

Article 1. Shall an ordinance entitled “2024 Amendments to the Islesboro Land Use Ordinance Regarding Affordable Housing and Minimum Lot Sizes” be enacted?

(The proposed ordinance is available for review and inspection at the Town Clerk’s Office and will be available at the Town Meeting.)

**2024 AMENDMENTS TO THE ISLESBORO LAND USE ORDINANCE REGARDING AFFORDABLE HOUSING AND MINIMUM LOT SIZES**

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The Land Use Ordinance of the Town of Islesboro shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

1. Amend Article III, Districts, as set forth below:

**§125-22 Establishment of Districts**

For the purpose of this chapter, the Town of Islesboro is divided into districts. These districts, as outlined below, are shown on the Protection Districts Map titled “Town of Islesboro Protection Districts Map,” signed by the Board of Selectmen, Town of Islesboro; this map is on file at the Town Office. This map may be amended from time to time, in the same manner as this chapter, is made a part of this chapter and is hereby incorporated by reference. As noted in § 125-10 of this chapter the depiction of districts on this map is merely illustrative of their general location.

- Resource Protection District
- Limited Development District
- Meadow Pond District
- Shoreland Protection District
- Maritime Activities District
- Rural Protection District
- Town Centers District

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**§ 125-29.1 Town Centers District.**

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**B.** Space and bulk requirements. Notwithstanding any other provision in this chapter or the Development Review Ordinance (including, without limitation, the minimum lot size standards and the performance standards for cluster developments) to the contrary, the following space and bulk requirements apply in the Town Centers District:

**(1)** Minimum lot size.

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(f) Notwithstanding anything in this Code to the contrary, residential lots within an affordable housing development, as defined in this

Chapter, and subject to the performance standards contained in § 125-61, shall have a minimum lot size of 8,000 square feet per dwelling unit.

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**§ 125-33 Minimum lot sizes in all districts.**

- A. Each lot that is not an "excepted lot" as provided for by this chapter and is established after March 23, 1985, in the Resource, Shoreland or Rural Protection Districts or, after the effective date of this chapter, in the Limited Development, Meadow Pond, and Maritime Activities Districts, shall have not less than 65,340 square feet (1.5 acres) in area per dwelling unit except for lots located in the Town Centers District, which shall comply with the minimum lot size requirements imposed by § 125-29.1, as amended. Within the Shoreland Zone each dwelling unit and ADU must meet the minimum lot size, setbacks and frontage requirements.
2. Amend Article V. Standards as set forth below:

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**§ 125-61. Affordable housing developments.**

- A. Affordable housing developments, as defined in § 125-61, may take advantage of increased density when constructed in the Town Centers District, as set forth in § 125-29.1(1)(f) of this chapter, provided that such developments comply with the following standards:
1. The owner of the affordable housing development shall execute a restrictive covenant, in a form acceptable to the Town Attorney, which shall be recorded in the Waldo County Registry of Deeds, for the benefit of and enforceable by the Town of Islesboro or other qualified holder, that ensures that any affordable housing unit with the affordable housing development shall for at least 30 years after the completion of construction: (i) remain limited to households at or below 120% of area median income at the time of initial occupancy in the case of rental housing, or (ii) remain limited to households at or below 120% of area median income at the time of initial occupancy in the case of owned housing.
  2. Affordable housing developments must comply with all shoreland zoning requirements imposed by the Town of Islesboro and by the Maine Department of Environmental Protection.
  3. Prior to issuance of any building permit, the property owner must submit written verification that the proposed affordable housing development is connected to adequate water and wastewater facilities. Proof of adequacy must be consistent with the requirements of 30-A M.R.S. § 4364(5), as may be amended.

- i. 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;
- ii. 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 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*.
- iii. 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
- iv. If a housing 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.

Article 2. Shall an ordinance entitled “2024 Amendments to the Islesboro Land Use Ordinance Regarding Accessory Dwelling Units” be enacted?

(The proposed ordinance is available for review and inspection at the Town Clerk’s Office and will be available at the Town Meeting.)

## 2024 AMENDMENTS TO THE ISLESBORO LAND USE ORDINANCE REGARDING ACCESSORY DWELLING UNITS

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The Land Use Ordinance of the Town of Islesboro shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

1. Amend Article IIIA. Accessory Dwelling Units as set forth below:

### § 125-35.1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### ~~AN~~ ACCESSORY DWELLING UNIT (ADU)

- A. A small, self-contained residential unit located on the same lot as an existing single-family home. An ADU has all the basic facilities needed for day-to-day living independent of the primary residence, including ~~such as~~ a kitchen, sleeping area, and a bathroom.
- B. The installation of an ADU may be as a separate unit within an existing home, an addition to the home, or a separate structure on the lot.
- ~~C. For the avoidance of doubt, a tiny home, as defined in this Chapter, may be permitted as an ADU, provided the tiny home meets all other performance standards and requirements of all applicable codes, regulations, and ordinances.~~
- ~~C. At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure.~~

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### § 125-35.3 Standards and criteria.

ADUs shall meet the following standards and criteria, (MRS Title 30-A, §4364-B as amended):

- A. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health and any other applicable codes.

B. Except as otherwise provided in this Section, at least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure. In order for an ADU to be added to a lot, the following minimum lot standards must be met:

~~(1) For lots located within the Rural Protection District, an ADU must comply with the requirements of § 125-33, minimum lot size in all districts. An ADU located within the Rural Protection District and that complies with the requirements of this article shall not be considered a second dwelling unit on the lot.~~

~~(2) Notwithstanding any other ordinance provision to the contrary, for lots outside the Rural Protection District, an ADU must comply with the following minimum lot size and frontage requirements:~~

~~Minimum Lot Size and Frontage Requirements~~

	Minimum Lot Area (SF)	Minimum Shore Frontage (Feet)
<del>Outside the Rural Protection District and adjacent to tidal areas</del>	<del>60,000</del>	<del>300</del>
<del>Outside the Rural Protection District and adjacent to nontidal areas</del>	<del>80,000</del>	<del>400</del>

~~C. An accessory dwelling unit that is located in the Rural Protection District is exempt from any density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed with the exception that a second ADU must meet the dimensional, area and setback requirements applicable to a principal dwelling unit.~~

~~D. An accessory dwelling unit is allowed on a lot outside of the Shoreland Zone that does not conform to the dimensional standards contained in Article III of this chapter if the accessory dwelling unit does not further increase the nonconformity, meaning the accessory dwelling unit does not cause further deviation from the dimensional standard(s) creating the nonconformity, excluding lot area.~~

~~E. For an accessory dwelling unit located within the same structure as the principal dwelling unit or attached to the principal dwelling unit, the dimensional requirements and setback requirements shall be the same as the dimensional requirements and setback requirements of the principal dwelling unit.~~

~~F.~~ Within the Shoreland Zone each dwelling unit and ADU must meet the minimum lot size, setbacks and frontage requirements.

~~€G.~~ ADUs must be at least 190 square feet in total floor area and may not exceed 800 square feet in total floor area. ~~The maximum size of an ADU shall not exceed 800 square feet.~~

~~ÐH.~~ All unattached ADUs shall meet current plumbing codes, as well as have their own septic tank, which may be linked to the subsurface sewage disposal system of the primary residence as determined by a licensed site evaluator. Those homeowners served by the Dark Harbor Waste Water Treatment Facility need prior written permission from the Town Manager before approval of the ADU permit.

1. Prior to issuance of a building permit, the property owner must submit written verification that the proposed ADU is connected to adequate water and wastewater facilities. Proof of adequacy must be consistent with the requirements of 30-A M.R.S. § 4364-B(7), as may be amended.

2. 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.

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~~G.~~ The owner is required to occupy either the primary residence or the ADU as his primary legal residence.

~~H I.~~ Only one ADU is permitted per residential dwelling unit lot, except as otherwise provided in this section.

~~HJ.~~ An ADU shall not have more than two bedrooms.

~~JK.~~ One off-street parking space shall be provided or as many spaces deemed necessary by the CEO to accommodate the actual number of vehicles used by occupants of both the primary residence and the ADU. An ADU may not be leased or rented to a tenant for periods of less than sixty (60) days.

~~L.~~ The applicant shall provide a covenant in a form acceptable to the Town Attorney and suitable for recording with the Registry of Deeds providing notice to future owners of the subject lot the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the primary residence by the property owner. The covenant shall require any owner of the property to notify a prospective owner of the limitations of this section. An ADU must comply with all shoreland zoning requirements imposed by the Town of Islesboro and by the Maine Department of Environmental Protection. Specifically, ADUs located within shoreland zoning areas of the Town must comply with the following dimensional requirements:

M. ~~Transfer of ownership requires a new ADU permit to be issued prior to occupancy if the new property owner wishes to continue the ADU use.~~

Article 3. Shall an ordinance entitled “2024 Amendments to the Islesboro Land Use Ordinance Regarding Definitions” be enacted?

(The proposed ordinance is available for review and inspection at the Town Clerk’s Office and will be available at the Town Meeting.)

## 2024 AMENDMENTS TO THE ISLESBORO LAND USE ORDINANCE REGARDING DEFINITIONS

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1. Amend Article VI, Definitions, as set forth below

### Article VI. Definitions

#### § ~~125-61~~ 125-63. Word Usage and definitions

~~ACCESSORY DWELLING UNIT~~ An accessory dwelling unit (ADU) is a small, self-contained residential unit located on the same lot as an existing single family home. An ADU has all the basic facilities for day to day living independent of the primary residence, such as a kitchen, sleeping area, and a bathroom. The installation of an ADU may be as a separate unit within an existing home, an addition to the home, or a separate structure on the lot.

AFFORDABLE HOUSING DEVELOPMENT- A housing development where at least 51% of units therein are affordable housing units, as defined in this Chapter.

AFFORDABLE HOUSING UNIT- A dwelling unit that will, through the recording and enforcement of a restrictive covenant, be affordable to a household making no more than 120% of the area median income in the case of rental housing, or 120% of area median income in the case of owned housing. A dwelling unit is considered affordable if the household occupying that unit does not spend more than 30% of its monthly household income on housing costs, inclusive of utilities, insurance, and association fees.

ATTACHED means connected by a shared wall to the principal structure.

~~AQUICULTURE~~ AQUACULTURE The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

CLOSED LOOP SYSTEMS: A geothermal heat pump system which relies on the contained circulation of geothermal fluids through an underground loop of pipes. The loops act as a subsurface heat exchanger, which transports the heat to or from the ground. The loop of pipe is installed either vertically in borings or horizontally in trenches.

CLOSED LOOP, HORIZONTAL - A Closed Loop System where the loops of the pipe are laid horizontally in the ground, in trenches.

CLOSED LOOP, VERTICAL - A Closed Loop System where the loops of the pipe are installed vertically into the ground, in well borings.



GEOHERMAL FLUID - Any fluid transporting or capable of transporting geothermal heat. For the purpose of this Ordinance, only food-grade or USP-grade propylene glycol may be used as a Geothermal Fluid. No other materials or additives may be used except for potable water.

GEOHERMAL HEAT - Heat derived from geothermal resources, or heat derived from groundwater.

GEOHERMAL HEATING SYSTEM - A geothermal heat pump system which relies on the contained circulation of geothermal fluids to obtain and to utilize geothermal resources.

FRESHWATER WETLAND - Freshwater swamps, marshes, bogs and similar areas other than forested wetlands which are:

~~A. Of 10 or more contiguous acres, or of less than 10 contiguous acres and adjacent to a surface water body, excluding any stream or brook, such that in a natural state the combined surface area is in excess of 10 acres; and~~

~~A B.~~ Inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and

~~B C.~~ Not considered part of a great pond, coastal wetland, river, stream or brook.

Note: Wetlands are classed as coastal, forested or non-forested and each class may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

HAT- Highest Annual Tide- HAT values are a calculation of the lowest or highest predicted tides for a location based on an analysis of tide predictions over a defined time period.

KITCHEN- A kitchen means an area within a structure that is used or designed to be used for the preparation or cooking of food and that contains cooking appliances including, but not limited to: ovens, convection ovens, stoves, stove tops, built-in grills or microwave ovens or similar appliances, 240 volt electrical outlets or any gas lines.

POTABLE- “Potable” means safe for drinking as defined by the U.S. Environmental Protection Agency’s (EPA) Drinking Water Standards and Health Advisories.

OPEN LOOP SYSTEMS - A geothermal heat pump system which relies on the circulation of groundwater from a supply well, spring or surface water. The source for heat, groundwater is moved from the ground to a heat pump. The water is then transferred to a discharge area, typically a surface water body, storm or sanitary sewer system, or recharge well.

TINY HOME - means “tiny home,” as defined in 29-A M.R.S. § 101(80-C), as may be amended or recodified.

Article 4. Shall an ordinance entitled “2024 Amendments to the Islesboro Land Use Ordinance Swimming Pools, Geothermal Heating Systems, and Fire Suppression Systems” be enacted?

(The proposed ordinance is available for review and inspection at the Town Clerk’s Office and will be available at the Town Meeting.)

**2024 AMENDMENTS TO THE ISLESBORO LAND USE ORDINANCE REGARDING SWIMMING POOLS, GEOTHERMAL HEATING SYSTEMS, AND FIRE SUPPRESSION SYSTEMS**

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1. Amend Article II, Administration, as set forth below:

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**§ 125-12 Land use permit.**

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**D.** Applications for the following shall be submitted under the provisions of this chapter:

- (1) Detached single- and two-family dwelling units, including accessory structures (while not part of a new subdivision or development proposal).
- (2) Agriculture, timber harvesting, and ponds.
- (3) Geothermal heating systems, in-ground swimming pools (greater than 120 square feet) and fire suppression cisterns.

**§125-13 Application.**

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**A.** An application for a land use permit shall be made by the property owner or the owner’s duly authorized agent and submitted to the Planning Board or the Codes Enforcement Officer for review and approval prior to the commencement of any work. The application shall be made on a form provided by the Planning Board and shall include payment of a filing fee as specified in the fee schedule available at the Town Office.

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**§ 125-18 Codes Enforcement Officer.**

The Town Manager shall appoint and supervise a qualified Codes Enforcement Officer. Except as otherwise set forth below, all directives by the Planning Board regarding the administration of this chapter by the Codes Enforcement Officer (as set forth in Subsection A) shall be directed to the Town Manager by the Chair of the Planning Board.

A. Powers and duties under this chapter.

- (1) The Codes Enforcement Officer shall enforce the provisions of this chapter.
- (2) The Codes Enforcement Officer shall, with the approval of the Planning Board receive and act upon the following land use or construction applications and shall issue permits therefor, if the proposed uses are consistent with the requirements of this chapter. A copy of each permit issued shall be given to the Planning Board.

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- (b) Outside structures or additions to such structures as garages, storage buildings, workshops, satellite antennas, utility poles, gazebos, swimming pools, geothermal heating systems, fire suppression systems, and other structures and additions not constituting interior dwelling space.

**§ 125-58. Water Quality**

- A. No activity shall deposit on or into the ground or discharge to the waters of the state or Town any pollutant that, by itself or in combination with other activities or substances, will impair designated uses of the water classification of the water body.

B. Geothermal Heating Systems

1. The purpose of this section is to promote the use and construction of Geothermal Heating Systems within the town of Islesboro while protecting the town's water resources.

2. Regulations

- a. Open Loop Systems are prohibited;
- b. Both Horizontal and Vertical Closed Loop Systems are permitted;
- c. All Geothermal Heating Systems constructed or altered within the town subsequent to the effective date of this section shall be subject to the requirements of this section;

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- d. Only potable water or food-grade or USP-grade propylene glycol shall be used as Geothermal Fluid. No other materials or additives may be used. A permanent sign must be attached to the Geothermal Heating System specifying that only approved heat transfer fluids may be used;
- e. No Geothermal Fluids or Thermal Groundwater may be discharged onto the surface of the ground or into any public drainage facility;
- f. All abandoned geothermal wells must meet the Maine Department of Environmental Protection, Bureau of Remediation and Waste Management "Guidance for Well and Boring Abandonment" (January 7, 2009), as amended.
- g. Geothermal wells must be grouted.

### C. Groundwater Withdrawal

#### 1. Swimming Pools-

- a. All inground swimming pools must meet setback requirements of § 125-32.C.1 of this Ordinance, and shall be approved by the CEO prior to installation..
- b. Only water from off-island sources may be used for filling and refilling of pool.
- c. Discharging water from swimming pools
  - 1) Discharged water shall remain within property boundaries.
  - 2) Discharging of treated water into any water body should be avoided.

#### 2. Fire Suppression Systems Cisterns

- a. All fire suppression systems cisterns shall comply with subsurface rules.
- b. Water from off-island sources shall be used for filling and refilling of cistern(s).

Article 5. Shall an ordinance entitled “2024 Amendments to the Islesboro Development Review Ordinance Regarding Minimum Lot Sizes and Parking” be enacted?

(The proposed ordinance is available for review and inspection at the Town Clerk’s Office and will be available at the Town Meeting.)

**2024 AMENDMENTS TO THE ISLESBORO DEVELOPMENT REVIEW  
ORDINANCE REGARDING MINIMUM LOT SIZES AND PARKING**

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The Development Review Ordinance of the Town of Islesboro shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

1. Amend Article VII. Multiple Dwelling and Lodging Facilities as set forth below:

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**§ 45-38 Lot size.**

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**D.** Apartment houses, congregate dwelling facilities, and other similar multiple dwelling facilities connected to public sewer shall be located on a lot of not less than 65,340 square feet in area per building not accessory to the principal use and that has not less than 21,780 square feet (0.5) acre per apartment. Notwithstanding the foregoing, affordable housing developments located within the Town Centers District shall instead be subject to the density requirements set forth in § 125-29.1(B)(1)(f) of the Land Use Ordinance.

**§ 45-39 Parking.**

All parking facilities referred to in this section shall be off street and on site.

**A.** All multiple dwelling units shall be provided with 1.5 parking spaces per dwelling unit consistent with Article XV of this chapter, ~~except affordable housing developments, as defined in § 125-62 of the Land Use Ordinance,~~ which shall be required to provide 2 parking spaces for every 3 dwelling units.

Article 6. Shall an ordinance entitled “2024 Amendment to the Town of Islesboro Code of Ordinances to Adopt Changes to the Protection Districts Map, as incorporated into the Town of Islesboro Code of Ordinances through Chapter 125, Section 125-9, to change the protection district classification of the property identified as Tax Map 17, Lot 9A from Rural to Town Centers District” be enacted?

(The proposed ordinance is available for review and inspection at the Town Clerk’s Office and will be available at the Town Meeting.)

**2024 AMENDMENTS TO THE ISLESBORO LAND USE ORDINANCE REGARDING  
TOWN CENTER DISTRICTS**

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Islesboro Affordable properties has requested that their property, map 17, Lot 9A, be included in the Post Office Town Center District as shown on the attached map. The Planning Board has adjusted District boundaries around Map 17, lot 17B And lot 24 to follow property lines, as shown for the remainder of the district.

(A copy of the proposed amendment, showing the area to be rezoned, is available for review and inspection at the Town Clerk’s Office; it will also be available at Town Meeting).

Article 7. Shall an ordinance entitled “2024 Amendment to the Town of Islesboro Code of Ordinances to Adopt Changes to the Protection Districts Map, as incorporated into the Town of Islesboro Code of Ordinances through Chapter 125, Section 125-9, to change the protection district classification of the properties identified as Tax Map 24, Lots 2, 2A, 3, 4, 5, 5A, 6, 7, 8, 8A, 9, 10, 11, 13, 13A, 14, 15, 16, 17, 19, 19A, 20, 22, 22A, 23, 23A, 23B, 23C, and 24 from Rural to Town Centers District” be enacted?

(The proposed ordinance is available for review and inspection at the Town Clerk’s Office and will be available at the Town Meeting.)

**2024 AMENDMENTS TO THE ISLESBORO LAND USE ORDINANCE REGARDING  
TOWN CENTER DISTRICTS**

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The Select Board Housing Committee is proposing the establishment of a third Town Center, an area between Durkee’s Store and Keller Point Road. The intent is to promote workforce housing, affordable rental properties, and new homes on smaller lots, for year-round teachers, plumbers, electricians, and the like.

(A copy of the proposed amendment, showing the area to be rezoned, is available for review and inspection at the Town Clerk’s Office; it will also be available at Town Meeting).