

**DURHAM PLANNING BOARD
WORKSHOP MEETING AGENDA
June 8, 2022**

1. Roll Call & Determination of a Quorum
2. Amendments to the Agenda
3. Informational Exchange:
 - a) Town Officials
 - b) Residents
 - c) Non-Residents
4. Continuing Business
 - a) Review of Comprehensive Plan for Ordinance Consistency
5. New Business:
 - a) New Affordable Housing Law
6. Other Business:

4. Continuing Business:

a. Review of Comprehensive Plan for Ordinance Consistency

TOWN PLANNER COMMENTS:

1. Attached are excerpts from Volume I of the 2018 Comprehensive Plan related to policy recommendations and implementation steps involving ordinance changes.
2. Green highlighting indicates recommendations that have been implemented to date, either partly or completely.
3. Yellow highlighting indicates recommendations that have not been addressed.
4. The topical areas addressed by the Comprehensive Plan involving ordinance changes are:
 - a. Historic & Archaeological Resources
 - b. Water Resources
 - c. Natural Resources
 - d. Agriculture and Forest Resources
 - e. Economy
 - f. Housing
 - g. Transportation
5. The Conservation Commission is currently working on Natural Resources in the project to realign the Resource Protection District Boundary.
6. The Town Planner is working with the Historic District Commission to implement recommended policies in Historic & Archaeological Resources.
7. Some of the policy recommendations apply to multiple topical areas (e.g., Agriculture & Economy).
8. Some of the implementation steps address multiple policies within the same topical areas (e.g., Housing 1.2 and 4.2).
9. Most of the policy recommendations involve complex issues that affect property.
10. The Town budgets provide few resources for researching these complex issues.
11. Implementation must include public participation.
12. Given the limitations of the Town's resources, efforts to implement comprehensive plan recommendations must be prioritized.
13. The comprehensive plan contains a framework of prioritization in the "Timeframe" column (short-term, mid-term, long-term, on-going).
14. Factors to consider in prioritization include how many properties are affected and external pressures like the new affordable housing law (Agenda Item 5).

HISTORIC & ARCHAEOLOGICAL POLICIES	HISTORIC & ARCHAEOLOGICAL STRATEGIES	RESPONSIBLE	TIMEFRAME
4. To update the Town's ordinances to protect significant historic and archaeological resources in the community with recognition of the need for reasonable and flexible treatment of property owners.	4.1 Review the Historic District Ordinance to consider making it a Historic Protection Ordinance that applies to all listed structures in Durham, both those inside and outside of the current Historic Preservation District.	Historic District Commission CEO Town Planner	Short-Term
	4.2 Require subdivision and conditional use applicants to conduct a review of property proposed for development to determine the potential presence of historic or archaeological resources using readily available information.	Planning Board CEO Town Planner	Short-Term Ongoing
	4.3 If historical or archaeological resources or the potential for such resources are identified on a property proposed for development, require consultation with the Maine Historic Preservation Commission and any agencies that Commission recommends and consider the safeguards and design modifications they recommend.	Planning Board CEO Town Planner	Short-Term Ongoing
5. To improve communication and public education on the presence and importance of historic and archaeological resources in Durham.	5.1 Work with the Durham Community School to incorporate Durham history and historic and archaeological resources into educational programs.	Historic District Commission Public Information Tech	Mid-Term
	5.2 Develop and include pictures and descriptions of historic and archaeological resources for publication in Town Reports, presentation on walls of Town Hall, Eureka Community Center, Durham Community School, and the Town web site.	Historic District Commission Public Information Tech	Short-Term Ongoing



2018 COMPREHENSIVE PLAN RECOMMENDATIONS INVOLVING ORDINANCE CHANGES



2018 RECOMMENDATIONS THAT HAVE BEEN IMPLEMENTED SINCE 2019

WATER RESOURCES POLICIES	WATER RESOURCES STRATEGIES	RESPONSIBLE	TIMEFRAME
	1.5 Revise the Aquifer Protection District mapping to accurately depict and regulate important State-identified sand and gravel aquifers.	GPCOG Town Planner	Short-Term
	1.6 Revise the Aquifer Protection District standards in the Land Use Ordinance to increase protections where necessary and to eliminate requirements that needlessly restrict land use activities (e.g., allow small businesses that pose no inherent threat to aquifers, allow standard lot size).	Planning Board Town Planner	Mid-Term
2. To protect significant surface water resources from pollution, both point and non-point sources, and improve water quality where needed.	2.1 Ensure the Town's Land Use Ordinance is consistent with Maine's Stormwater Management laws and regulations.	Planning Board Town Planner	Short-Term
	2.2 Consider implementing Low Impact Design (LID) features into the stormwater management standards of the subdivision regulations.	Planning Board Town Planner	Mid-Term
	2.3 Revise the Land Use Ordinance to require erosion and sedimentation controls on all projects including those not requiring subdivision or conditional use approval.	Planning Board Town Planner	Short-Term
	2.4 Make the Land Use Ordinance and Zoning Map consistent with the Maine DEP Guidelines for Municipal Shoreland Zoning.	Planning Board Town Planner	Short-Term

Natural Resources

Comprehensive Plan Goal: To protect critical natural resources, including without limitation, wetlands, wildlife and fisheries habitat, shorelands, scenic vistas, and unique natural areas.

Summary of Issues:

- ◆ The Blanding’s Turtle, a species of turtle reported to live near the eastern shore of Runaround Pond, is the only recorded endangered species in Durham.
- ◆ The Bald Eagle and Creeper mussel are species of concern with habitats along the Androscoggin River.
- ◆ There are five documented vernal pools in Durham that have surrounding land protected by Maine’s Natural Resources Protection Act. Other vernal pools may exist that should be identified and evaluated during the development review process.
- ◆ Durham’s Land Use Ordinance does not meet requirements of Maine’s Mandatory Shoreland Zoning, and the State imposed a Shoreland Zoning Map and development guidelines that must be followed in areas under jurisdiction of the DEP.
- ◆ Durham’s Resource Protection zoning is not based on the criteria of Mandatory Shoreland Zoning or the most recent wildlife habitat data.

NATURAL RESOURCES POLICIES	NATURAL RESOURCES STRATEGIES	RESPONSIBLE	TIMEFRAME
1. To conserve critical natural resources in the community.	1.1 Re-establish the Conservation Commission to help implement the Water Resources and Natural Resources recommendations of this Comprehensive Plan update.	Board of Selectmen	Short-Term
	1.2 Pursue public/private partnerships to protect critical and important natural resources such as through purchase of land or easements from willing sellers.	Conservation Commission	Long-Term Ongoing
	1.3 Designate all areas shown on the Future Land Use Plan as having a co-occurrence value of 4 or greater on the Beginning with Habitat maps provided by Maine Inland Fisheries and Wildlife as Critical Rural Areas and adopt appropriate protection measures.	Planning Board Town Planner	Mid-Term

NATURAL RESOURCES POLICIES	NATURAL RESOURCES STRATEGIES	RESPONSIBLE	TIMEFRAME
2. To prohibit development in flood plain areas to protect human life and property and to preserve natural habitats.	2.1 Revise the Zoning Map to reflect the most recent FEMA flood plan mapping and apply Resource Protection zoning.	GPCOG Town Planner	Short-Term
3. To protect identified rare and endangered plant and animal species habitats from degradation.	3.1 Use the Beginning with Habitat maps provided by Inland Fisheries and Wildlife to identify rare and endangered plant and animal habitats and consider Resource Protection zoning designation or mandatory clustering to preserve such habitat to the maximum extent practical.	Planning Board Town Planner	Mid-Term
	3.2 Require analysis by applicants for subdivision or conditional use permits using the Beginning with Habitat maps to identify any rare or endangered plant and animal habitat on project sites and the need for mitigation of development impacts on such habitat.	Planning Board Town Planner	Short-Term Ongoing
	3.3 When such rare and endangered plant and animal habitats are identified on a project site, require consultation with Inland Fisheries and Wildlife and consider the safeguards and design modifications they recommend.	Planning Board Town Planner	Short-Term Ongoing
4. To preserve and protect areas with a significant level of natural resources that overlap and provide multiple ecological benefits and opportunities for outdoor recreation.	4.1 Use the Beginning with Habitat maps provided by Inland Fisheries and Wildlife to identify areas with a co-occurrence value of 6 or greater and consider Resource Protection zoning designation or mandatory clustering to preserve such natural resources to the maximum extent practical.	Planning Board Town Planner	Mid-Term
	4.2 Ensure that land use ordinances are consistent with applicable state law regarding critical natural resources, including deer yards, waterfowl nesting areas, wetlands and endangered plants and animals.	Planning Board Town Planner	Short-Term Ongoing

NATURAL RESOURCES POLICIES	NATURAL RESOURCES STRATEGIES	RESPONSIBLE	TIMEFRAME
	4.3 Require analysis by applicants for subdivision or conditional use permits using the Beginning with Habitat maps for areas with a co-occurrence value of 6 or greater on project sites and the need for mitigation of development impacts on such natural resources.	Planning Board Town Planner	Short-Term Ongoing
	4.4 When such co-occurrence of natural resources are identified on a project site, require consultation with Inland Fisheries and Wildlife and other applicable State agencies and consider the safeguards and design modifications they recommend.	Planning Board Town Planner	Short-Term Ongoing
5. To coordinate with local groups, neighboring communities, and regional and state resource agencies to protect shared critical natural resources.	5.1 Distribute or make available information to those living in or near critical or important natural resources about current use tax programs and applicable local, state, or federal regulations.	Conservation Commission	Mid-Term Ongoing
	5.2 Initiate and/or participate in inter-local and/or regional planning, management, and/or regulatory efforts around shared critical and important natural resources.	Conservation Commission	Mid-Term Ongoing
	5.3 Make available to the public the most recent data on rare plants, animals, and natural communities and important wildlife habitats provided by the Beginning with Habitat program of the Department of Inland Fisheries and Wildlife, included on maps in this document.	Conservation Commission	Mid-Term Ongoing
	5.4 Notify applicants for development approvals and building permits of the potential necessity to obtain state and federal permits for activities near or adjacent to wetlands.	CEO	Short-Term Ongoing

Agriculture and Forest Resources

Comprehensive Plan Goal: To safeguard agricultural and forest resources from development which threatens those resources.

Summary of Issues:

- ◆ Since 2005, approximately 300 acres of forest per year have been harvested in Durham, indicating that commercial timber harvesting is limited and doesn't threaten forest resources.
- ◆ Relatively limited housing and subdivision development are also factors to consider in determining whether Durham's forest resources are being negatively impacted.
- ◆ Durham has extensive prime farmland and soils of statewide agricultural importance, but actual farming of such soils is limited due to the overall decline of farming in recent decades.
- ◆ There are several areas of Town where existing commercial farms and the surrounding open lands are tapping into new markets for continued economic viability. Such areas contribute greatly to the sense of rural character of the community.
- ◆ Residential development in and around existing commercial farms and open lands creates conflicts between farming and residences and permanently removes important agricultural lands from production.

AGRICULTURE & FOREST POLICIES	AGRICULTURE & FOREST STRATEGIES	RESPONSIBLE	TIMEFRAME
1. To support farming and forestry and encourage their economic viability.	1.1 The town should form a Farming and Forestry Advisory Board with members from local farms and forestry businesses to advise the Town, helping guide town policies in a farm-friendly and forestry-friendly way.	Board of Selectmen	Short-Term
	1.2 Review all Town ordinances to ensure they do not overly restrict activities that support small farm and woodlot operations.	Farming & Forestry Board	Short-Term

AGRICULTURE & FOREST POLICIES	AGRICULTURE & FOREST STRATEGIES	RESPONSIBLE	TIMEFRAME
	1.3 Work with Maine Farmland Trust, local land trusts and other programs which offer conservation/agricultural easements and similar programs to preserve valuable farmland.	Farming & Forestry Board	Short-Term Ongoing
	1.4 Encourage owners of productive farm and forest land to enroll in the current use taxation programs.	Farming & Forestry Board	Short-Term Ongoing
2. To consider farming and its infrastructure an untapped part of the Town's economic base. Agriculture will be encouraged and supported as a form of economic development.	2.1 Include agriculture, commercial forestry operations, and land conservation that supports them in local or regional economic development plans.	Farming & Forestry Board	Mid-Term
	2.2 Consider allowing on-farm processing, agri-tourism, and retail sales of products "by right" without requiring a permit or site plan review as long as best practices for soil and watershed protection are adhered to.	Planning Board Town Planner	Short-Term
	2.3 Add provisions in ordinances that accommodate the needs of emerging small scale agriculture, such as roadside stands, greenhouses, farmer's markets, and pick-your-own operations.	Planning Board Town Planner	Short-Term
	2.4 Create a farmer resource package for the website and distribution to farmers.	Farming & Forestry Board	Mid-Term
	2.5 Create a resource package that includes various options for forest management, such as types of timber harvesting, wildlife habitat enhancement possibilities and recreational opportunities for the website and distribution to wood lot owners.	Farming & Forestry Board	Mid-Term

AGRICULTURE & FOREST POLICIES	AGRICULTURE & FOREST STRATEGIES	RESPONSIBLE	TIMEFRAME
	2.6 Support the growth of an organic farm cluster to enhance local and regional agricultural opportunities.	Farming & Forestry Board	Long-Term
	2.7 Explore the interest in and benefit of creating and marketing a Durham brand for agricultural products.	Farming & Forestry Board	Long-Term
	2.8 Incorporate commercial agriculture into the Town’s commercial development efforts through planning for financial incentives such as tax credits, business promotion, and veteran’s assistance programs.	Farming & Forestry Board	Long-Term
3. To promote locally grown food production and consumption.	3.1 Facilitate meetings between local institutions, wholesalers, growers, and others to grow markets and opportunities.	Farming & Forestry Board	Short-Term
	3.2 Encourage development of local-grown food networks involving all businesses in the food production chain in the region.	Farming & Forestry Board	Long-Term
4. To protect agricultural and forestry industries from incompatible development.	4.1 Consider and treat existing commercial agricultural operations and surrounding open fields as critical rural resources to be preserved and protected as indicated on the Future Land Use Plan.	Planning Board Town Planner	Short-Term
	4.2 Consider mandatory clustering with permanent open space to preserve critical rural agricultural land when property is developed to preserve as much open field space as possible available commercial agriculture.	Planning Board Town Planner	Short-Term

AGRICULTURE & FOREST POLICIES	AGRICULTURE & FOREST STRATEGIES	RESPONSIBLE	TIMEFRAME
	4.3 Limit non-residential development in critical rural areas to natural resource-based businesses and services, nature tourism/outdoor recreation businesses, farmers' markets, and home occupations.	Planning Board Town Planner	Short-Term
	4.4 Consult with the Soil and Water Conservation District, Maine Forest Service, and the Department of Conservation Agriculture and Forestry before revising land use regulations affecting farming and forestry.	Planning Board Town Planner	Short-Term
5. To safeguard lands identified as prime farmland or capable of supporting commercial agriculture.	5.1 Require identification of prime farmland soils on any subdivision plans.	Planning Board Town Planner	Short-Term
	5.2 Amend land use ordinances to require commercial or subdivision developments in critical rural areas with prime farmland soils to cluster development to preserve open space to the greatest extent practicable.	Planning Board Town Planner	Short-Term
	5.3 Amend land use ordinances to limit topsoil mining in critical rural areas with prime farmland soils.	Planning Board Town Planner	Mid-Term

ECONOMY POLICIES	ECONOMY STRATEGIES	RESPONSIBLE	TIMEFRAME
	1.4 Amend land use ordinances to support complimentary businesses, or at least not restrict desired business development.	Planning Board Town Planner	Mid-Term
	1.5 Add a link and develop content for the Town’s website that serves as an introduction or guide to developing a business in town as well as a link to the business directory.	Economic Dev. Committee Public Information Tech	Short-Term
	1.6 Support and promote business workshops for Durham businesses and invite surrounding towns.	Economic Dev. Committee	Short-Term
2. To consider farming and its infrastructure an untapped part of the Town’s economic base. Agriculture will be encouraged and supported as a form of economic development.	2.1 Include agriculture, commercial forestry operations, and land conservation that supports them in local or regional economic development plans.	Farming & Forestry Board Economic Dev. Committee	Mid-Term
	2.2 Consider allowing on-farm processing, agri-tourism, and retail sales of products “by right” without requiring a permit or site plan review as long as best practices for soil and watershed protection are adhered to.	Planning Board Town Planner	Short-Term
	2.3 Add provisions in ordinances that accommodate the needs of emerging small scale agriculture, such as roadside stands, greenhouses, farmer’s markets, and pick-your-own operations.	Planning Board Town Planner	Short-Term
	2.4 Support the growth of an organic farm cluster to enhance local and regional agricultural opportunities.	Farming & Forestry Board Economic Dev. Committee	Long-Term
	2.5 Explore the interest in and benefit of creating and marketing a Durham brand for agricultural products.	Farming & Forestry Board Economic Dev. Committee	Long-Term

ECONOMY POLICIES	ECONOMY STRATEGIES	RESPONSIBLE	TIMEFRAME
3. To continue to allow home-based businesses that fit into the character of rural residential neighborhoods.	3.1 Review and revise the Land Use Ordinance to ensure needed flexibility to conduct home-based businesses while ensuring that such businesses do not create nuisance effects on abutting properties.	Planning Board Town Planner	Mid-Term
4. To maintain the quality of life of residents as the Town pursues economic development opportunities.	4.1 Develop specific performance standards for commercial site development that address issues of street access, lighting, landscaping, signage, and buffering.	Planning Board Town Planner	Short-Term
5. To support regional efforts to improve telecommunications infrastructure needed to support hi-tech, information based companies.	5.1 Participate in regional efforts to improve telecommunications infrastructure needed to support hi-tech, information based companies.	Economic Dev. Committee	Short-Term Ongoing
6. To maintain and improve access by Durham residents to regional job opportunities.	6.1 Explore regional opportunities for car pooling and ride share programs.	GPCOG Economic Dev. Committee	Mid-Term

Housing

Comprehensive Plan Goal: To encourage and promote affordable, decent housing opportunities which are consistent with the other goals of this plan.

Summary of Issues:

- ◆ Between 2000 to 2015, the housing stock in Durham increased by 34%, or 422 units. Over that time period, the annual rate of new housing starts was just under 30 per year.
- ◆ Over the past 5 years, the rate of new housing construction has dropped to about half that amount or 12 units per year.
- ◆ Regional demographic projections indicate the number of new housing starts in Durham could decline by half again over the next 20 years.
- ◆ Just under 90% of Durham’s 1700 homes are single family dwellings. There also approximately 100 mobile homes and a hundred duplexes.
- ◆ The vast majority of homes in Durham are owner-occupied and there is very limited rental housing available.
- ◆ Unlike many communities in southern Maine, Durham has not seen dramatic increases in median home prices in recent years, and homes are still relatively affordable.
- ◆ The lack of available rentals and the aging population do create a need for more rental housing, accessory units, and affordable housing development.

HOUSING POLICIES	HOUSING STRATEGIES	RESPONSIBLE	TIMEFRAME
1. To maintain the quality, energy efficiency, and affordability of the existing housing stock.	1.1 Seek grants to assist homeowners in improving the energy efficiency of existing homes.	GPCOG Community Concepts Board of Selectmen	Mid-Term
	1.2 Allow accessory apartments in single family dwellings as a permitted use subject to specific design standards that encourage owner occupancy and require neighborhood compatibility.	Planning Board Town Planner	Short-Term

HOUSING POLICIES	HOUSING STRATEGIES	RESPONSIBLE	TIMEFRAME
	1.3 Provide more flexible standards for home occupations that typically fit well with neighborhood character while increasing performance standards for home occupations involving high traffic, product storage, and noise generation.	Planning Board Town Planner	Mid-Term
2. To allow a greater diversity of housing options.	2.1 With elimination of the Southwest Bend Growth District, consider allowing 3-unit and 4-unit multifamily housing in addition to duplexes in the Rural Residential District with design standards to make them compatible with typical Durham housing (e.g., duplex with accessory apartment, farmhouse-style 4-plex).	Planning Board Town Planner	Mid-Term
	2.2 Explore options for allowing “tiny homes” as accessory dwelling units or as starter homes.	Planning Board Town Planner	Mid-Term
3. To support efforts to develop affordable workforce housing.	3.1 Amend the Land Use Ordinance to allow duplexes on a standard 2-acre lot unless there is an objective basis for requiring a larger lot, such as requirements for on-site wastewater disposal or aquifer protection.	Planning Board Town Planner	Short-Term
	3.2 To reduce road construction and housing construction costs while preserving rural character, allow cluster lot development that reduces lot size and road frontage by up to 50% provided that an effective 100-foot vegetated buffer is maintained or installed along existing external roadways and abutting residential yards.	Planning Board Town Planner	Short-Term
4. To support development of housing for the elderly and disabled.	4.1 Investigate the feasibility, and community interest in creating local community housing for senior residents.	Board of Selectmen GPCOG	Long-Term
	4.2 Allow accessory apartments in single family dwellings as a permitted use subject to specific design standards that encourage owner occupancy and require neighborhood compatibility.	Planning Board Town Planner	Short-Term

TRANSPORTATION POLICIES	TRANSPORTATION STRATEGIES	RESPONSIBLE	TIMEFRAME
1. To promote fiscal prudence by maximizing the efficiency of Town roads and the state or state-aid highway network.	1.1 Develop a long-term capital improvements plan for needed reconstruction of roads.	Board of Selectmen Planning Board Public Works	Short-Term
	1.2 Annually budget adequate funds for road maintenance and to put into reserves for road reconstruction based on the capital improvements plan.	Board of Selectmen	Ongoing
	1.3 Coordinate the Town's road maintenance and reconstruction programs with the State's road improvements projects where possible and where it is in the Town's interests.	Public Works	Ongoing
	1.4 Investigate opportunities to obtain grants for transportation planning and implementation.	GPCOG Public Works	Short-Term
	1.5 Use training provided by the Maine DOT Local Roads Center for Public Works staff.	Public Works	Ongoing
	1.6 Review requirements for the creation and long-term maintenance of new subdivision roads to ensure that there are adequate performance guarantees and administrative procedures.	Planning Board Town Planner	Short-Term
	1.7 With elimination of the Southwest Bend Growth District, review the Town's road acceptance policy.	Board of Selectmen	Short-Term
2. To prioritize community and regional needs associated with safe, efficient, and optimal use of transportation systems.	2.1 Develop and implement a road maintenance plan and make the plan public to help inform residents.	Public Works	Short-Term
	2.2 Monitor high-risk road segments and intersections as population and traffic increases.	Public Works	Ongoing

TRANSPORTATION POLICIES	TRANSPORTATION STRATEGIES	RESPONSIBLE	TIMEFRAME
	2.3 Be pro-active on bringing attention of high risk or troublesome areas to the attention of MDOT.	Public Works	Ongoing
	2.4 Submit projects to address high risk or troublesome areas for inclusion in MDOT's Capital Work Plan.	Public Works	Ongoing
	2.5 Be as proactive as possible in reporting needed road maintenance to MDOT, relative to State roads.	Public Works	Ongoing
3. To promote public health, protect natural and cultural resources, and enhance livability by improving the efficiency of the transportation system.	3.1 Develop a sign upgrade plan based on road use, accident rates and state recommendations.	Public Works	Short-Term
	3.2 Encourage MDOT to create bike lanes and more bicycle safety signage on Route 9 and 136.	Public Works	Mid-Term
	3.3 Consider adding paved shoulders adequate to accommodate bicyclists whenever the Town is reconstructing its roads.	Public Works	Ongoing
	3.4 Work with the Androscoggin County Sheriff and the State Police on improving traffic enforcement.	Board of Selectmen Town Administrator	Ongoing
	3.5 Review the Town's road construction standards to explore whether alternative designs could provide better opportunities for multiple travel modes and have less impacts on natural and cultural resources.	Planning Board Town Planner	Short-term
4. To meet the diverse transportation needs of residents (including children, the elderly and disabled).	4.1 Review whether Durham's transportation needs can be best met by participation in PACTS, LACTS, and/or BACTS.	Board of Selectmen Town Administrator	Short-Term
	4.2 Investigate options for encouraging carpooling for commuters and volunteer driver networks to provide needed transportation for underserved populations.	GPCOG	Mid-Term

5. New Business:

a. New Affordable Housing Law

TOWN PLANNER COMMENTS:

1. The Maine Legislature has passed a law requiring municipalities to make allowance for affordable housing opportunities.
2. The law requires allowance for multiple housing units on individual lots in all areas where single family homes are permitted.
3. The law requires multi-family buildings with up to four units in designated growth areas.
4. Durham currently allows duplexes in all areas but requires a slightly larger lot size.
5. Durham currently allows accessory apartments in all areas with no increase in lot size but with size limitations on the unit floor area.
6. Durham does not allow more than one single family home to be built on a lot.
7. Durham does not make any provision for three and four-family units.
8. Some adjustments to Durham's regulations will likely be needed to meet the new law's requirements.
9. Some of these adjustments are supported by recommendations in the comprehensive plan (see housing policy recommendations in prior item).
10. A copy of the new affordable housing law is attached with the relevant portions highlighted.
11. A copy of the Land Use Ordinance relevant provisions is also attached.
12. The Town has until July of 2023 to implement required changes.

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 1489 - L.D. 2003

**An Act To Implement the Recommendations of the Commission To Increase
Housing Opportunities in Maine by Studying Zoning and Land Use
Restrictions**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §13056, sub-§7, as amended by PL 2003, c. 159, §3, is further amended to read:

7. Contract for services. When contracting for services, to the maximum extent feasible, seek to use the State's private sector resources in conducting studies, providing services and preparing publications; ~~and~~

Sec. 2. 5 MRSA §13056, sub-§8, as enacted by PL 2003, c. 159, §4, is amended to read:

8. Lead agency for business assistance in response to certain events. Be the lead agency for the State to provide information and business assistance to employers and businesses as part of the State's response to an event that causes the Department of Labor to carry out rapid-response activities as described in 29 United States Code, Sections 2801 to 2872 (2002); ~~and~~

Sec. 3. 5 MRSA §13056, sub-§9 is enacted to read:

9. Establish statewide housing production goals. Establish, in coordination with the Maine State Housing Authority, a statewide housing production goal that increases the availability and affordability of all types of housing in all parts of the State. The department shall establish regional housing production goals based on the statewide housing production goal. In establishing these goals, the department shall:

- A. Establish measurable standards and benchmarks for success of the goals;
- B. Consider information submitted to the department from municipalities about current or prospective housing developments and permits issued for the construction of housing; and
- C. Consider any other information as necessary to meet the goals pursuant to this subsection.

Sec. 4. 30-A MRSA §4364 is enacted to read:

§4364. Affordable housing density

For an affordable housing development approved on or after July 1, 2023, a municipality with density requirements shall apply density requirements in accordance with this section.

1. Definition. For the purposes of this section, "affordable housing development" means:

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

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

2. Density requirements. A municipality shall allow an affordable housing development where multifamily dwellings are allowed to have a dwelling unit density of at least 2 1/2 times the base density that is otherwise allowed in that location and may not require more than 2 off-street parking spaces for every 3 units. The development must be in a designated growth area of a municipality consistent with section 4349-A, subsection 1, paragraph A or B or the development must be served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system. The development must comply with minimum lot size requirements in accordance with Title 12, chapter 423- A, as applicable.

3. Long-term affordability. Before approving an affordable housing development, a municipality shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:

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

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

4. Shoreland zoning. An affordable housing development must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

5. Water and wastewater. The owner of an affordable housing development shall provide written verification to the municipality that each unit of the housing development is connected to adequate water and wastewater services before the municipality may certify the development for occupancy. Written verification under this subsection must include:

A. If a housing 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 a housing 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 under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

C. If a housing 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 for the connection and the volume and supply of water required for the unit; and

D. If a housing unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

6. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with subchapter 4.

7. Restrictive covenants. This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

8. Rules. The Department of Economic and Community Development shall adopt rules to administer and enforce this section. The department shall consult with the Department of Agriculture, Conservation and Forestry in adopting rules pursuant to this subsection. The rules must include criteria for a municipality to use in calculating housing costs. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. 30-A MRSA §4364-A is enacted to read:

§4364-A. Residential areas, generally; up to 4 dwelling units allowed

1. Use allowed. Notwithstanding any provision of law to the contrary, except as provided in Title 12, chapter 423-A, for any area in which housing is allowed, a municipality shall allow structures with up to 2 dwelling units per lot if that lot does not contain an existing dwelling unit, except that a municipality shall allow up to 4 dwelling units per lot if that lot does not contain an existing dwelling unit and the lot is located in a designated growth area within a municipality consistent with section 4349-A, subsection 1, paragraph A or B or if the lot is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.

A municipality shall allow on a lot with one existing dwelling unit the addition of up to 2 dwelling units: one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each.

A municipality may allow more units than the number required to be allowed by this subsection.

2. Zoning requirements. With respect to dwelling units allowed under this section, municipal zoning ordinances must comply with the following conditions.

A. If more than one dwelling unit has been constructed on a lot as a result of the allowance under this section or section 4364-B, the lot is not eligible for any additional increases in density except as allowed by the municipality.

B. A municipal zoning ordinance may establish a prohibition or an allowance for lots where a dwelling unit in existence after July 1, 2023 is torn down and an empty lot results.

3. General requirements. A municipal ordinance may not establish dimensional requirements or setback requirements for dwelling units allowed under this section that are greater than dimensional requirements or setback requirements for single-family housing units, except that a municipal ordinance may establish requirements for a lot area per dwelling unit as long as the required lot area for subsequent units on a lot is not greater than the required lot area for the first unit.

4. Water and wastewater. The owner of a housing structure must provide written verification to the municipality that the structure is connected to adequate water and wastewater services before the municipality may certify the structure for occupancy. Written verification under this subsection must include:

A. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the structure and proof of payment for the connection to the sewer system;

B. If a housing structure 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 under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

C. If a housing structure 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 structure, proof of payment for the connection and the volume and supply of water required for the structure; and

D. If a housing structure is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

5. Municipal implementation. In adopting an ordinance, a municipality may:

A. Establish an application and permitting process for housing structures;

B. Impose fines for violations of building, zoning and utility requirements for housing structures; and

C. Establish alternative criteria that are less restrictive than the requirements of subsection 4 for the approval of a housing structure only in circumstances in which the municipality would be able to provide a variance under section 4353, subsection 4, 4-A, 4-B or 4-C.

6. Shoreland zoning. A housing structure must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

7. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with subchapter 4.

8. Restrictive covenants. This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

9. Rules. The Department of Economic and Community Development may adopt rules to administer and enforce this section. The department shall consult with the Department of Agriculture, Conservation and Forestry in adopting rules pursuant to this subsection. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

10. Implementation. A municipality is not required to implement the requirements of this section until July 1, 2023.

Sec. 6. 30-A MRSA §4364-B is enacted to read:

§4364-B. Accessory dwelling units

1. Use permitted. Except as provided in Title 12, chapter 423-A, a municipality shall allow an accessory dwelling unit to be located on the same lot as a single-family dwelling unit in any area in which housing is permitted.

2. Restrictions. An accessory dwelling unit may be constructed only:

A. Within an existing dwelling unit on the lot;

B. Attached to or sharing a wall with a single-family dwelling unit; or

C. As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

This subsection does not restrict the construction or permitting of accessory dwelling units constructed and certified for occupancy prior to July 1, 2023.

3. Zoning requirements. With respect to accessory dwelling units, municipal zoning ordinances must comply with the following conditions:

A. At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; and

B. If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance under this section or section 4364-A, the lot is not eligible for any additional increases in density except as allowed by the municipality.

4. General requirements. With respect to accessory dwelling units, municipalities shall comply with the following conditions.

A. A municipality shall exempt an accessory dwelling unit from any density requirements or calculations 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 or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, in which case the requisite setback requirements for such a structure apply. A municipality may establish more permissive dimensional and set back requirements for an accessory dwelling unit.

C. An accessory dwelling unit may not be subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

5. Shoreland zoning. An accessory dwelling unit must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

6. Size requirements. An accessory dwelling unit must meet a minimum size of 190 square feet. If the Technical Building Codes and Standards Board under Title 10, section 9722 adopts a different minimum size, that standard applies. A municipality may impose a maximum size for an accessory dwelling unit.

7. Water and wastewater. The owner of an accessory dwelling unit must provide written verification to the municipality that the accessory dwelling unit is connected to adequate water and wastewater services before the municipality may certify the accessory dwelling unit for occupancy. Written verification under this subsection must include:

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 accessory dwelling 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 under section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

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 accessory dwelling unit, proof of payment for the connection and the volume and supply of water required for the accessory dwelling unit; and

D. If an accessory dwelling unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

8. Municipal implementation. In adopting an ordinance under this section, a municipality may:

- A. Establish an application and permitting process for accessory dwelling units;
- B. Impose fines for violations of building, zoning and utility requirements for accessory dwelling units; and
- C. Establish alternative criteria that are less restrictive than the requirements of subsections 4, 5, 6 and 7 for the approval of an accessory dwelling unit only in circumstances in which the municipality would be able to provide a variance under section 4353, subsection 4, 4-A, 4-B or 4-C.

9. Rate of growth ordinance. A permit issued by a municipality for an accessory dwelling unit does not count as a permit issued toward a municipality's rate of growth ordinance as described in section 4360.

10. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements for division of a tract or parcel of land in accordance with subchapter 4.

11. Restrictive covenants. This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

12. Rules. The Department of Economic and Community Development may adopt rules to administer and enforce this section. The department shall consult with the Department of Agriculture, Conservation and Forestry in adopting rules pursuant to this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

13. Implementation. A municipality is not required to implement the requirements of this section until July 1, 2023.

Sec. 7. 30-A MRSA §4364-C is enacted to read:

§4364-C. Municipal role in statewide housing production goals

This section governs the responsibilities and roles of municipalities in achieving the statewide and regional housing production goals set by the Department of Economic and Community Development in Title 5, section 13056, subsection 9.

1. Fair housing and nondiscrimination. A municipality shall ensure that ordinances and regulations are designed to affirmatively further the purposes of the federal Fair Housing Act, 42 United States Code, Chapter 45, as amended, and the Maine Human Rights Act to achieve the statewide or regional housing production goal.

2. Municipalities may regulate short-term rentals. A municipality may establish and enforce regulations regarding short-term rental units in order to achieve the statewide or regional housing production goal. For the purposes of this subsection, "short-term rental unit" means living quarters offered for rental through a transient rental platform as defined by Title 36, section 1752, subsection 20-C.

TABLE 3.1 – TABLE OF LAND USES

Land Use	RRA	RP	AP	RP(SZ)	LR(SZ)
1. Access onto Town Road	RC	RC	RC	RC	RC
2. Accessory Apartment	CER	No	CER	No	CER
3. Agriculture	Yes	Yes	Yes	CU	Yes
4. Automotive Graveyards & Junkyards	CU & SB	No	No	No	No
5. Back Lot	CER	No	CER	No	CER
6. Bed & Breakfast	Yes	No	CU	No	No
7. Campgrounds	CU	No	No	No	CU
8. Cemeteries	CU	No	CU	No	CU
9. Churches	CU	No	CU	No	CU
10. Clearing or removal of vegetation for activities other than timber harvesting	Yes	Yes	Yes	CER	Yes
11. Clubs, Lodges & Other Community Buildings	CU	No	CU	No	CU
12. Day Care Center	CU	No	CU	No	No
13. Emergency operations	Yes	Yes	Yes	Yes	Yes
14. Essential services					
a. Roadside distribution lines (34.5kV and lower)	Yes	Yes	Yes	CER	Yes
b. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone				CU	CER
c. Non-roadside or cross-country distribution lines involving eleven or more poles or less in the shoreland zone				CU	CU
d. Other essential services	Yes	Yes	Yes	CU	CU
15. Extractive Industries & Gravel Pits	CU	No	CU	No	CU

Durham Land use Ordinance Adopted 4-2-2005, updated, 2006, 2007, 2008, 2009, 2016, 2019, 2020, 2021, 2022

Land Use	RRA	RP	AP	RP(SZ)	LR(SZ)
32. Piers, docks, bridges and other structures and uses extending or located below the normal high-water line or within a wetland	CU	No	CU	CU	CU
33. Primitive Recreation	Yes	Yes	Yes	Yes	Yes
34. Private sewage disposal systems for allowed uses	CER	CER	CER	CER	CER
35. Public Buildings such as Schools, Libraries, & Museums	Yes	No	Yes	No	CU
36. Public & Private Parks & Recreational Involving Minimal Structural Development	CU	CU	CU	CU	CU
37. Research Facilities	CU	No	No	No	No
38. Road Construction (Private)	PB	PB	PB	CU	CU
39. Road Construction (Public)	Yes	Yes	Yes	CU	CU
40. Service drops, as defined, to allowed uses	Yes	Yes	Yes	Yes	Yes
41. Single-family Dwelling	Yes	No	Yes	No	CER
42. Sludge Spreading	CU	CU	CU	No	CU
43. Soil and water conservation practices	Yes	Yes	Yes	Yes	Yes
44. Small non-residential facilities for educational, scientific, or nature interpretation purposes	Yes	CU	Yes	CU	CER
45. Structures accessory to allowed uses	Yes	No	Yes	CU	CER
46. Surveying and resource analysis	Yes	Yes	Yes	Yes	Yes
47. Timber Harvesting	Yes	Yes	Yes	Yes	Yes
48. Two-family Dwelling	Yes	No	Yes	No	CER
49. Wildlife management practices	Yes	Yes	Yes	Yes	Yes

ARTICLE 4: SPATIAL STANDARDS IN ZONING DISTRICTS

Section 4.1 DISTRICT REQUIREMENTS

A. Rural Residential & Agricultural District

1. Minimum Lot Size – 90,000 sq. ft.
 - a. Minimum Buildable Area – Each lot must contain a contiguous 40,000 sq. ft. building envelope which does not contain areas in Resource Protection District, wetlands, or slopes greater than twenty (20%) percent.
2. Minimum Access to Lots – Only one single family detached dwelling or two-family dwelling shall be permitted on a lot. No dwelling shall be erected except on a lot that fronts on a street as defined, and the minimum street frontage, measured along the lot line at the street, shall be at least equal to the minimum lot width.
3. Minimum Road Frontage – 300 ft.
4. Minimum Setbacks
 - a. Front Lot Line Residential – 50 ft.
 - b. Front Lot Line Non-residential – 100 ft.
 - c. Side Lot Line Residential – 20 ft.
 - d. Side Lot Line Non-residential – 100 ft.
 - e. Rear Lot Line Residential – 20 ft.
 - f. Rear Lot Line Non-residential – 100 ft.
5. Maximum Structure Height¹ – 35 ft.
 - a. For Schools and Municipal Structures – 50 ft.
6. Maximum Coverage for impervious surfaces (including structures) – 25%
7. Minimum Lot Size Two-Family Dwelling – 110,000 sq. ft.

B. Resource Protection District

1. Minimum Lot Size – 90,000 sq. ft.
2. Minimum Road Frontage – 300 ft.
3. Minimum Setbacks
 - a. Front Lot Line – 100 ft.
 - b. Side Lot Line – 100 ft.

¹ Features of structures such as chimneys, towers, spires and structures for electric power transmission and distribution lines may exceed the maximum structure height requirement.

ARTICLE 5: PERFORMANCE STANDARDS

Section 5.1. ACCESSORY APARTMENTS

The purpose of the provisions concerning accessory apartments is to provide a diversity of housing for town residents while protecting the single-family character of residential neighborhoods. Accessory apartments may be utilized for rental purposes as well as in-law accommodations subject to the following requirements. If the accessory apartment does not meet all of said requirements, then a conditional use permit shall be required:

- A. The dwelling shall have only one main entrance and all other entrances shall appear subordinate to the main entrance. An entrance leading to a foyer with entrances leading from the foyer to the two dwelling units is permitted. No open or enclosed outside stairways shall be permitted above the first story.
- B. The main dwelling unit shall have at least fifteen hundred (1500 sq. ft.) square feet of floor area and the accessory apartment shall not exceed fifty (50%) percent of the floor area of the main dwelling unit. Floor area measurements shall not include unfinished attic, basement or cellar spaces, nor public hallways or other common areas.
- C. Only one accessory apartment shall be permitted per lot. It shall be made part of the main residence, or located in a separate building whose primary function is not as a dwelling unit, such as a garage or barn.
- D. Accessory apartments shall not be permitted for any nonconforming structure or use, where the nonconformity is due to the use of the premises, as opposed to nonconforming dimensional requirements.

Section 5.2. ACCESS MANAGEMENT

This section applies to new driveway and commercial entrances onto Town Roads.

A. Sight Distance Criteria:

1. All entrances shall be so located such that vehicles approaching or using the entrance will be able to obtain adequate sight distance in both directions along the public way or to maneuver safely and without interference with traffic.
2. Measurements to determine sight distance shall be made in the proposed entrance at a point ten (10') feet from the edge of shoulder line with the height of eye three and one-half (3.5') feet above the pavement. The sight distance shall be computed from this point measuring along the roadway to a point where an approaching height of object four and one quarter (4.25') feet is first seen.
3. Driveway placement shall be such that an exiting vehicle has an unobstructed sight distance according to the following schedule:

ARTICLE 19: DEFINITIONS

Section 19.1. DEFINITIONS

A. **Construction of Language:** All words not defined herein shall carry their customary and usual dictionary meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural. The word "shall" is used to indicate the mandatory and the word "may" is used to indicate the permissive. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied." Obvious typographical errors may be disregarded in interpretation of this Ordinance. Definitions followed by [brackets] indicate that the words have specific reference to individual articles and do not generally apply to all articles.

1. **ABUTTING PROPERTY:** Any lot that is physically contiguous with the lot in question even if only at a point, and any lot that is located directly across a public or private street or way from the lot in question. "Directly across" shall mean at least touched by a straight extension of the side property lines across said street or way.
2. **ACCESSORY APARTMENT:** A separate, secondary dwelling unit located on a property with a single-family dwelling.
3. **ACCESSORY BUILDING OR STRUCTURE:** A building or structure customarily incidental and subordinate to a principal building allowed in the district in which it is located and located on the same lot with such principal building. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.
4. **ACCESSORY USES:** Uses customarily incidental and subordinate to a principal use allowed in the district in which it is located and located on the same lot with such principal use. Accessory uses, when aggregated, shall not subordinate the principal use of the lot.
5. **ADJACENT GRADE:** The natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [Article 11, Floodplain Regulations]
6. **ADMINISTRATIVE APPEAL:** An appeal to the Board of Appeals from a determination made by the Code Enforcement Officer, Road Commissioner, or Planning Board in their administration of this Ordinance or any other ordinance or code over which they have jurisdiction.
7. **AGGRIEVED PARTY:** Any person who can demonstrate that he or she will suffer a particularized injury by issuance or non-issuance of the license/permit approval in question. A particularized injury is one that directly operates against a party's property, pecuniary or personal rights. An injury suffered by all of the citizens of the Town in an equal and proportionate manner is not a particularized injury.

51. **DISABILITY:** Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.
52. **DISPOSAL:** "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or to be emitted into the air, or discharged into any waters, including ground waters.
53. **DOMICILE HOME STAND:** That part of each individual mobile home lot which has been reserved for the mobile home. [Article 15, Mobile Home Parks]
54. **DRIVEWAY:** A vehicular access way serving no more than two dwelling units on a single lot. All other vehicular access ways shall be considered roads.
55. **DRIVEWAY:** A vehicular access-way less than five hundred (500') feet in length serving two single-family dwellings or one two-family dwelling, or less. [Article 9, Shoreland Zoning]
56. **DWELLING:** Any building or structure or any portion thereof designed or used for residential purposes.
 - a. **Single-Family Dwelling:** A Structure containing only one Dwelling Unit for occupation by not more than one family. The terms shall include modular homes and mobile homes as defined herein.
 - b. **Two-Family Dwelling:** A single Structure containing two Dwelling Units on one parcel of land, such building being designed for residential use and occupancy two families living independently of each other.
 - c. **Multi-Family Dwelling:** A single Structure containing three to six Dwelling Units, where each Dwelling Unit is designed for residential house and occupancy by a family living independently of families in the other Dwelling Units.
57. **DWELLING UNIT:** A room or group of rooms, used primarily as living quarters for one Family, and that includes provisions for living, sleeping, cooking, and eating. The term shall not include hotel or motel rooms or suites, rooming house rooms, or similar accommodations.
58. **ELEVATED BUILDING:** - A building without a basement that is built in the case of a building in Zones AE or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and 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 AE or A, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with