

I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT

CARL SODERBERG
Print Name: Owner/Agent

Partner
Title

[Signature]
Signature

Telephone #

FAX #

Date

State of Maine

Department of Environmental Protection
Lead & Asbestos Hazard Prevention Program
17 State House Station, Augusta, Maine 04333
TEL (207) 287-2651 FAX (207) 287-6220

Asbestos Abatement Project Visual Evaluation Form B

Asbestos Abatement Project Code:

Important Notice

Pursuant to 06-096 CMR 425, Maine Asbestos Management Regulations, a documented visual evaluation for the following asbestos abatement activities when air clearance sampling is not required must be included in the final asbestos abatement project report: roofing removed by mechanical roof saws or cutters, removal of exterior cementitious products, glove bag and wrap and cut operations and final inspection after removal of containment. Individuals conducting visual evaluations must be certified or accredited as shown below. Completion of Form B and inclusion into the final abatement report constitutes compliance with the requirements of 06-096 CMR 425.

Choose one of the following:

- ☐ Roofing removed by mechanical roof saws or cutters (visual evaluation by contractor employed Asbestos Project Supervisor, Air Monitor, OSHA trained competent person or third party independent Air Monitor).
- ☐ Exterior cementitious products (visual evaluation by contractor employed Asbestos Project Supervisor, Air Monitor, OSHA trained competent person or third party independent Air Monitor).
- ☐ Glove bag and wrap and cut activities where "Project Totals" are less than 100 ((visual evaluation by contractor employed Air Monitor, or third party independent Air Monitor).
- ☐ Glove bag and wrap and cut activities where "Project Totals" are more than 100 (visual evaluation by **third party independent Air Monitor**).
- ☐ Final Inspection after Removal of Containment (visual evaluation by contractor employed Asbestos Project Supervisor, Air Monitor, or third party independent Air Monitor). **The Final Inspection is required for all asbestos abatement projects including the asbestos abatement activities listed above.**

Asbestos Abatement Contractor Name & Physical Address:

Company Name:

Street:

City:

State:

Zip:

Telephone:

FAX:

Contact:

Asbestos Abatement Project Location:

Facility Name:

Street:

City:

State:

Zip:

Owner:

Visual Evaluation by:

- ☐ Asbestos Abatement Contractor employee ☐ Third party independent Air Monitor

Comments:

Signature:

I certify that I have personally examined the regulated area of the above named asbestos abatement project and found that the regulated area was clear of visible debris as required by 06-096 CMR 425, Maine Asbestos Management Regulations.

Signature

Date:

Print Name

Title:

ME Certification #:

Expiration Date:

Demolition/Renovation Asbestos Inspection Requirements

Commonly Asked Questions for Commercial/Public Buildings And Buildings Housing 5 or more Dwelling Units or Leased/Rental Units

Question: My reno/demo project is in a library building. Do I need to hire an inspector to perform an inspection for asbestos before I can begin the work?

Response: Yes. Public and Industrial use buildings are considered commercial. This means a Maine certified/licensed Asbestos Inspector must perform an inspection for asbestos-containing material (ACM) prior to commencement of work. If asbestos is identified removal by a Maine licensed Asbestos Contractor is required. In addition the project must be notified according to Maine asbestos regulations. This applies to all commercial buildings regardless of age unless documents exist that show no asbestos is present, such as a previous inspection report or letter from an architect verifying that no asbestos materials were used in the building construction.

Note: In lieu of any required inspection you may assume suspect material to be positive for asbestos and have it removed accordingly. You may never assume material to be non-asbestos.

Question: I am renovating a single family dwelling that was at one time used for commercial purposes. Do I need to have the building inspected?

Response: Yes. If the single family dwelling is currently or has ever been used as a commercial, government, daycare, office, church, charitable or other non-profit place of business it must be inspected as above.

Single family residences that were never used for commercial purposes, and residential dwellings constructed after 1980 that consist of two (2) to four (4) units, are exempt from the inspection requirement of Maine's Asbestos Regulations; however home owners should conduct a walk through of the building to identify any suspect asbestos-containing building materials. Homeowners are responsible for any disturbance of ACM in amounts greater than 3 square or 3 linear feet. If suspect material is found the homeowner should contact the Maine DEP, a licensed asbestos consultant or contractor for help.

Question: I am renovating an apartment building that has less than 5 units. Do I need to hire a state licensed inspection company?

Response: If the building was constructed before 1981 and consists of 2 to 4 dwelling units or leased/rental units you may do one of the following:

- Have an inspection for ACM performed by a Maine licensed Asbestos Inspector, or
- Have the inspection performed by a person familiar with ACM (such as a code enforcement officer or building inspector), or
- You may assume any suspect material to be asbestos and have those materials removed in accordance with state rules.

Question: What are suspect ACM materials?

Response: Suspect asbestos-containing building materials include thermal system insulation, ceiling tile, exterior cementitious siding, rigid panels, attic and wall insulation, vinyl floor tile and resilient floor covering (linoleum). Specific building materials that do not require inspection, sampling, and analysis for asbestos include: wood, fiberglass, glass, plastic, metal, laminates, and gypsum board when joint compound was used only as a filler and not as a layered component, and exterior caulking and glazings.

Question: Are there any other materials regulated in Maine that must be removed from a building prior to demolition?

Response: Any identified hazardous waste and other universal wastes should be part of any pre-demolition site assessment and cleanup phase. For instance it is illegal to dispose of PCB's and mercury-containing products in Maine. Fluorescent light fixtures made before 1980 contain a ballast that has PCB's in it. The most common mercury-containing products found in buildings are thermostats and fluorescent light bulbs. Check the Maine DEP website at www.maine.gov/dep/rwm/hazardouswaste/pdf/uwrecyclingcompanies.pdf for locations and businesses that will recycle these "universal wastes."

If you have any questions on asbestos, or state and federal asbestos regulations, please call the DEP's Lead & Asbestos Hazard Prevention Program at (207) 287-2651.

An up-to-date list of DEP-licensed asbestos contractors and consultants is available from the department by calling (207) 287-2651 or on the internet at www.maine.gov.

Burning Construction & Demolition Debris is Risky Business

Smoke contains chemicals that can aggravate asthma, cause cancer and other health problems. Ash and runoff can pollute your drinking water and pose a risk to the health of your family and neighbors.

When CDD is burned, the **landowner is liable** for any contamination of ground and surface water and for the cost of cleanup.

Construction and Demolition Debris (CDD) may be buried only on the site where it was generated, provided the area of disposal is less than one acre and there are no additional disposal areas on the property. Otherwise, all CDD should be removed by a licensed solid waste transporter.

Construction and Demolition Debris (CDD) is wood and non-wood wastes from the demolition or construction of buildings. CDD also includes road pavement (asphalt), fish nets, mattresses, and furniture.

For information on open burning permits, contact Maine Forest Service

Southern Region Headquarters

Bolton Hill, Augusta
(207) 624-3700

Central Region Headquarters

Old Town
(207) 827-1800

Northern Region Headquarters

Ashland
(207) 435-7963

It is legal to burn only the wood portion of Construction and Demolition Debris (CDD). It is illegal to burn treated wood, shingles, siding, wiring, insulation, and all other non-wood materials.

For information on disposal of CDD

Contact Maine DEP

Central Maine Regional Office

Augusta
800-452-1942

Eastern Maine Regional Office

Bangor
888-769-1137

Northern Maine Reg. Office

Presque Isle
888-759-1053

Southern Maine Reg. Office

Portland
888-769-1036

www.maine.gov/dep/rwm/solidwaste

ARE YOU THINKING ABOUT BURNING CONSTRUCTION & DEMOLITION DEBRIS?



Protect Yourself and Others Follow the Law



Never Burn

These materials produce
especially dangerous
smoke and ash:

treated wood

plastics

styrofoam

wire insulation

vinyl siding

asbestos-containing materials

rubber

metals

food wastes

chemicals

trash

asphalt shingles

paper

cardboard

mattresses

furniture

tires

tar

paints

solvents

sludge

insulation

other solid and liquid wastes

**Call a licensed solid waste
transporter to safely dispose
of CDD at a licensed solid
waste disposal facility.
Contact the DEP for a list of
licensed transporters:**

1-800-452-1942

Ask these questions

before you burn wood from CDD:

Will you burn the debris on the site where it was generated?

Wood from construction and demolition debris (CDD) may be disposed or burned only on the site where it is generated, provided the area of disposal is less than one acre and there are no additional disposal areas on the property.

It is illegal to collect and stockpile or burn wood from CDD

generated offsite. Wood Construction and Demolition Debris means wood wastes from the demolition or construction of buildings.

Have you separated all non-wood waste from the pile?

Only wood wastes and wood from CDD generated onsite may be burned.

"Wood waste" means: brush, stumps, lumber, bark, wood chips, shavings, slabs, edgings, slash, sawdust and wood from production rejects that are not mixed with other solid or liquid waste. "Lumber" must be made entirely of wood and be free from metal, plastics, coatings and chemical treatments.

Is the wood painted or stained?

Assume anything built prior to 1978 contains lead paint. Airborne lead from burning lead-based paint can pose a health hazard. Ash resulting from burning wood coated in lead paint may contain harmful levels of lead. We recommend disposing of ash at a licensed solid waste facility (landfill).

Is there a protected resource (i.e. stream, lake, ocean) nearby?

Steps must be taken to prevent runoff from the burn pile from contaminating nearby waterbodies, such as installing a silt fence or other erosion barrier between the protected resource and the burn pile.

Have you obtained an open burning permit?

Burning on-site for disposal of wood wastes from CDD requires a permit from the Town Forest Fire Warden, Forest Ranger, or local fire prevention official. It is a Class E crime to burn without a permit.

FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

CITY OF CARIBOU, MAINE

ENACTED: _____
Date

EFFECTIVE: _____
Date

CERTIFIED BY: _____
Signature

CERTIFIED BY: _____
Print Name

Title

Affix Seal

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the City of Caribou, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the City of Caribou, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the City of Caribou, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The City of Caribou has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the City of Caribou having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the City of Caribou, Maine.

The areas of special flood hazard, Zones A and A1-30, for the City of Caribou, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Caribou, Maine" dated February 1980 with accompanying "Flood Insurance Rate Map" dated August 1, 1980 and "Flood Boundary and Floodway Map" dated August 1, 1980, are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the City of Caribou, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address, and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;

- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2 apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:

- 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones A1-30, from data contained in the "Flood Insurance Study - City of Caribou, Maine," as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.K. and VIII.D.; or,
 - (2) in the absence of all data described in Article III.H.1.b.(1), information to demonstrate that the structure shall meet the elevation requirement in Article VI.F.2.b., Article VI.G.2.a. or b., or Article VI.H.2.b.
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. level, in the case of non-residential structures only, to which the structure will be floodproofed.
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
- 1. a Floodproofing Certificate (FEMA Form 81-65, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article VI.G.; and other applicable standards in Article VI;
 - 2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 - 3. a certified statement that bridges will meet the standards of Article VI.M.;

4. a certified statement that containment walls will meet the standards of Article VI.N.
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$10.00 shall be paid to the City Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer, Planning Board, and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 1. the base flood and floodway data contained in the "Flood Insurance Study - City of Caribou, Maine," as described in Article I;
 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.(1); Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,
 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b.(1), the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;

- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an "under construction" Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, for verifying compliance with the elevation requirements of Article VI, paragraphs F., G., or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
 3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.
- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance, and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

- A. **All Development** - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. use construction materials that are resistant to flood damage;
 3. use construction methods and practices that will minimize flood damage; and,
 4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Residential** - New construction or substantial improvement of any residential structure located within:
1. Zones A1-30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 2. Zone A shall have the lowest floor (including basement) elevated:
 - a. to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article VIII.D.; or,
 - b. in the absence of all data described in Article VI.F.2.a., to at least two feet above the highest adjacent grade to the structure.
- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:
1. Zones A1-30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

- b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
2. Zone A shall have the lowest floor (including basement) elevated:
- a. to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article VIII.D.; or,
 - b. in the absence of all data described in Article VI.G.2.a., to at least two feet above the highest adjacent grade to the structure; or,
 - c. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.a., b., and c.

H. Manufactured Homes - New or substantially improved manufactured homes located within:

1. Zones A1-30 shall:
- a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
 - b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
 - c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) all components of the anchoring system described in Article VI.H.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.
2. Zone A shall:
- a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article

V.B.; or Article VIII.D.; or,

- b. in the absence of all data as described in Article VI.H.2.a., to at least two feet above the highest adjacent grade to the structure; and,
- c. meet the anchoring requirements of Article VI.H.1.c.

I. Recreational Vehicles - Recreational Vehicles located within:

- 1. Zones A and A1-30 shall either:
 - a. be on the site for fewer than 180 consecutive days; and,
 - b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
 - c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

J. Accessory Structures - Accessory Structures, as defined in Article XIII, located within Zones A and A1-30, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

- 1. have unfinished interiors and not be used for human habitation;
- 2. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
- 3. be located outside the floodway;
- 4. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
- 5. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways -

- 1. In Zones A1-30 riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's "Flood Insurance Rate Map" or "Flood Boundary and Floodway Map", unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 2. In Zones A and A1-30, riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a

technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

- a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.
3. In Zones A and A1-30, riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones A and A1-30, that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F., G., or H. and is elevated on posts, columns, piers, piles, or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIII;
2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
3. The enclosed area shall not be used for human habitation; and,
4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

M. **Bridges** - New construction or substantial improvement of any bridge in Zones A and A1-30 shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and,

2. a registered professional engineer shall certify that:

- a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and,
- b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. **Containment Walls** - New construction or substantial improvement of any containment wall located within:

1. Zones A and A1-30, shall:

- a. have the containment wall elevated to at least one foot above the base flood elevation;
- b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
- c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A and A1-30, in and over water and seaward of mean high tide, if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and,
2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F., G., or H.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.

C. Within 10 working days, the Code Enforcement Officer shall:

1. review the Elevation Certificate and the applicant's written notification; and,
2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

The Board of Appeals of the City of Caribou may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 1. a showing of good and sufficient cause; and,

2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 3. a showing that the issuance of the variance will not conflict with other state, federal, or local laws or ordinances; and,
 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
1. other criteria of Article IX and Article VI.K. are met; and,
 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage; and,
 2. such construction below the base flood level increases risks to life and property; and,

3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE X - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;

3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIII - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - means a small detached structure that is incidental and subordinate to the principal structure.

Adjacent Grade - means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Area of Special Flood Hazard - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Building - see **Structure**.

Certificate of Compliance - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

Development - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Elevated Building - means a non-basement building

- a. built, in the case of a building in Zones A or A1-30, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, posts, piers, or shear walls; and,
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A or A1-30, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L.

Elevation Certificate - An official form (FEMA Form 81-31, as amended) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- b. is required for purchasing flood insurance.

Flood or Flooding - means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Study - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see **Flood Elevation Study**.

Floodplain or Flood-prone Area - means any land area susceptible to being inundated by water from any source (see flooding).

Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or,
 2. Directly by the Secretary of the Interior in states without approved programs.

Locally Established Datum - means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not

referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of this ordinance.

Manufactured Home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

National Geodetic Vertical Datum (NGVD) - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

New Construction - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

North American Vertical Datum (NAVD) - means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound and subsidence, and the increasing use of satellite technology.

100-year flood - see **Base Flood**.

Recreational Vehicle - means a vehicle which is:

- a. built on a single chassis;

- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and,
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and,
- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see **Area of Special Flood Hazard**.

Start of Construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Structure - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,

- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

Variance - means a grant of relief by a community from the terms of a floodplain management regulation.

Violation - means the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XIV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

Alternate Language for Model Floodplain Management Ordinance

Article IV – Application FEE

In recognition of the varying degree of difficulty and amounts of time required for reviewing and processing flood hazard development permit applications, some communities are inserting language for a split or sliding fee schedule.

Some communities already have fee structures in other ordinances that are set according to the value of the proposed project. In an effort to promote consistency between their ordinances they might choose to adopt a similar fee structure for the floodplain ordinance. Other communities want the flexibility of allowing their Board of Selectmen to reassess and establish fees annually, without specifying the exact amount within the ordinance. Many communities simply assess a larger fee for new construction or substantial improvement projects (which often require more time and effort to review) and a smaller fee for all other (minor) projects.

Some options may be:

1. Assess a fee that is a percentage of the proposed project's value, (i.e. \$1/\$1000)
2. Set fees according to monetary thresholds based on the value of the proposed project

Examples:

\$10 - project value < \$1,000

\$20 - project value ≥ \$1,000 but < \$10,000

\$30 - project value ≥ \$10,000 but < \$25,000

\$40 - project value ≥ \$25,000 but < \$50,000

\$50 - project value ≥ \$50,000

3. Split fee

Example:

\$25 fee for all minor development (as defined) and

\$50 fee for all new construction and substantial improvements

Example:

A nonrefundable application fee of \$25 for minor development or \$50 for new construction or substantial improvements shall be paid to the City/Town Clerk and a copy of a receipt for the same shall accompany the application.

4. Allowing the Board of Selectman to annually establish a fee

Example:

A nonrefundable application fee, as established annually by the Board of Selectmen shall be paid to the City/Town Clerk and a copy of a receipt for the same shall accompany the application.

(over)

5. Some larger towns or cities may want to consider assessing fees based on the amount of time required to process the application.

Example:

Applications shall be submitted to the Town Clerk accompanied by the prescribed application fee. The application fee shall be determined by the Board of Selectmen upon recommendation of the Planning of Board. The fee shall be designed to approximate the costs incurred by the Town for administering the ordinance. Upon receipt of an application and the required fee, the Town Clerk will stamp the application with the date of receipt and forward the application to the Code Enforcement Officer.