

TOWN OF SMITHFIELD ANNUAL TOWN MEETING

To: Meredyth Tuttle a resident of the Town of Smithfield, in said county of Somerset and State of Maine:

Greetings:

In the name of the State of Maine you are hereby required to notify and warn the Inhabitants of the Town of Smithfield qualified to vote in Town affairs, to assemble in said Town, at the Municipal Building (926 Village Rd), Saturday March 9, 2024, at nine forty-five o'clock (9:45 AM) in the morning to elect a moderator to preside at said meeting, to elect officers for the ensuing year and vote on question #3. Polls are open from 10:00 a.m. to 4:00 p.m. with the Registrar of Voters present to correct lists of voters.

The Inhabitants of the Town of Smithfield qualified to vote in Town affairs are hereby warned to assemble at the Municipal Building (926 Village Rd) at 7:00 p.m., March 9, 2024, to act on Article 4 to the end of the Warrant.

Art. 1. To elect a moderator to preside at said meeting.

Art. 2. To proceed with voting by secret ballot as directed and provided by statutes, on election of Town officers.

Art. 3. To proceed with voting by secret ballot as directed and provided by statutes, on the referendums for Local Liquor Options.

Art. 4. To see if the town would vote to EXCEED the property tax levy limit of \$629,344.00 established for Smithfield by State law if the municipal budget approved under the following articles will result in a tax commitment that is greater than the property tax levy limit.

Art. 5. To see if the Town will vote to use SNOWMOBILE REGISTRATION REFUND for the Moonshiner's Snowmobile Club.

Art. 6. To see if the Town will vote to authorize the Selectmen to sell cemetery lots within the Town of Smithfield for \$300.00 per lot. (lot size 10' x 20')

Art. 7. To see if the Town will vote to charge a \$20.00 fee, in addition to the amount of the check, for any check returned unpaid by the bank for any reason.

Art. 8. To see if the Town will vote to authorize the municipal officers to spend an amount not to exceed 3/12 of the budgeted amount in each budget category of the 2024-25 annual budget during the period from February 1, 2025, to the Annual Town Meeting.

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Art. 9. To see if the Town will vote to authorize the Selectmen to borrow on the credit of the Town a sum of money sufficient to cover the running of the Town between the close of the books and the Annual Town Meeting.

Art. 10. To see if the Town will vote to set the interest rate payable by the Town on prepaid abated taxes at five (5%) percent pursuant to 36 M.R.S.A section 506-A.

Art. 11. To see if the Town will vote to authorize the Tax Collector to accept Monies prior to the tax commitment.

Art. 12. To see if the Town will vote to allow a one and a half (1.5%) percent discount, if requested, on all real and personal taxes paid in full within 30 days after the date of mailing the tax bills.

Art. 13. To see if the Town will vote to authorize the selectmen to sell and convey by quit claim deed any tax acquired property by sealed bid only after said property has been advertised in a paper of local circulation. Selectmen are to allow delinquent taxpayers the opportunity to redeem their former property until such time as a bid is accepted from another person on the advertised day of sale, by paying back taxes, administrative costs, and interest to the date of the sale. The Selectmen reserve the right to accept or reject all bids.

Art. 14. To see if the Town will vote to authorize the Selectmen to borrow on temporary loan or loans within the fiscal year ending January 31, 2025, in anticipation of taxes for purposes of paying obligations of the Town, such loans to be paid during the said fiscal year.

Art. 15. To see if the Town will vote to make taxes due and payable when billed, with a charge of eight and a half (8.50%) percent per annum on all unpaid taxes as of November 30, 2024. All taxes unpaid as of November 30, 2024, will be published in the Town Report as delinquent taxpayers.

Art. 16. To see if the Town will vote to set the pay for laborers and equipment not to exceed State rates for roads.

Art. 17. To see if the Town will vote to accept the following categories of State and Federal Funds during the 2024 fiscal year (2/1/24-1/31/25):

- Municipal Revenue Sharing
- Local Road Assistance
- State Aid to Education (including Federal pass-through funds and property Tax relief)
- Civil Emergency Funds (Emergency Management Assistance)
- Snowmobile Registration Money
- Tree Growth Reimbursement
- General Assistance Reimbursement

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- Veterans Exemption Reimbursement
- State and Federal Grants or Other Funds (this category includes all funds received from the State and Federal that are not included in items above.)

Art. 18. To see if the Town will vote to accept and utilize \$474,880.00 in estimated revenues to reduce tax commitment.

MOTOR VEHICLE EXCISE TAX	\$260,000.00
WATERCRAFT EXCISE TAX	\$4,340.00
STATE MUNICIPAL REVENUE SHARING	\$130,000.00
LOCAL ROAD ASSISTANCE	\$20,540.00
VETERAN'S REIMBURSEMENT	\$1,800.00
INTEREST ON TAXES & LIENS	\$6,200.00
TREE GROWTH REIMBURSEMENT	\$12,000.00
VETERAN'S REIMBURSEMENT	\$40,000.00

Art. 19. To see if the Town will authorize the Board of Selectmen to dispose of surplus Town-owned personal property in a manner that the Board determines to be in the best interest of the Town of Smithfield.

Art. 20. To see if the Town will raise and appropriate \$50,000 for the principal payment and \$1,560 for the interest payments due for the Fire Tanker Engine bond payment. (Payment 4 of 6)

Budget Committee Recommends: Yes

Art. 21. To see if the Town will vote to raise and appropriate \$20,000.00 for the thirty (30) day one and a half (1.5%) percent discounts.

Budget Committee Recommends: Yes

Art. 22. To see if the Town will vote to raise and appropriate \$200,000.00 to use for payments of goods and services for town owned roads in the Paving and Reconstruction Road Reserve Account. (Current Balance \$410,748.11) (Annual **Roadblock Grant** \$20,540.00 will be used for Paving)

Budget Committee Recommends: Yes

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Art. 23. To see if the Town will vote to set the pay of Town Officials/Employees and to raise and appropriate \$147,825.00 and appropriate from **SURPLUS** \$7,665 as follows:

Budget Committee Recommends: Yes

GENERAL GOVERNMENT				
	Salary	Expenses	Total	Acct
1st Selectmen	\$3,500.00	\$750.00	\$4,250.00	GG
2nd Selectmen	\$3,500.00	\$750.00	\$4,250.00	GG
3rd Selectmen	\$3,500.00	\$750.00	\$4,250.00	GG
Administrative Assistant	\$50,738.00		\$50,738.00	GG
Treasurer	\$4,893.00	\$500.00	\$5,393.00	GG
Tax Collector	1 1/4 RE&PP	4% Excise	\$35,000.00	GG
Town Clerk	\$8,755.00	\$500.00	\$9,255.00	GG
Deputy Town Clerk	\$500.00		\$500.00	GG
Registrar of Voters	\$2,524.00	\$250.00	\$2,774.00	GG
Animal Control Officer	\$2,540.00		\$2,540.00	GG
Deputy ACO	\$200.00		\$200.00	GG
Health Officer	\$250.00		\$250.00	GG
Code Enforcement Officer	\$15,450.00		\$15,450.00	GG
Election Officials	\$5,000.00	\$14.15hr	\$5,000.00	GG
Budget Committee	\$15.00	Per meeting	\$350.00	GG
Planning Board	\$15.00	Per meeting	\$700.00	GG
Planning Board Chair	\$50.00	Annual	\$50.00	GG
Appeals Board (Surplus)	\$15.00	Per meeting	\$225.00	GG
Appeals Board (Surplus)	\$25.00	Annual	\$25.00	GG
Moderator	\$100>4hrs \$50.00<4hrs		\$250.00	GG
Assessing Agent	1 year contract		\$3,625.00	GG
Assessing Agent (Surplus)			\$7,415.00	
Road Commissioner	Stipend		\$3,000.00	RBC

Art. 24. To see if the Town will vote to raise and appropriate \$1,871.00 for the Kennebec Valley Council of Government.

Budget Committee Recommends: Yes

Art. 25. To see if the Town will vote to raise an appropriate \$154,295.00 for General Expense. (See 2023 General Expense details on pages 62-63)

Budget Committee Recommends: Yes

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Art. 26. To see if the Town will vote to appropriate from **SURPLUS** \$500.00 for Kennebec Valley Regional Super Park.

Budget Committee Recommends: Yes

Art. 27. To see if the Town will vote to raise and appropriate \$76,050.00 for the Fire Department Operations Account. (See 2023 Operations expense details on pages 64-66)

Budget Committee Recommends: Yes

Art. 28. To see if the Town will vote to have any balance left in the Fire Department Operation Account lapse to the Fire Department Contingency Fund at the end of the fiscal year.

Art. 29. To see if the Town will raise and appropriate \$36,500.00 and appropriate from **SURPLUS** \$10,000.00 for Fire Department Salary & Expenses Account. (Includes stipends and \$18 hr. for calls and training)

Budget Committee Recommends: Yes

Art. 30. To see if the Town will raise and appropriate \$10,000.00 for a Fire Department Secretarial Position.

Budget Committee Recommends: Yes

Art. 31. To see if the Town will raise and appropriate \$23,125 for the Delta Ambulance Service Contract. (Based on \$25.00 per capita, 925)

Budget Committee Recommends: Yes

Art. 32. To see if the Town will vote to raise and appropriate \$6,550.00 for Workers Compensation.

Budget Committee Recommends: Yes

Art. 33. To see if the Town will vote to raise and appropriate \$5,200.00 for the electricity of Street Lights.

Budget Committee Recommends: Yes

Art. 34. To see if the Town will vote to raise and appropriate \$90,000.00 for Waste Management Disposal Service using the Norridgewock facility.

Budget Committee Recommends: Yes

Art. 35. To see if the Town will vote to appropriate from **SURPLUS** \$21,205.89 for an overdraft in the Waste Management Disposal Service using the Norridgewock facility.

Budget Committee Recommends: Yes

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Art. 36. To see if the Town will vote to raise and appropriate \$23,996.00 and appropriate from **SURPLUS** \$2,000.00 for Cemeteries-General Care Account.

Budget Committee Recommends: Yes

Art. 37. To see if the Town will vote to raise and appropriate \$3,000.00 for General Assistance.

Budget Committee Recommends: Yes

Art. 38. To see if the Town will vote to raise and appropriate \$237,941.00 for RBC Winter Roads. (Includes 3 winter contracts, salt & sand purchases, stockpiling, and snow removal)

Budget Committee Recommends: Yes

Art. 39. To see if the Town will vote to appropriate from **SUPRLUS** \$50,946.35 for and overdraft in RBC Winter Roads.

Budget Committee Recommends: Yes

Art. 40. To see if the Town will vote to raise and appropriate \$30,000.00 for RBC General Repairs.

Budget Committee Recommends: Yes

Art. 41. To see if the Town will vote to raise and appropriate \$3,724.00 and appropriate from **SURPLUS** \$2,276.00 for RBC Resurfacing.

Budget Committee Recommends: Yes

Art. 42. To see if the Town will vote to raise and appropriate \$10,000.00 for RBC Grading.6

Budget Committee Recommends: Yes

Art. 43. To see if the Town will vote to raise and appropriate \$500.00 for RBC Storm Debris Removal.

Budget Committee Recommends: Yes

Art. 44. To see if the Town will vote to raise and appropriate \$10,000.00 for RBC Brush/Overhang Maintenance.

Budget Committee Recommends: Yes

Art. 45. To see if the Town will vote to raise and appropriate \$700.00 for E911 Road Signs Maintenance and Installation.

Budget Committee Recommends: Yes

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Art. 46. To see if the Town will vote to appropriate from **SURPLUS** \$607.44 for and overdraft in the E911 Road Signs Maintenance and Installation.

Budget Committee Recommends: Yes

Art. 47. To see if the Town will vote to appropriate from **SURPLUS** up to \$10,000.00 to meet unanticipated expenses and emergencies, which may occur during the fiscal year ending January 31, 2025.

Budget Committee Recommends: Yes

Art. 48. To see if the Town will vote to raise and appropriate \$3,750.00 for 7 Lakes Alliance. (Conservation Corp.)

Budget Committee Recommends: Yes

Art. 49. To see if the Town will vote to raise and appropriate \$3,750.00 for 7 Lakes Alliance. (Milfoil Program)

Budget Committee Recommends: Yes

Art. 50. To see if the Town will vote to raise and appropriate \$3,500.00 for the East Pond Association.

Budget Committee Recommends: Yes

Art. 51. To see if the Town will vote to raise and appropriate \$3,500.00 for the North Pond Association.

Budget Committee Recommends: Yes

Art. 52. To see if the Town will vote to raise and appropriate \$1,500.00 for Smithfield Maine Historical Society.

Budget Committee Recommends: Yes

Art. 53. To see if the Town will vote to raise and appropriate \$1,000.00 for The Smithfield Moonshiners.

Budget Committee Recommends: Yes

Art. 54. To see if the Town will vote to raise and appropriate \$200.00 for the Lebanon Lodge #116 (Books for Bikes Program).

Budget Committee Recommends: Yes

Art. 55. To see if the Town will vote to raise and appropriate \$1,667.00 for the Spectrum Generations.

Budget Committee Recommends: Yes

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Art. 56. To see if the Town will vote to raise and appropriate \$925.00 for the Life Flight Foundation.

Budget Committee Recommends: Yes

Art. 57. To see if the Town will vote to raise and appropriate \$1,650.00 for a scholarship to be awarded to a graduating Smithfield student, with the highest-grade point average, who will be continuing their education after graduating from S.A.H.S. The Skowhegan Area High School Scholarship Committee will determine the award recipient.

Budget Committee Recommends: Yes

Art. 58. To see if the Town will vote to raise and appropriate \$4,100.00 and appropriate from **Coronavirus Local Fiscal Recovery Funds a/k/a American Rescue Plan Act or ARPA** \$60,690.15 for Recreation Account. (ARPA monies for repairs/maintenance to Ballfield property)

Budget Committee Recommends: Yes

Art. 59. To see if the Town will vote to raise and appropriate \$5,000.00 for a Municipal Flagpole from the Recreation Account.

Budget Committee Recommends: Yes

Art. 60. To see if the Town will vote to raise and appropriate \$33,333.00 for the Assessing Revaluation Reserve Account. (Current balance \$66,666.00)

Budget Committee Recommends: Yes

Art. 61. To see if the Town will vote to raise and appropriate 10,000.00 for Capital Improvements Reserve. (Current Balance \$44,423.23)

Budget Committee Recommends: Yes

Art. 62. To see if the Town will vote to raise and appropriate \$2,000.00 for the Anniversary Reserve. (Current Balance \$2,211.49) (Leap Year Celebration August 2024)

Budget Committee Recommends: Yes

Art. 63. To see if the Town will vote to raise and appropriate \$30,000.00 for the Equipment Reserve. (Current Balance \$110,828.41)

Budget Committee Recommends: Yes

Art. 64. To see if the Town will vote to appropriate from **EQUIPMENT RESERVE** \$100,000.00 to purchase a new rescue vehicle.

Budget Committee Recommends: Yes

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Art. 65. To see if the Town will vote to raise and appropriate \$1,000.00 for the Library Reserve to purchase a computer. (Current Balance \$3,467.63)

Budget Committee Recommends: Yes

Art. 66. To see if the Town will accept the proposed changes to the Minimum Lot Size Ordinance, Section 1 Minimum Lot Standards and Section 3 Accessory Dwelling Units and Section 8 Perpetuity. (See page 111-114 for proposed amendment)

Planning Board Recommends Yes

Art. 67. To see if the Town will accept the proposed changes to the Subdivision Ordinance, section 4 General Requirements, subsection 1 (11) & (12). Section 5 Administration, subsections E & F, Section 6 Application Procedure, subsection B Preliminary Plan Submittal, Section 7 Design & Construction Standards, subsection I Cluster Development subsection 2 (b), and Section 10. (See page 115-123 for proposed amendment)

Planning Board Recommends Yes

Art. 68. To see if the Town will accept the proposed changes to the Mobile Home Park Ordinance, Section A Minimum Standards for Street Design & Construction subsection (2) & (3). (See page 125-127 for proposed amendment)

Planning Board Recommends Yes

Art. 69. To see if the Town will accept the proposed changes to the Shore Land Zoning Ordinance, Section 14 Table of Land Uses, Table 1 (29 & 30) (See pages 124 for proposed amendment)

Planning Board Recommends Yes

Art. 70. To see if the Town will accept the proposed changes to the Holding Tank Ordinance Section 4 Rules & Regulations, Section 6. Duties of Owner of Improved Property, subsection C, and Section 7. Violations. (See page 127-133 for proposed amendment)

Planning Board Recommends Yes

Art. 71. To see if the Town will accept the proposed changes to the Fire Department By-Laws, Section I (E), Section IV General Regulations (I) & (J) and Section VI Discipline (A) & (G) (See page 122-126 for proposed amendment)

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Given under our hands this 6th day of February, 2024

1st Selectmen:

Richard A. Moore Richard A Moore

2nd Selectmen:

Laurie Landry Laurie Landry

3rd Selectmen:

Justin Furbush Justin Furbush

Selectmen, Town of Smithfield, Maine

A true copy of the warrant,

Attest:

Clerk of Smithfield

RETURN OF THE WARRANT

Smithfield, Maine

Pursuant to the within Warrant to me directed, I have notified and warned the inhabitants of said town, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said Warrant at the Town Office, Smithfield Post Office, Tax Collector's Office, Smithfield General Store and Tri Pond Variety in said town, being public and conspicuous places in said town, on this 1st day of March 2024, being at least seven days before the election.

Signature of Resident

Date

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TOWN OF SMITHFIELD MINIMUM LOT SIZE ORDINANCE

ADOPTED: March 11, 1981

AMENDMENTS: November 3, 1981, March 9, 1996, March 8, 2008,
March 13, 2010, March 12, 2016, **March 9, 2024**

1. Minimum Lot Standards

Unless otherwise permitted by this Ordinance, all lots must meet the minimum standards required below. If more than one dwelling unit or other principal structure or use, or combination thereof, is constructed or established on a single lot, all dimensional requirements for land area and frontage shall be met for each additional dwelling unit, principal structure or use. **As for how this pertains to areas within Shore Land Zoning, please reference the SLZ section 15A. (A hyperlink will be added to the new wording)**

A. Minimum lot size of 80,000 square feet

- (1) Within a Cluster Development (as defined by the Town of Smithfield Subdivision Ordinance), the minimum lot size may be reduced to no less than 40,000 square feet for detached single-family residences and duplexes. Multi-family structures (three or more dwelling units per structure) may be placed on lots containing a minimum of 20,000 square feet per unit. An overall density of no less than 80,000 square feet for each dwelling unit, exclusive of land for rights-of-way for streets and utilities, shall be maintained, with the balance of the land dedicated as common open space to be preserved and maintained for aesthetic value, recreational use, or conservation purposes.
- (2) The minimum size of a lot within a mobile home park shall be as provided by state law and the provisions of Section 12 of the Town of Smithfield Mobile Home Park Ordinance.

B. Minimum road frontage of 200 feet

- (1) Within a Cluster Development (as defined by the Town of Smithfield Subdivision Ordinance), the minimum required road frontage shall be 150 feet on state roads or town ways, or 100 feet on private roads.
- (2) Within a mobile home park, minimum required frontage may be reduced to 100 feet (for lots with subsurface waste disposal systems) or 75 feet (for lots served by a central subsurface waste disposal system) on those roads owned and maintained by the mobile home park.
- (3) Where frontage on a road cannot be provided, a right-of-way shall be provided to the lot, and at least one lot line adjacent (the whole length) to the right-of-way shall measure no less than 200 feet. The right-of-way shall measure at least forty (40) feet in width and contain a graveled or paved driveway of sufficient width and construction to support emergency vehicles.

2. Grandfather Clause

A single lot of record at the effective date of adoption of this Ordinance may be built upon even though it does not meet the area and dimensional requirements stated above.

3. ACCESSORY DWELLING UNITS

Pursuant to State of Maine 19-100 Department of Economic & Community Development, Chapter 5, Housing Opportunity Program: Municipal Land use and Zoning Ordinance Rule, P. L. 2021, Ch. 672 In accordance with State of Maine LD 2003, affordable housing requirements will be allowed to legally existing lots of record as of the date of this ordinance.

A. GENERAL

1. One accessory dwelling unit may be located on the same lot as a single-family dwelling unit in any area in which residential uses are permitted, including as a conditional use, subject to the requirements outlined below. Private, State, or local standards such as homeowners' association regulation, deed restrictions, set back, density, septic requirements, shoreland zoning and subdivision law may also apply to lots.
2. Accessory dwelling units in the shoreland zone that would otherwise meet the shoreland zoning requirements established by the Department of Environmental Protection, Title 28, Chapter 3, and municipal shoreland zoning ordinances may be allowed.

B. REQUIREMENTS

1. Accessory Dwelling Unit Allowance

An accessory dwelling unit may be constructed only:

- a) Within an existing dwelling unit on the lot;
- b) Attached to a single-family dwelling unit; or
- c) As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.
- d) An accessory dwelling unit may be constructed or established within an existing accessory structure, except the setback requirements of Section 4(B)(3)(b)(i) shall apply.

2. Other

With respect to accessory dwelling units:

- a) An accessory dwelling unit is exempt from any density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed;
- b) For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to a single-family dwelling unit, the dimensional requirements, excluding lot area requirements, and setback requirements must be the same as the dimensional requirements and setback requirements of the single-family dwelling unit;

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- i. For an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of the implementation date, the required setback requirements in local ordinance of the existing accessory or secondary building apply.
- c) An accessory dwelling unit that was not built with municipal approval must be allowed if the accessory dwelling unit otherwise meets the requirements for accessory dwelling units of the municipality and under this Section. After the fact permit violation fine of \$300.00 will be assessed to the property owner.

3. Size

- a) An accessory dwelling unit must be at least 190 square feet, but not to exceed 1200 square feet (footprint) in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.
- b) Legally existing structures of record, prior to March 9, 2024, even if greater than 1200 square feet, shall be allowed provided conversions meet applicable building and sanitary septic standards, per State & Municipal Rules & Ordinances.

4. Water and Wastewater

An owner of an accessory dwelling unit is required to provide written verification that the proposed accessory dwelling unit is to be connected to adequate water and wastewater services prior to certification of the accessory dwelling unit for occupancy or similar type of approval process. Written verification must include the following:

- a) If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
- b) If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;
- c) If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment

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for the connection and the volume and supply of water required for the unit; and

If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

4. Multiple lots of Record

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

5. Lot of Record

Lots of record is defined as a parcel of land, a legal description of which, or the dimensions of which, are recorded on a document of maps on file with the County Registry of Deeds.

6. Amendments

This Ordinance may be amended by a majority vote of the governing body. The Board of **Selectmen** shall hold a public hearing on the proposed amendment at least 30 days prior to the meeting, and a notice of the hearing shall be posted at least 10 days in advance in a newspaper of general circulation in the area.

7. Appeals, Variances, and Enforcement

Appeals, variances, and enforcement shall be carried out in accordance with the provisions of the Shoreland Zoning Ordinance for the Town of Smithfield which is hereby incorporated by Reference; Section 16, paragraphs G & H.

~~8. Repeal~~

~~The previous minimum lot size ordinance amended March 13, 2016 is hereby repealed.~~

8. Perpetuity

This ordinance will be in effect until modified by a majority vote at an Annual Town Meeting.

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TOWN OF SMITHFIEL SUBDIVISION REGULATIONS

ADOPTED: June 2, 1986

AMENDMENTS: March 14, 1987; March 10, 1990; March 9, 1991;
March 14, 1992; March 13, 1999, March 8, 2008, March 12, 2016 **March 9, 2024**

A REGULATION DEFINING SUBDIVISION; REQUIRING THE APPROVAL OF ANY SUBDIVISION BY THE PLANNING BOARD BEFORE WORK MAY BE COMMENCED; AND ESTABLISHING PROCEDURES THEREFORE: STATING THE CONTENTS REQUIRED IN THE PRELIMINARY AND FINAL SUBDIVISION PLANS AND ESTABLISHING MINIMUM STANDARDS FOR SUBDIVISION DESIGN AND CONSTRUCTION. THESE STANDARDS ARE CONCERNED WITH THE DESIGN OF NEW DEVELOPMENTS AS WELL AS STANDARDS FOR THOSE DEVELOPMENTS.

SECTION 1. GENERAL

1. Authority:

These regulations have been prepared in accordance with the provisions of Title 30-A, M.R.S.A., Chapter 187, § 4401.

2. Validity and Severability:

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

3. Conflict with other Ordinances:

This Ordinance shall not repeal, annul or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, 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.

SECTION 2. SUBDIVISION DEFINED

The definition of Subdivision shall be the same as is found in Title 30-A, M.R.S.A. § 4401.

SECTION 3. PURPOSE

The purpose of these regulations is to protect and preserve the public's health, safety, and general welfare; and to assist the Planning Board in equitable implementation of these regulations.

SECTION 4. GENERAL REQUIREMENTS

Before granting approval of a subdivision, the Planning Board shall be satisfied that the following criteria have been met. The proposed subdivision:

1. Will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:
 - a. The elevation of land above sea level and its relations to flood plains.
 - b. The nature of soils and subsoil's and their ability to adequately support waste disposal.
 - c. The slope of the land and its effect on effluents.

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- d. The availability of streams for disposal of effluents.
 - e. The applicable State and Local Health and Water regulations.
2. Has sufficient water available for the reasonably foreseeable needs of the subdivision.
 3. Will not cause an unreasonable burden on existing water supply if one is to be utilized.
 4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
 5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed.
 6. Will provide adequate sewage disposal.
 7. Will not cause an unreasonable burden on the ability of the local municipality to dispose of solid waste and sewage if municipal services are to be utilized.
 8. Will not have an undue adverse effect on the scenic or natural beauty or the area, aesthetics, historic sites, or rare and irreplaceable natural areas.
 9. Is consistent with the need to minimize flood damages.
 10. Is in conformance with duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any.
 11. ~~The subdivider has adequate financial and technical capacity to meet the above standards~~
 12. Whenever situated, in whole or in part, within 250 feet of any pond, lake, river, or tidal waters, ~~will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water~~ please reference Shore Land Zoning Ordinance section 15. (a hyperlink will be added to the above sentence)

SECTION 5. ADMINISTRATION

The following administrative procedures are hereby established:

A. Subdivision Review and Approval Required:

No person, firm, corporation, or other legal entity may offer to sell or lease any land in a proposed subdivision as defined herein which has not been approved by the Planning Board in accordance with all of the regulations contained herein, nor shall such subdivisions be recorded in the county registry of deeds until such approval by the Planning Board is received.

B. Fees:

All Subdivision applications shall be accompanied by an application fee, payable at the time of filing. The fee shall be sufficient to compensate the municipality for the reasonable costs of processing the application. Fees shall be set, and may be amended, by the Board of Selectmen, and shall consist of a base fee, plus a variable fee based on the size or complexity of the development. The board shall hold a public hearing prior to setting or amending the fee schedule.

C. Subdivision Development:

No utility installations; no ditching, grading, or construction of roads; no grading of land or lots; and no construction of buildings shall be done on any part of the subdivision until a final Plan of such subdivision has been duly prepared, submitted, reviewed, approved, and endorsed as provided in this Ordinance, nor until an attested copy of the Final Plan so approved and so endorsed has been duly recorded by the subdivider in the County Registry of Deeds.

D. Public Hearing:

In the event the Planning Board determines to hold a public hearing on an application for subdivision approval, it shall hold such hearing within 30 days of receipt by it of a completed application, and shall cause notice of the date, time and place of such hearing to the person making the application and to be published in a newspaper of general circulation in the municipality in which the subdivision is proposed to be located, at least 2 times, the date of the first publication to be at least 7 days prior to the hearing.

E. Site Visit

The Planning Board may require a site visit if deemed necessary to review the property in question prior to a public hearing.

E.F. Planning Board Action:

The Planning Board shall within 30 days of a public hearing or within 60 days of receiving a completed application (or final plan), if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, issue an order denying or granting approval upon such terms and conditions as it may deem advisable to satisfy any other regulations adopted by the Planning Board and to protect and preserve the public's health, safety and general welfare. In all instances, the burden of proof shall be upon the persons proposing the subdivision in issuing its decision; the Planning Board shall make findings of fact establishing that the proposed subdivision does or does not conform to these regulations.

SECTION 6. APPLICATION PROCEDURE

An application containing all of the submission requirements identified in subsections (A), (B), & (C), below, and a letter of intent shall be submitted at the town office during normal working hours at least fourteen (14) days prior to a scheduled planning board meeting or 21 days if the commercial is within Shore Land Zone, unless alternative arrangements have been made in advance. (A) One 24" x 36" and eight 11" x 17" site plan shall be submitted if the applicant chooses. (B) Two 24" x 36" and eight 11" x 17" site plans are required to be submitted, (C) Two 24" x 36" and eight 11" x 17" site plans are required to be submitted. Eight letters of intents with all required other documentations must be submitted.

<Application for approval of a subdivision may include the submittal of a sketch plan and shall include the submittal of a preliminary plan and a final plan>

A. Sketch Plan Submittal:

The applicant is urged to present to the Planning Board for formal review and comment on a sketch plan of the proposed subdivision. Such a sketch plan would show in general terms the layout of lots and any streets or similar items.

B. Preliminary Plan Submittal:

A preliminary plan shall be submitted in ~~triplicate~~ duplicate by any applicant for subdivision approval. In addition to the preliminary plan, the Planning Board may require that the applicant or others carry out studies deemed necessary or desirable to protect and assure the health, safety, and welfare of the citizens of the Town, including the future occupants of the subdivision, whether residential, commercial, or industrial. The Planning Board shall notify the applicant in writing of the vote of the Planning Board in regard to the preliminary plan.

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The preliminary plan shall contain the following information:

1. Name and title of subdivision
2. Date and submittal to Planning Board
3. Boundaries of the tract and North point
4. Name of owner(s), engineer(s), or surveyor(s)
5. Name of all abutting property owners
6. Name and location of all existing streets or roads
7. Proposed location and means of sewage disposal and, if on-site sewage systems are to be utilized, evidence of soil suitability, published soils maps or soils tests by a qualified person
8. Lines and dimensions of all lots
9. Scale of Map (100 feet to the inch is desirable)
10. Right-of-way lines and width of proposed driving surface
11. Location of features, natural and man-made, on or abutting the proposed subdivision such as water bodies, streams, wooded areas, railroads, utilities (high lines, underground telephone lines, water and sewer lines, etc.) water courses, ledge within five feet of the surface, buildings, high water marks, flood information (such as flood plain soils, flood or record elevations, 100 year flood elevations, aerial photographs of flooding, and reports, studies and information so as to better plot flood contour elevations), and similar features.
12. Name, location, profile, and cross sections, radius of curves of all existing and proposed streets.
13. Kind, location, profile, and cross sections of all existing and proposed drainage structures.
14. Topographic map of the tract with a contour interval of five feet or other interval as may be specified by the Planning Board.

C. Final Plan Submittal:

A final plan shall be submitted by all applicants for subdivision approval. The final plan submitted by the applicant shall consist of three prints and an inked original on cloth or similar materials, capable of reproduction, which shall contain:

1. Existing and final proposed lines of streets, ways, lots, easements, and public or common areas within the subdivision.
2. Sufficient data to determine the location, direction with calculated bearing, and length of every street and way line, lot line and boundary line, and to establish these lines on the ground.
3. Location of all permanent monuments properly identified as to whether existing or proposed.
4. The seal and signature of a registered surveyor.
5. Name of the subdivision, street names, and lot and block numbers.
6. The methods of sewage disposal authorized for each lot. A lot-by-lot soils suitability determination for on-site sewage disposal shall be made by a licensed soils scientist or other qualified person. This determination shall be based on the Maine State Plumbing Code for private sewage disposal. If alternate planned waste disposal systems are to be used, written approval from the Department of Health and Welfare, Division of Health Engineering and/or the Maine Department of Environmental Protection must be present.
7. Suitable space to record on the final plan approval by the Board with conditions, if

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any, and also the date of such approval as follows:

APPROVED: Town of Smithfield Planning Board SIGNED: (signed by five Planning Board Members)

DATE and CONDITIONS (all conditions listed or referenced to documents on file with the Registry of Deeds in the County)

8. Evidence that the subdivider has filed a certified check or a performance bond to cover the full cost of the required improvements, with the municipal treasurer. Any such bond shall be satisfactory with the municipal officials and the municipal attorney as to form, efficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years), shall be set forth in the bond for the time within which required improvements must be completed. Before a subdivider may be released from any obligation required by his guarantee of performance, the Planning Board will require certification from the municipal officers based on a field inspection by a qualified technician to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, State and Municipal codes and ordinances.

SECTION 7. DESIGN AND CONSTRUCTION STANDARDS

The following design and construction standard shall be followed in any subdivision:

A. Minimum Lot Size:

Any lot within a subdivision in Smithfield must have at least 80,000 square feet and not less than 200 feet street or road frontage, with no lot line less than 200 feet, except as provided for in Subsection I, for Cluster Developments.

B. Minimum Standards for Street Design and Construction:

1. Minor streets shall be designed to discourage through traffic.
2. Width of right-of-ways shall be a minimum of 50 feet with 66 feet desirable and the Planning Board may require additional width where the street may reasonably expect heavy usage.
3. The width of traveled ways shall be a minimum of two 10 foot traffic lanes plus 2-foot shoulders on each side and 2 to 1 foot slope to the ditch. The Planning Board may require that additional width be required for streets which will receive heavy usage.
4. The radius of center line curves shall be 100 feet at the minimum, with streets which will receive heavy usage up to 500 feet.
5. The angle of street intersections shall be as close to 90 degrees as possible; but in no case less than 60 degrees.
6. Street grades shall be a minimum of 0.5 percent, a maximum of 10 percent which may be varied by the Planning Board in certain cases. Grade at intersections shall be a maximum of 3 percent within 50 feet of the intersection.
7. Cul-de-sac and dead-end streets shall have a maximum length of 800 feet with a minimum property line radius of 100 feet and a minimum turning radius of 50 feet at the closed end. Use of a T-shaped turn-around will be permitted as an alternative. In the latter case, the turnaround shall be at least 24 feet wide, 40 feet long and shall be located between 50 and 100 feet from the end of the street (all dimensions cited for the T-shaped turnaround are for the traveled way).
8. Construction of streets shall conform to the requirements of the Town of Smithfield Road Ordinance or shall meet the following minimum requirements:

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- a. 18 inches of road base bank gravel with no rocks larger than 8 inches shall be required.
- b. 4 inches of upper base fine bank run gravel (with no stones larger than 2 inches) shall be required.
- c. Road crown shall be at least 1/4 inch/one foot.
- d. Bituminous paving 3 inches thick (2-inch base, 1 inch surface) may be required.

*All street construction shall conform to good engineering practices and be suitable for the intended usage of the street. The developer will notify the selectmen when the road is completed.

*No street or road shall be constructed until the Board of Selectmen has been furnished with a bond; said bond shall be in the amount of \$6.00 per foot in length of said street or road with a minimum of \$6,000.00 regardless of length.

*The Road Commissioner and Selectmen will periodically inspect the road during construction to ensure that it meets Smithfield specifications. The bond will be released when the Road Commissioner and Selectmen determine that the road meets Smithfield specifications.

*The acceptance of the road by the Selectmen releases the bond but does not establish the road as an accepted Smithfield Town Road; the Town must vote whether or not to officially accept the road (i.e., plowing, maintenance).

C. Easements and Open Space

The Planning Board may require easements for sewage, drainage, and other utilities and may require the reservation of open space for recreation, school site, and drainage. Such open space may be required to be landscaped with trees and ground cover.

D. Public Utilities and Facilities

All public utility and facility companies must approve all proposed connections to the subdivision in regard to line size, hydrants, connections, etc. All public utilities and facilities, such as sewer, gas, electrical, must be constructed so as to minimize or eliminate flood damage. All new or replacement water supply systems and/or sanitary systems shall be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utility and facility installations must conform to State and Municipal regulations codes and ordinances.

E. On-Site Waste Disposal

All on-site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding. All on-site disposal systems shall conform to all appropriate State and Municipal regulations, codes, and ordinances.

F. Surface Water Drainage

The Planning Board may require the installation of ditches, catch basins, piping systems, and other appurtenances for the conveyance, control, or dispersal of surface waters. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

G. Markers and Monuments

All permanent markers and monuments shall be placed in the locations specified on the final subdivision plan prior to the sale of any lot in the subdivision.

H. Expert Assistance

The Planning Board may request assistance from any State, regional or local agency to ensure compliance with these standards.

I. Cluster Development

1. Purpose

The purpose of this section is to promote flexibility in the design of housing developments to allow for the creation of open space, recreational opportunities, or protection of important natural features.

2. Flexibility in Dimensional Standards

a. Notwithstanding provisions of this ordinance relating to dimensional requirements, the Board may modify said provisions to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. The Board may allow lots within subdivisions to be reduced in area and frontage below the minimum normally required in return for open space where the Board determines that the design will decrease development costs, increase recreational opportunities, and diminish the impact of the loss to open space and natural features. This shall not be construed as granting variances.

b. The Board may allow for a reduction in the minimum lot size to no less than 40,000 square feet for detached single-family units and duplexes, and 20,000 square feet per ~~unit in multi-family structures~~ **2 to 4 residential units**. An overall density of 80,000 square feet per residential unit, exclusively of land for rights-of-way for streets and utilities, shall be maintained. The minimum required road frontage may be reduced to 150 feet per lot on public roads, or 100 feet per lot on private roads.

3. Special Application Requirements.

a. A sketch plan shall be submitted showing the Clustered Development Design and indicating open space and significant natural features to be preserved. Included with the sketch plan must be a calculation showing: 1) gross acreage of the parcel to be developed, 2) amount to be deducted for road and other rights-of-way, 3) number of housing units permitted to be developed (divide by 80,000), and 4) actual acreage to be developed and preserved.

b. The preliminary plan shall include delineation of land to be designated as open space and lot or lots to be developed, together with actual area calculations for each.

c. The preliminary plan shall be accompanied by a description of open space, including the amount of open space unusable for recreation on account of steepness or wetness, any improvements proposed (including, but not limited to trails and playground equipment), and proposed ownership of the open space. If ownership of the open space is through a lot of owner's association, a sample of legal documents necessary shall be submitted.

d. Each building or building site shall be shown on the preliminary plan. The application shall illustrate the placement of buildings and the treatment of spaces, paths, roads, service, and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of this ordinance.

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4. Requirements for Developed Lots within a Clustered Development:

- a. Developed area shall meet all requirements of this ordinance except the dimensional requirements as presented to the Board.
- b. No building shall be sited on slopes steeper than 25%, within 200 feet of the high-water mark of East Pond or North Pond, or within 100 feet of any water body or wetland, or on soil classified as being very poorly drained.
- c. The distance between buildings shall not be less than 20 feet.
- d. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

5. Requirements for Open Space within a Clustered Development

- a. No less than 30% of the reserved open space shall be usable for public recreation. The sub divider shall specify at time of application whether the open space will be accessible to the general public.
- b. The open space shall be easily accessible from a public or private way or be contiguous to every newly-created lot. In no case will a lot be located more than 1,000 feet from the access to reserved open space.
- c. The subdivider shall definitively establish who will own the open space following development. The open space may be owned by an individual, dedicated to the Town, or to a separate association dedicated to its preservation. Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. When open space is to be owned by an entity other than the Town, there shall be a conservation easement properly executed prohibiting future development.
- d. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the open space.
- e. Where a Clustered Development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the open space.

J. Common Property and Facilities

1. All common property and facilities, including but not limited to open space, community buildings, roads, and utilities, shall be placed under the management of an entity qualified and responsible for its use and maintenance. Where a lot of owner's association will be formed, the Articles of Incorporation, Bylaws, and Covenants shall, in combination, provide for the following:
 - a. The association shall have responsibility for maintaining the common property or facilities.
 - b. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.

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- c. Membership in the association is mandatory for owners of land within its jurisdictional area. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.
- d. The subdivider shall maintain control of the common property and be responsible for its maintenance until development sufficient to support the association has taken place. Such a determination shall be made by the Board upon request of the lot owners' association or the sub divider.

SECTION 8. ENFORCEMENT

Any person, firm, corporation, or other legal entity who sells, leases, or conveys for consideration any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than \$1000 for each sale, lease, or conveyance for consideration, offering or agreement. The Attorney General, the municipality or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.

SECTION 9. VARIANCE

Where the Planning Board finds that extraordinary and unnecessary hardships may result from the strict compliance with these standards or where there are special circumstances of a particular plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variance will not have the effect of nullifying the intent and purpose of these standards.

SECTION 10. RESUBDIVISION Revision

After approval of a plan plat by the Planning Board, any additional division of land within or contiguous to that plat or any change to lots or privately owned right-of-way created by the subdivision shall be classified as a ~~subdivision~~ revision and shall be subject to the full requirements of these regulations for review and approval, including application and lot fees.

SECTION 11. EFFECTIVE DATE

The effective date of this Ordinance is the date of adoption by the Town Vote.

SECTION 14. TABLE OF LAND USES

All land use activities, as indicated in Table 1, Land Uses in the Shore land Zone, shall conform to all the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shore land Zoning Map.

Key to Table 1:

- Yes** - Allowed (no permit required but the use must comply with all applicable land use standards).
- No** - Prohibited
- PB** - Allowed with permit from the Planning Board
- CEO** - Allowed with permit from the Code Enforcement Officer
- LPI** - Allowed with permit from the Local Plumbing Inspector

Abbreviations:

- RP** - Resource Protection
- LRR** - Limited Residential-Recreational
- LRR1** - Limited Residential-Recreation Sub zone I (Commercial)
- GD I** – General Development I District
- GD II** – General Development II District
- SP** - Stream Protection

LAND USE	DISTRICTS							
	RP	LRR	LRR1	SP	GD1	GD2	REF	
24. Individual Private Campsites	CEO	CEO	CEO	CEO	N/A	N/A	15:E	
25. Campgrounds	NO(6)	PB	PB	NO	N/A	N/A	15: D	
26. Road and driveway construction	NO(7)	PB	PB	PB	N/A	N/A	N/A	
27. Parking facilities	NO(7)	PB	PB	NO	N/A	N/A	15:G	
28. Marinas	NO	PB	PB	PB	N/A	N/A		
29. Filling and earth moving under 15 10 yards	CEO	YES	YES	CEO	N/A	N/A	N/A	
30. Filling and earth moving over 15 40 yards	PB	CEO	CEO	PB	N/A	N/A	N/A	
31. Signs	YES	YES	YES	YES	N/A	N/A	15:i	
32. Uses similar to allowed uses	CEO	CEO	CEO	CEO	N/A	N/A		
33. Uses similar to uses requiring a CEO Permit	CEO	CEO	CEO	CEO	N/A	N/A		
34. Uses similar to uses requiring a PB Permit	PB	PB	PB	PB	N/A	N/A		

The State of Maine Chapter 1000 regulations state that filling and earth moving amount of yards can not be more than 10.

TOWN OF SMITHFIELD MOBILE HOME PARK ORDINANCE

March 13, 1999,

Amendments: March 12, 2016, **March 9, 2024**

SECTION 1. TITLE

This Ordinance shall be known as the “Mobile Home Park Ordinance of the Town of Smithfield”, and will be referred to herein as the Ordinance.

SECTION 2. AUTHORITY

This Ordinance has been prepared in accordance with the provisions of Title 30-A, Maine revised Statutes Annotated, Section 2001, Home Rule; Section 4401-4407, Shoreland Zoning; and Section 4358, Manufactured Housing.

SECTION 3. PURPOSE

The purpose of this Ordinance is to promote the health, safety and general welfare of the residents of the Town of Smithfield by the establishment of regulations to control the design of Mobile Home Parks. This Ordinance conforms to all applicable State of Maine laws and regulations dealing with manufactured housing in order to provide an affordable housing opportunity for the residents of the Town.

SECTION 4. CONFLICT WITH OTHER ORDINANCES

In any case where a provision of this Ordinance is found to be in conflict with a provision of any other Ordinance or Code of the Town existing on the effective date of this Ordinance or State or Federal regulation, the provision, which establishes the higher standard for the promotion and protection of health and safety, shall prevail.

SECTION 5. VALIDITY AND SEVERABILITY

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

SECTION 6. EXISTING MOBILE HOME PARKS

Mobile Home Parks legally in existence at the time of adoption of this Ordinance shall continue as a legal use, however, any expansion or enlargement shall conform to the applicable standards contained in this Ordinance.

SECTION 7. AMENDMENTS

This Ordinance may be amended by a majority vote of the legally constituted municipal governing body. Amendments may be initiated by the municipal officers, a majority vote of the Planning Board, or written petition by a number of voters equal to at least 10% of the number of votes cast on the municipality in the last gubernatorial election.

SECTION 8. APPEALS

An appeal may be taken, within 30 days from the Planning Board’s decision on the mobile home park application, by any aggrieved party to Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

SECTION 9. EFFECTIVE DATE

The following requirements shall apply to all manufactured housing units located within a mobile home park:

SECTION 15. ROAD STANDARDS

A. MINIMUM STANDARDS FOR STREET DESIGN AND CONSTRUCTION

1. Minor streets shall be designed to discourage through traffic.
2. Width of ~~right-of-way~~ private roadways shall be a minimum of ~~50 feet with 66 feet desirable~~ 23 feet wide and the Planning Board may require additional width where the street may reasonably expect heavy usage.
3. The ~~width of traveled ways~~ private roadways shall be a minimum of two 10-foot traffic lanes plus ~~2 feet 1 foot~~ shoulder on each side ~~and 2 to 1 foot slope to the ditch~~. Planning Board may require that additional width be required for streets, which will receive heavy usage.
4. The radius of centerline curves shall be 100 feet at the minimum, with streets, which will receive heavy usage up to 500 feet.
5. The angle of street intersections shall be as close to 90 degrees as possible; but in no case less those 60 degrees.
6. Street grades shall be a minimum of 0.5 percent a maximum of 10 percent, which may be varied by the Planning Board in certain cases. Grade at intersections shall be a maximum of 3 percent within 50 feet of the intersection.
7. Cul-de-sac and dead-end streets shall have a maximum length of 800 feet with a minimum property line radius of 100 feet and a minimum turning radius of 50 feet at the closed end. Use of a T-shaped turn-around will be permitted as an alternative. In the latter case, the turnaround shall be at least 24 feet wide, 40 feet long and shall be located between 50 and 100 feet from the end of the street (all dimensions cited for the T-shaped turnaround are for the traveled way).
8. Construction of streets shall conform to the requirements of the Town of Smithfield Road Ordinance or shall meet the following minimum requirements:
 - A. 18 inches of road base bank gravel with no rocks larger than 8 inches shall be required.
 - B. 4 inches of upper base fine bank run gravel (with no stones larger than 2 inches) shall be required.
 - c. Road crown shall be at least 1/4 inch/one foot.
 - d. Bituminous paving 3 inches thick (2-inch base, 1 inch surface) may be required.

All street construction shall conform to good engineering practices and be suitable for the intended usage of the street. The developer will notify the selectmen when the road is completed.

The Road Commissioner and Selectmen will periodically inspect the road during

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construction

9. Mobile home park roads that intersect with public roads shall meet the following:
 - a. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.
 - b. The maximum grade within 75 feet of intersection shall be 2%.
 - c. The minimum sight distance shall be 10 times the posted speed limit on the existing road. Sight distance shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 ½ feet above the pavement and the height of the object 4 ½ feet. Where necessary, the parkland bordering the intersection shall be cleared of all growth and sight obstructions to achieve the required visibility.
 - d. The centerline of any street within a park intersecting an existing public street shall be at least 125 feet from the centerline of any other street intersecting that public street.

TOWN OF SMITHFIELD HOLDING TANK ORDINANCE

ADOPTED: March 9, 1996

Amended: March 9, 2024

BE IT ENACTED AND ORDAINED by the Selectmen of the Town of Smithfield, Somerset County, and it is hereby enacted and ordained as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive and retain wastewater from residential or commercial uses. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of this municipality.

SECTION 2. DEFINITIONS

Unless the context specifically and clearly indicated otherwise, the meaning of terms used in this Ordinance shall be as follows:

"Authority" shall mean selectmen of the4 Town of Smithfield Somerset County, Maine.

"Holding tank" A closed watertight structure designed and used to receive and store wastewater or septic tank effluent. A holding tank does not discharge wastewater or septic tank effluent to surface or ground water or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of wastewater at another site.

"Improved Property" shall mean any property within the municipality upon which there is a structure intended for continuous or periodic habitation, occupancy, or use by humans or animals and from which structure wastewater shall or may be discharged.

"Municipality" shall mean the Town of Smithfield, Somerset County, Maine.

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"Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the municipality.

"Person" shall mean any individual, partnership, company, association, corporation, or other group or entity.

"Wastewater" shall mean any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other source of water-carried wastes of human origin. This term specifically excludes industrial, hazardous, or toxic wastes and materials.

SECTION 3. RIGHTS AND PRIVILEGES GRANTED

The Authority is hereby authorized and empowered to undertake, within the municipality, the control of and methods of disposal of holding tank wastewater and the collection and transportation thereof.

SECTION 4. RULES & REGULATIONS TO BE IN CONFORMITY WITH APPLICABLE LAW

All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other ordinances of the Town of Smithfield, all-applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine. Holding tanks cannot be used for seasonal conversion **and is not allowed for a first-time residential use in the Shoreland Zone, see St of ME Subsurface Wastewater Disposal Rules, chapter 241, section 8 301.3, or new construction, within the shoreland zone of a major watercourse.**

SECTION 5. EXCLUSIVENESS OF RIGHTS AND PRIVILEGES

The collection and transportation of all wastewater from any improved property utilizing a holding tank shall be done solely by, or under the direction and control of the Authority, and the disposal thereof shall be made at such site, or the Maine Department of Environmental Protection may approve sites as.

SECTION 6. DUTIES OF OWNER OF IMPROVED PROPERTY

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this or any other Ordinance of this Town of Smithfield, the provisions of any applicable law, the rules and regulations of the Authority, and any administrative agency of the State of Maine; and
- B. Permit only the approved pumper to collect, transport, and dispose of the contents therein.
- C. **Must be made of a material impermeable to sewage and odors and protected from vehicular traffic and vandalism.**

SECTION 7. VIOLATIONS

Any person **including but not limited to a landowner, a landowner's agent, or a contractor**, who violated any provisions of Section 6 shall, upon conviction thereof by summary proceedings, **be sentenced to pay a fine of not less than one hundred (\$100) dollars and not more than three hundred (\$300) dollars, plus costs.** **shall be penalized in accordance with 30-A, section 4452. (See Board of Selectmen vote August 20, 2013 Town Book 2012 page 120)**

NOTE: Current penalties include fines of not less than \$100 "Nor" more than \$2500 per violation for each day that the violation continues.

SECTION 8. ABATEMENT OF NUISANCES

In addition to any other remedies provided in this Ordinance, any violation of Section 6 above

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shall constitute a nuisance and shall be abated by municipality or Authority by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

SECTION 9. ALTERNATIVE DISPOSAL

An alternative means of wastewater disposal shall meet first time system criteria. Replacement system criteria shall not be considered.

SECTION 10. REPEAL

All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

SECTION 11. SEVERABILITY

If any sentence, clause, Section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance.

SECTION 12. EFFECTIVE DATE

This Ordinance shall be effective five days after its adoption.

SMITHFIELD FIRE AND RESCUE DEPARTMENT BY-LAWS

Passed: JUNE 2, 1986 Amendment: March 12, 2016

March 12, 2022, **March 9, 2024**

SECTION I

Organization:

- (A) This organization shall be known as the Smithfield Fire and Rescue Department.
- (B) General Officers of the Department shall consist of a Fire Chief, a Deputy Chief, Rescue Captain, a Fire Captain and may include a Fire and/or Rescue lieutenant.
- (C) The Chief shall elect the Deputy Chief, Rescue Captain, Fire Captain, and a Fire and/or Rescue Lieutenant. The Chief and Deputy Chief shall be appointed by the Board of Selectmen at their first regular meeting after the Annual Town Meeting election in March and shall assume their duties on the following day.
- (D) The Rescue Captain must be a licensed EMT
- (E) The meetings shall be held **on the first and third Thursday of each month at 6:30 p.m. twice a month.**
- (F) Special meetings of the Department may be called by the Chief or upon written request of three (3) members of the Department. All requests must be received by the Chief a minimum of five (5) days prior to the proposed meeting date and contain a specific subject to be covered at the requested meeting.
- (G) Four members shall constitute a quorum at all meetings.

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Requirements for Officers:

(A) Requirements for candidates for Fire Chief shall meet the following criteria

1. Be an active member of the fire department for a minimum of five (5) years
2. Be interior certified
3. Commit to taking NIMS 1,2, and 7 (mandatory completed within 1 year)
4. OFC's Courses and incident command class (completed within 1 year)
5. Arson Investigation Class or OJT
6. Must demonstrate good people skills
7. Must show an ability to lead, give directions and delegate.
8. Must be able or trained to use Fire Department Software.

(B) Requirements for candidates for Deputy Chief

1. Be an active member of the fire department for a minimum of four (4) years
2. Be interior certified
3. Commit to taking NIMS 1,2, and 7 (mandatory completed within 1 year)
4. OFC's Courses and incident command class (completed within 1 year)
5. Arson Investigation Class or OJT
6. Must demonstrate good people skills
7. Must show an ability to lead and give directions
8. Must be able or trained to use Fire Department Software.

(C) Requirements for candidates for Rescue Captain

1. Be an active member of the fire department for a minimum of three (3) years
2. Be a licensed EMT
3. Commit to taking NIMS 1,2, and 7 (mandatory completed within 1 year)
4. OFC's course and incident command class (completed within 1 year)
5. Must be able to run state mandated software
6. Must demonstrate good people skills
7. Must show an ability to lead and give directions

(D) Requirements for candidates for Fire Captain

1. Be an active member of the fire department for a minimum of three (3) years
2. Be interior certified
3. Commit to taking NIMS 1, 2, and 7 (mandatory completed within 1 year)
4. OFC's course and incident command class (completed within 1 year)
5. Must be able to run fire department software
6. Must demonstrate good people skills
7. Must show an ability to lead and give directions

(E) Requirements for candidates for Lieutenant

1. Be an active member of the fire department for a minimum of two (2) years

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2. Be interior certified
3. Commit to taking NIMS 1,2, and 7 (mandatory completed within 1 year)
4. OFC's course and incident command class (completed within 1 year)
5. Must demonstrate good people skills
6. Must show an ability to lead and give directions
7. Must be able or trained to use Fire Department Software.

Paragraphs D, E, & F may be left vacant based on the needs of the department.

SECTION II

Duties:

- (A) The duties of the Chief shall be to have charge of all fire equipment belonging to the Town of Smithfield and the Smithfield Fire and Rescue Department and see that it is kept in proper condition at all times. He/she shall be in command of the entire Department at all times, and it shall be his/her duty to preside at all meetings of the Department. During his/her absence his/her duties shall descend upon the Deputy Chiefs.
- (B) The duties of the Deputy Chiefs shall be to give assistance to the Chief at all times and act in his/her capacity in the Chief's absence.
- (C) All Officers shall hold their officer position for a term of five (5) years. If termination of an officer's position is needed, the Chief and the Board of Selectmen will determine it.

SECTION III

Attendance:

- (A) To maintain an active status, all members must attend in each twelve-month (12) period, starting April 1st, at least fifty (50) percent of the twenty-four (24) regular meetings/training sessions, unless excused by the Chief. It will be the member's responsibility to notify an officer if they will be unable to attend a meeting.
- (B) Persons who attend less than fifty (50) percent of the regularly scheduled meeting/training sessions during the above described twelve-month (12) period will be placed on the restricted list.
 1. Members on the Restricted list shall not respond to any Mutual Aid calls
 2. Members on the Restricted list will be assigned to Traffic Control or Water Supply
 3. OIC may change restrictions but only as a last resort
 4. At the discretion of the chief be up for immediate termination following an in-house vote.
- (C) Persons who have more than 12 (50%) unexcused absences from meetings/training sessions during the above described twelve-month (12) period will no longer be considered members of the department. State of Maine requires 24-hours of training, any member that has not met that requirement will be up for termination.

SECTION IV

General Regulations:

- (A) Membership in the Smithfield Fire and Rescue Department shall be limited to persons eighteen (18) years of age or older.
- (B) Any person wishing to join the Smithfield Fire and Rescue Department must have access to their own transportation.
- (C) A probationary member is a person who has been accepted for membership by the chief. The probationary period shall last at least six (6) months.
- (D) Upon successful completion of at least six (6) months as a probationary member, he/she will be subject to a vote of the regular members and officers of the Department. A majority vote in the affirmative by the members present will be required for acceptance.
- (E) Only active members shall have the right to vote.
- (F) All members, including officers, shall receive an evaluation of his/her job performance in September and March.
- (G) If you receive a poor performance evaluation an officer will meet with you after three (3) months to re-evaluate.
- (H) A poor performance evaluation may result in a written warning placed in the individual's personal file.
- ~~(I) The end of the year stipend will be based on evaluations up to 100% of the allowed stipend, per chief not to exceed the allowed payroll expense appropriated.~~
- ~~(J) Those who do not meet any of the active membership requirements but attend at least one meeting/training session per year shall be considered restricted members and shall be placed on the restricted list. (repeating section III (B))~~
- (K) Members who have held active status for a period of twenty (20) years or more, and who do not attend any meetings/training sessions during the course of a calendar year, which begins in April 1st, shall be considered retired members.
- (L) The fire chief has permission to spend up to \$5,000.00 dollars per purchase order, while remaining within the approved budget. Any amount above will need to go to the Board of Selectmen for approval.
- (M) All retired members shall be honorary members of the Smithfield Fire Department without the rights to vote.
- (N) Consultants shall be considered administrative members of the Department and shall not have the right to vote.

SECTION V

Training:

- (A) It shall be the Chief's responsibility to provide adequate training for all firefighters, but this responsibility may be delegated to other persons.

SECTION VI

Discipline:

- (A) **Be The Chief will be** responsible for the discipline of the members and is hereby given the authority to suspend or expel any member for refusal to obey orders or for misconduct or failure to do his/her duty at a fire or other emergency call.
- (B) The Chief shall have the authority to discipline, suspend, or expel any member of the Department for non-emergency reasons after oral or written notice to the member of the charges, explanation of evidence and the opportunity for the member to present his/her side to the Chief and the Board of Selectmen.
- (C) Suspension time is at the discretion of the Fire Chief.
- (D) If a member is expelled from the Department, he/she may reapply for membership after one (1) year from the date of the expulsion.
- (E) Disciplinary action resulting in suspension or expulsion will be reported in writing to the Smithfield Board of Selectmen for filing with personnel records.
- (F) Three written warnings in a twelve-month period may be the cause for immediate suspension or dismissal from the fire department.
- (G) **In the event the Chief or Deputy Chief needs discipline, 3 or more members will need to (in writing) bring forth the issue to the Chief & Deputy Chief. A meeting will be called within one (1) week of the written notice to discuss the issue. If the issue is not resolved or agreed to be resolved by a vote of the members necessary, the issue will be taken to the Board of Selectmen to schedule a meeting for an executive session. A decision may be acted upon once the board is out of executive session. If the Chief and/or Deputy Chief are seen by the Board of Selectmen three (3) times within a single fiscal year for disciplinary issues, they will be demoted to regular firefighter status for no less than one (1) year.**