LAND USE ORDINANCE
FOR THE
TOWN OF WARREN, MAINE

ENACTED: March 14, 1983

AMENDED: June 11, 2024 & June 18, 2024

CERTIFIED BY:

Corinne E.R. Michaud

Town Clerk

Amendments

Adopted March 14, 1983

Amended August 17, 1989

Amended March 14, 1994

Amended December 12, 1994

Sec. 14. C. ("back lots" 30' deeded right of way minimum)

Amended March 11, 1997

Sec. 17, Sec. 18 (Signs, Definition of Signs & ROW)

Amended March 24, 1998

Sec. 10. C. 1.

Amended October 21 1999

Sec. 14. C. 1. Page 8A, Sec. 17. A. Signs Page 19A

Amended March 20, 2001

Sec. 13. Uses, Sec. 15. E, N, O, S, Sec. 18. C.

(Definitions and numbering as required)

Amended March 29, 2005

Sec. 6, Sec. 12. D, Sec. 13, Sec. 14 (Remove Industrial Zone)

Amended March 29, 2008

Sec. 15. J (Curb Cut Size), V. (Planning Board)

Amended November 20, 2008

Sec. 13, Sec. 16. M, Sec. 18 (Districts, Land Use Standards and Definitions)

Amended November 10, 2009

Sec. 17 (Signs)

Amended August 2, 2011

Sec. 16 (Land Use Standards)

Amended June 22, 2016

Sec. 13 (Uses), Sec. 16 (Land Use Standards and Sec. 18 (Definitions)

Amended July 11, 2020

Sec. 16 (Land Use Standards), X. Medical Marijuana Registered Dispensaries and Medicinal Marijuana Cultivation Facilities

Amended June 15, 2021

Sec. 16 (Land Use Standards), (REMOVE) X. Medical Marijuana Registered Dispensaries and Medicinal Marijuana Cultivation Facilities

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LAND USE ORDINANCE
TOWN OF WARREN

Section 1. **Title:** This Ordinance shall be known and may be cited as the "Land Use Ordinance of the Town of Warren, Maine."

Section 2. **Purpose, Authority, Scope**

A. Purpose

The purpose of this Ordinance, pursuant to the Warren, Maine Comprehensive Plan, is to promote the health, safety and general welfare of the residents of the town; to encourage the most appropriate use of the land through the Town; to promote traffic safety; to provide safety from fire and other elements; to prevent overcrowding of real estate; to prevent housing development in unsuitable areas; to conserve natural resources; to provide for adequate public services; to prevent and control water pollution ; to protect spawning grounds, fish, aquatic life, birds, other wildlife habitats; to conserve the shore cover and to enhance visual and physical points of access to inland waters.

B. Authority

This Ordinance is adopted pursuant to Article VII-A of the Maine Constitution and Title 30 MRSA, Section 4962, and as amended.

C. Scope

All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved, and uses of premises in the Town of Warren shall be in conformity with the provisions of this Ordinance. No building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the district in which such building, structure, land or water area is located. The provisions of this Ordinance will apply to shoreland uses and be supplementary to the Shoreland Use Ordinance.

Section 3. **Effective Date** of this Ordinance shall be August 17, 1989 and shall supersede the Land Use Ordinance enacted March 14, 1983 and any amendments adopted thereafter. Effective date of any amendments adopted after August 17, 1989 shall be immediately upon their adoption by the Town. Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, and regardless to the effective date, the amendments adopted on June (11 or 18), 2024 shall govern and apply to all industrial metallic mineral mining operations that were or are pending before the town at any time on or after March 22, 2023 (the "Date of Applicability) and, to the extent allowed by 30 – A.M.R.S. § 3007(6) shall apply to and nullify the issuance of any final approval, license, or permit for any new or expanded industrial metallic mineral mining operations.

Section 4. **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 5. **Amendments** This Ordinance may be amended by a majority vote of the residents of the Town of Warren.

Section 6. **Districts and Land Use Map** For the purpose of this Ordinance the Town of Warren is hereby divided into the following districts:

Residential - Rural - Limited Commercial/Residential

The above are shown on the Land Use Map on file in the office of the Town Clerk. The Land Use Map, and all future amendments thereto, is hereby made part of this Ordinance.

Section 7. **Conflict with Other Ordinances** Whenever the requirements of this Ordinance differ from the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standard shall govern.

Section 8. **Interpretation of District Boundaries** Unless otherwise set forth on the Land Use Map, district boundary lines are property lines; the centerlines of streets, roads and rights-of-way; and the boundaries of the districts as defined. Where uncertainty exists as to exact location of boundary lines, the Board of Appeals shall be the final authority as to location.

Section 9. **Nonconforming Uses**

A. Definition

Any building, structure, use of land, or portion thereof, existing at the effective date of adoption of this Ordinance, which does not conform to all the applicable provisions of this Ordinance, shall be considered a nonconforming use.

B. Continuance of Nonconforming Uses

1. The use of land, building or structures, lawful at the time of adoption or subsequent amendment of this Ordinance, may continue although such use does not conform to the provisions of this Ordinance.

2. Repair, Rebuilding or Change in Nonconforming Use

   a. A nonconforming building or structure may be repaired, maintained or improved, but the area in a nonconforming use may not be extended or expanded except in conformity with this Ordinance.

   b. If a nonconforming building or structure is destroyed, it may be rebuilt provided that construction is commenced within two (2) years after the destruction of the building or structures and is substantially completed within three (3) years after such destruction.

3. No structure which is less than the required setback from the normal high-water mark shall be expanded toward the water.

C. Expansion of Nonconforming Use

A nonconforming use may not be expanded without a variance from the Board of Appeals in conformance with the following conditions:

1. The expansion of the nonconforming use may not be for the purpose of changing that use to another nonconforming use.

2. The expansion of a nonconforming use will be in accordance with any applicable Performance Standards set forth in the Warren Land Use Ordinance.

D. Discontinuance of a Nonconforming Use

A nonconforming use, which is discontinued for a period of twelve (12) consecutive months, may not be resumed. The uses of the land, building or structure shall hereafter conform to the provisions of this Ordinance.

E. Rule of Precedence

Whenever a nonconforming use is superseded by a permitted use of a structure, or structure and land use in combination, such structure, or combination of land and structure, shall thereafter conform to the provisions of this Ordinance and the nonconforming use may not thereafter be resumed.

F. Transfer or Ownership

Ownership of land and structures which remain lawful but become nonconforming by the adoption or amendment of this Ordinance may be transferred and the new owner may continue the nonconforming uses subject to the provisions of this Ordinance.

G. Nonconforming Lots of Record

1. A single lot or record, which at the effective date of this Ordinance, does not meet the area or width requirements, or both, of the district in which it is located, may be built upon provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership and that all other provisions of this Ordinance shall be met. Variance of the yard or other requirements not involving area or width shall be obtained only by action of the Board of Appeals.

2. If two (2) or more contiguous vacant lots or parcels are in single ownership of record at the time of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the dimensional requirements of this Ordinance, the lands involved shall be considered to be a single parcel for the purpose of this Ordinance and no portion of said parcel shall be built upon or sold which does not meet the dimensional requirements of this Ordinance; nor shall any division of the parcel be made which creates any dimension or area below the requirements of this Ordinance.

H. Restoration of Unsafe Property

Nothing in this Ordinance shall prevent the strengthening or restoring to safe condition any part of any building declared unsafe by the Code Enforcement Officer.

Section 10. **Administration** Administration of this Ordinance shall be in accordance with the provisions of Section 16, Administration, of the Shoreland Use Ordinance for the Town of Warren, as amended.

A. Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer or other person duly authorized by the Town of Warren to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and specifying the action necessary to correct it. He shall order discontinuance if illegal use of land, buildings, structures, additions or work being done, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

B. Building Permits

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore issued by the Code Enforcement Officer. No change of use or resumption of nonconforming use may occur without a permit used by the Code Enforcement Officer. No building permit shall be issued except in conformity with the provisions of this Ordinance, except after written order of the Board of Appeals.

A fee schedule for building and use permits shall be established by the Selectmen.

C. Applications

1. All applications for building permits shall include the location and dimensions of the proposed building or alteration and the proposed sewage disposal system as certified by a registered civil engineer or a plumbing inspector appointed by the Town. The application shall include such other information as lawfully may be required by the Code Enforcement Officer to determine conformance with and provide for the enforcement of this Ordinance. If the proposed building shall be or come within 200 feet of the Sanitary District Sewer Lines a completed and approved Sanitary District Permit shall be submitted with the application before it can be considered complete.

2. Upon determining that a complete application has been submitted for review, with appropriate fee(s), the Planning board or C.E.O., at a regularly scheduled Planning Board meeting, will issue a dated receipt. This will be the official date of receipt for any application.

3. In all districts, the approval of building permit applications shall be subject to evidence of satisfactory subsurface soils conditions for drainage and sewage disposal.

4. Approval of building permit applications shall be subject to all applicable State and Local codes for health, plumbing, sanitation, conservations, pollution abatement.

5. The permit must be exercised within six (6) months and the permit expires 24 months after issuance. A permit may be renewed subject to the provision of this Ordinance for an additional 24 months.

D. Pending Applications

Nothing in this Ordinance shall require any change in the plans, construction, size or designated use for any building, structure, or part thereof for which application for a Building Permit has been made or a Building Permit has been issued or upon which construction commenced prior to the adoption or amendment of this Ordinance, provided construction shall start within 60 days after the issuance of such Permit.

Section 11. Regulations Pertaining to All Districts

A. No land may be used for refuse disposal facilities except by the Town of Warren.

B. Any use, which emits sewage, is not permitted in any zone unless it is connected to the public sewer system or is equipped with its own adequate sewage treatment facilities according to the Maine State Plumbing Code and Municipal Sewage Ordinance.

C. When essential for public traffic safety, property owners will be required to keep vegetation, signs or other obstructions below three (3) feet from ground level in the required setback. Billboards are prohibited.

Section 12. Purposes and Criteria for Establishing Districts

A. Residential: To protect existing residential development and encourage compatible future development of essentially family residences.

B. Rural: To maintain the rural character of the land within the zone and to permit uses of the land compatible with this end.

C. Limited Commercial-Residential: To encourage and protect retail businesses and services common to normal highway traffic and to protect the types of residential activity common to such businesses.

Section 13. Uses Land uses permitted in each District, in conformance with the land use standards of this Ordinance, are shown below:

KEY:	Yes	Allowed (no Permit required)
	No	Prohibited
	CEO Permit	Requires permit issued by the Code Enforcement Officer.
	PB Permit	Requires Planning Board review prior to CEO issuing a permit.

DISTRICTS

Land Uses	Residential	Rural	Limited Commercial-Residential
Single Family Dwelling, Two Family Dwelling, Accessory Dwelling	CEO Permit	CEO Permit	CEO Permit
Apartments, Conversion of existing Dwellings to Apartments	PB Permit	PB Permit	PB Permit
Group Homes, Convalescent Homes, Home Occupations	PB Permit	PB Permit	PB Permit
Agriculture and Horticulture and Use, On-site sale of products	PB Permit	Yes	Yes
Campgrounds	No	PB Permit	PB Permit
Retail & Wholesale Business Services, Business & Professional Offices	PB Permit	PB Permit	PB Permit
Restaurants, Motels, Outdoor Sales & Storage	No	PB Permit	PB Permit
Manufacturing, Processing & Treatment, Warehousing, Research Facilities, Use Accessory Manufacturing, Processing & Treatment	No	PB Permit	PB Permit
Public Buildings	CEO Permit	CEO Permit	CEO Permit
Schools, Public & Private	PB Permit	PB Permit	PB Permit
Public Utility Buildings and Electrical Power Transmission Services	PB Permit	PB Permit	CEO Permit
Semi-Public Buildings, Churches, other Religious Facilities, Cemeteries	PB Permit	PB Permit	PB Permit
Excavation or Gravel Pits	No	PB Permit	No

DISTRICTS (cont.)

	Residential	Rural	Limited Commercial-Residential
Storage of Soil, Loam, Sand, Ground Rock And Other Mineral Deposits Not Associated with Industrial Metallic Mineral Mining	No	PB Permit	No
Processing or Crushing	No	PB Permit	No
Quarrying	No	PB Permit	No

DISTRICTS

Medical Marijuana Registered Dispensary or Medical Marijuana Cultivation Facility

Land Uses	Residential	Rural	Limited Commercial-Residential
Medical Marijuana Registered Dispensary	No	PB Permit	PB Permit
Medical Marijuana Cultivation Facility	No	PB Permit	PB Permit

Section 14. Dimensional Requirements

DISTRICTS

	Residential	Rural	Limited Commercial-Residential
Minimum Lot Size	40,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.
Minimum Lot Size Per Multi-Family Dwelling	40,000 sq. ft. for the first dwelling unit; 10,000 sq. ft. for each additional unit		
Minimum Street Frontage	150 ft.	150 ft.	200 ft.
Minimum Front Yard From edge of Right of Way (A)	30 ft.	30 ft.	90 ft.
Minimum Side & Rear Yard	20 ft.	20 ft.	30 ft.

Maximum Bldg. Height (B)			
Residential	35 ft.	35 ft.	35 ft.
Non-Residential	50 ft.	50 ft.	50 ft.
Maximum Lot Coverage	20%	20%	20%

A. Where a proposed structure is abutted on both sides by structures whose setback is less than that required, the Planning Board may reduce the setback to that of the abutting structures, but in no case to less than 10 feet from the edge of the right-of-way. The front yard setback shall be required for each yard abutting a right of way.

B. Features of buildings or structures, not intended for human habitation, such as chimneys, ventilators, towers, and spires, may exceed these heights but shall be set back from all lot lines a distance not less than the height of such feature of structure.

C. Up to two (2) new "back lots" without road frontage may be created from any pre-existing lot of record provided they conform to the minimum lot size of the district. In addition, the minimum dimension of the lot shall be no less than the "minimum street frontage" dimensions shown in Section 14 of this Ordinance."

1. Reduced to 20,000 sq. ft. if served by public sewer and water.

The right of way shall be adequately described in an instrument recorded at the Knox County Registry of Deeds. Said right-of-way shall not be less than 30' wide.

For all Subdivisions approved after approval of the
Revised Subdivision Districts (2)
Approved at Town Meeting 10/21/99

	Village	**Rural**	Limited **Commercial/Residential**
Minimum Lot Size	40,000 sq. ft. (1)	60,000 sq. ft.	60,000 sq. ft.
Minimum Lot Size for Multi-Family Dwelling	40,000 (1) sq. ft. for the first dwelling unit, 10,000 sq. ft. for each additional unit.		
Minimum Street Frontage	150 ft.	150 ft.	200 ft.
Minimum Front Yard From Edge of Right Of Way	30 ft.	30 ft.	90 ft.

Minimum Side and Rear Yard	20 ft.	20 ft.	30 ft.
Maximum Bldg. Height			
Residential	35 ft.	35 ft.	35 ft.
Non-Residential	50 ft.	50 ft.	50 ft.
Maximum Lot Coverage To Buildings	20%	20%	20%

The Village District is defined as a circular area with a radius of 3/4 mile, the center of which is the center of the Main Street Bridge over the St. George River in the Town of Warren.

1. Reduced to 20,000 sq. ft. if served by public sewer and water.

2. Density Requirements as outlined in the Subdivision Ordinance shall apply to all Districts.

Section 15. **General Standards** In all areas and all districts, any use which, by noxious exhalations, offensive smells or other annoyances becomes injurious and dangerous to the health, comfort or property of individuals, or of the public, is prohibited.

A. Uses Prohibited

The following uses shall be prohibited:

1. Ammonia, bleaching powder or chlorine manufacture or refining; hydrochloric, nitric, picric, sulfuric, or sulphurous acid manufacture;

2. Creosote manufacture;

3. Blast furnace; melting or ore reduction or smelting; hot rolling mill;

4. Dextrin, glucose or starch manufacture;

5. Dye manufacture; lamp black manufacture; match manufacture;

6. Explosives or fireworks manufacture, or storage in excess of five hundred (500) pounds;

7. Fat, grease, lard or tallow manufacture, refining or rendering; fish rendering;

8. Hair manufacture;

9. Incineration, reduction or dumping of dead animals, garbage solid waste offal or refuse except by the City of its agents, or when accumulated and consumed on the same premises without the emission of odor;

10. Linoleum or oilcloth manufacture; production or refining of petroleum or other inflammable liquids;

11. Rubber manufacture, or treatment involving offensive odor;

12. Tanning or curing of raw hides or skins;

13. Tar distillation or manufacture; turpentine or varnish manufacture.

14. Industrial Metallic Mineral Mining is prohibited in all areas and zones within the Town; provided however, the "Exploration" of Metallic Mineral Mining is allowed, as described in Subchapter 2 of the Metallic Mining Ordinance, which requires public hearings and review criteria which must be satisfied before a permit for Exploration may be issued by the Planning Board.

Upon completion of the work of Exploration, the proposed Applicant may seek that the Town engage in a process, as authorized by 30-A MRS § 4352, to approve a Contract Rezoning Agreement that shall, at a minimum, address the process, review criteria, expert evaluation, performance standards, and all aspects of evaluation, permitting, approval, operation, enforcement, conditions, and escrow funding for decommissioning and reclamation, including any other requirement of the voters of the Town of Warren Such a Contract Rezoning Ordinance as may be negotiated with the Town Select Board, after review and recommendations from the Planning Board and Conservation Commission.

A Contract Rezoning Agreement must be consistent with the Warren Comprehensive Plan (growth management program) adopted under Title 30-A, chapter 187. The property or area proposed for Contract Rezoning must be consistent with the existing and permitted uses within the original zone or area if not within an existing designated zone. The conditions and restrictions included shall relate broadly to all aspects of physical development and operations on the property, including but not limited to the strict and absolute preservation of the environment, health, safety, public welfare, review criteria, performance standards, application process and all other requirements described in Subchapters 3, 4 and 5 of the Metallic Mining Ordinance.

Before any property is rezoned under this provision, the Planning Board, Conservation Commission, and Select Board, at a minimum, must each conduct public hearings. The Planning Board and Conservation Commission shall each provide detailed recommendations to the Select Board prior to the Select Board hearing(s). Notice of each hearing must be posted in the municipal office at least 13 days before the public hearing. Notice must also be published at least 2 times in a newspaper having general circulation in the municipality. The date of the first publication must be at least 7 days before the hearing. Notice must also be sent to the owner or owners of the property to be rezoned and to the owners of all property abutting the property to be rezoned at the owners' last known addresses. Notice also must be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. This notice must contain a copy of the proposed conditions and restrictions with a map indicating the property proposed to be used for Metallic Mining.

If the Select Board, at its sole discretion, completes negotiation of a proposed Contract Rezoning Agreement with an Applicant, it shall then present the proposal, with all proposed zoning and land use amendments, including but not limited to an official zoning map amendment, to the voters of the Town for their consideration to approve or deny the proposed Contract Rezoning Agreement. Notwithstanding any ordinance provision to the contrary, there shall be no appeal of the legislative decision of the voters to either approve or deny the proposed Contract Rezoning Agreement.

All Town costs, expenses, fees, expert consultant fees, legal fees and staff time equivalent costs shall be paid as a nonrefundable fee by any proposed Applicant, and shall be supplemented as reasonably necessary, which shall be paid prior to any consideration by the Town of a proposed Contract Rezoning Agreement.

B. Landscaping

Any landscaped areas shall be properly maintained thereafter in a sightly and well-kept condition. Parking and outdoor storage areas shall be effectively screened from view by a continuous landscaped area, not less than eight (8) feet in width containing evergreen shrubs, trees, fences, walls, berms, or any combination thereof forming a visual barrier not less than six (6) feet in height along lot lines abutting any residential zone, except that driveways shall be kept open to provide visibility for vehicles entering and leaving.

C. Industrial Wastes

Industrial and sanitary wastes shall be discharged into private sewage disposal and public municipal sewer systems as permitted by State Statutes and Municipal Ordinances.

D. Air Quality: Fire and Safety Hazards

All land uses shall conform to the applicable State Statutes and regulations governing air quality and fire and safety hazards.

E. Noise

Noise is required to be muffled so as not to be objectionable due to the intermittence, beat frequency, or shrillness.

MAXIMUM NOISE READINGS

	7 AM – 8 PM	8 PM – 7 AM
RESIDENTIAL	50	45
RURAL	55	45
COMMERCIAL	65	55
INDUSTRIAL	70	60

1. Noise shall be measured by a meter set on the A-weighted scale, fast response. The meter shall meet the American National Standards Institute (ANSI SI 4-1961) “American Specification for General Purpose Sound Level Meters.”

2. The following uses and activities shall be exempt from the sound pressure level regulations: temporary noises created by construction, timbering or agriculture.

F. Odor Control

1. No person, wherever located, shall cause or allow the emission of odorous air contaminants from any source such as to result in detectable odors at the lot line of the source which are measured in excess of the following limits:

a. For areas used for residential/rural or commercial purposes within 500 feet of the lot line of the source, it is a violation if odors are detected after the odorous air has been diluted with seven (7) or more volumes of odor free air.

b. In all other land use areas, it is a violation if odors are detected after the odorous air has been diluted with fifteen (15) or more volumes of odor free air.

2. For the purpose of this Regulation, two (2) odor measurements shall be made within a period of one (1) hour, these measurements being separated by at least fifteen (15) minutes. These measurements shall be made outside the property line of the property from which the emission originates.

3. The Barnebey-Cheney Scentometer suitably calibrated, or any other instrument, device or technique equivalent may be used in the determination of the intensity of an odor and may be used as a guide in the enforcement of this performance standard.

G. Water / Wastewater

The owner of all dwelling units and or accessory apartments must provide written verification that the proposed units can be connected to adequate water and wastewater services prior to certification for occupancy. Written verification must include the following:
It is connected to the Warren Sanitary District 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; if 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 Rules*.

If connected to Maine Water, 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 if connected to a well, proof of access to potable water including the standards outlined in 01–672 C.M.R. Chapter 10 section 10.25(j) *Land Use Districts and Standards*. Any test of an existing well or proposed well must include that the water supply is potable and acceptable for domestic use.

Section 16. Land Use Standards

A. Accessory Buildings

No garage or other accessory building shall be located in a required front yard. Accessory buildings not exceeding ten (10) feet in height may be located no less than one (1) foot from the side or rear lot lines for each foot of height.

B. Apartment Conversions

A single family dwelling may be converted to no more than three (3) dwelling units per lot, provided:

1. Exterior alterations shall be limited to those required to comply with applicable health, building and fire safety codes and shall not substantially alter the single family appearance of the residence.

2. All Dimensional requirements for a single family dwelling unit shall be met.

3. If not connected to a public sewer system, the lot must contain sufficient area and suitable soil conditions for on-site disposal in accordance with the Maine State Plumbing Code, Part 2.

4. Each apartment unit shall contain the following minimum living areas:

Efficiency or studio apartments	300 square feet
1 bedroom apartment	400 square feet
2 bedroom apartment	550 square feet
3 bedroom apartment	700 square feet
4 bedroom apartment	850 square feet

5. Off-street parking shall be provided in accordance with this Ordinance.

6. No parking shall be located within the required yard areas.

C. Campgrounds

Campgrounds shall conform to the provisions of Section 15, D., Shoreland Zoning Ordinance for the Town of Warren.

D. Convalescent Homes

Convalescent homes, including nursing homes, extended care facilities primarily for the elderly or those requiring nursing care, shall conform to the following:

1. New buildings shall be no higher than one (1) story, 25 feet in height.

2. Existing buildings shall not be used for human occupancy above the second story.

3. All convalescent homes shall be equipped with automatic sprinklers.

4. Lots shall meet all requirements for single-family dwellings.

5. No parking shall be located within the required yard areas.

6. The Planning Board may require other conditions to fit the convalescent home harmoniously into its neighborhood.

E. Excavation, Gravel pits, Processing and Storage of Soil, Loam, Sand, Gravel, Rocks, Other Mineral Deposits, Processing or Crushing

Submission Requirements:

1. Shall include a business plan indicating the hours of operation, the number of trucks, the volume of material, route of traffic, life expectancy and erosion control. The cost of compliance with the reclamation plan shall require a performance bond.

   Routing of traffic and/or traffic safety studies shall be required by the Planning Board. The cost of any studies determined necessary by the Planning board, up to, and including studies by a Certified Traffic Engineer, shall be paid by the applicant. The scope of operation in reference to traffic studies shall be based on flow of traffic to and from the site. Scrub pads or other measures deemed necessary shall be installed so that there is no tracking of dirt or mud on town ways.

Performance Standards:

1. All operations shall be conducted in accordance with the provisions of Shoreland Zoning, Section 15 – M and Q, Site Plan and Land Use Ordinances for the Town of Warren. All applicable State and Federal laws will be adhered to.

2. Permitted pit/quarries approved by the Planning Board shall be subject to review annually on April 15, to insure that they are operating within the pervious permitted guidelines by the Site Plan. Pit owners/operators shall submit to the CEO details of activities including quantities of materials removed or hauled in during the past year and proposed activity for the upcoming year. Included in this information shall be a drawing showing the dimensions of the existing pit on the ground, existing roads, silt fences and other erosion control measures. It shall also include a statement of compliance, signed and dated by the owner/operator.

3. No below grade excavation shall occur within seventy-five (75) feet of a lot line. This setback may be reduced by written agreement between the pit owner and abutting property owner of record. The written agreement must be recorded at the Registry of Deeds and a certified and attested copy submitted with the Site Plan Review application. Natural vegetation shall not be disturbed or removed within the thirty (30) foot setback from all lot lines, except for those areas spelled out in the recorded written agreement.

4. Removal of sod, loam or topsoil shall leave not less than four (4) inches of topsoil. Where sand, gravel or other minerals are to be removed, sufficient topsoil shall be stockpiled to permit compliance with the reclamation plan.

5. No excavation, filling, or storage of materials shall occur within one hundred (100) feet of the bank of any permanently flowing watercourse or of any great pond or lake. No excavation shall result in standing water unless in conformance with a final grading plan approved by the Planning Board.

6. All processing and crushing shall occur only after Planning Board approval and only at gravel pits or quarries.

7. The suggested hours of operation for any activities shall be not earlier than 7:00 am and not later than 7:00 pm Monday thru Saturday depending on the location of the site and Planning Board review.

These conditions shall require new Planning Board review:

1. If an existing pit/quarry is sold or if there is a transfer of ownership or operation.

2. If there is a change of use as defined in the Land Use Ordinance.

3. If the approved pit exceeds five (5) acres.

4. New gravel pits will be limited to a maximum of under five (5) acres which shall be reclaimed per original Site Plan Review before any additional area can be opened up or topsoil removed. If the owner/operator wishes to revise the reclamation plan at any time they shall go before the Planning Board for approval.

5. If there is a change to the reclamation plan.

6. If there is a change in the business plan which increases activity in the pit or in the number of yards removed by 25% or more.

F. Group Homes

Group homes, providing full-time staffing and residential facilities for short and long term occupancy by those not requiring nursing care, shall conform to the following:

1. New buildings shall be no higher than two (2) stories, 35 feet in height, and no group home shall be used for human occupancy above the second story.

2. All group homes shall be equipped with automatic sprinklers.

3. Lots shall meet all requirements of multi-family dwellings, with each six (6) residents, or fraction thereof, counting as an additional “family.”

4. No parking shall be located within the required yard areas.

5. The Planning Board may require other conditions to fit the group home harmoniously into its neighborhood.

G. Home Occupations

Home occupations shall conform to the following:

1. The occupation or profession shall be carried on wholly within the dwelling unit or accessory building on the premises.

2. Not more than two (2) person(s) not residing in the dwelling shall be employed.

3. The Planning Board may require buffer or screening for storage of materials outside the dwelling or accessory building.

4. A home occupation shall not disturb the quiet possession of other homes in the neighborhood and will not cause unreasonable road congestion or unsafe traffic conditions.

5. Off-street parking shall conform to the off-street parking and loading requirements of this Ordinance.

6. The home occupation shall not utilize more than 50% of the total floor area of the dwelling unit plus accessory building.

7. If more than one (1) home occupation is to be carried on within the same dwelling, the cumulative usage of space, parking and all other requirements may not exceed those requirements for a singular home occupation.

7. The Planning Board may require other conditions to fit the home occupation harmoniously into its neighborhood.

H. Manufacturing, Warehousing, Research Facilities

Where located adjacent to residential lots, manufacturing, warehousing and research facilities shall conform to the following:

1. Side and rear yard setbacks shall be not less than 50 feet, of which not less than 20 feet shall be maintained as yard space.

2. No parking or outdoor storage shall be located within the required 20-foot yard areas.

3. All outdoor storage of material, goods or vehicles shall be screened from view from adjacent residential lots, as required for off-street parking and loading spaces.

I. Multi-Family Dwelling Units

Multi-family (3 or more) dwelling units shall conform to the following:

1. The minimum road frontage shall be 200 feet.

2. The minimum setback from all lot lines shall be 30 feet.

3. Lots and multi-family dwelling units shall meet all other dimensional requirements for the zone in which they are located.

4. No building shall contain more than ten (10) dwelling units.

5. All units shall be connected to a centrally managed water system.

6. All units shall be connected to a comparable sewer system, if available, or to a central collection and treatment system in accordance with the Maine State Plumbing Code.

7. No parking area shall be located within the required yard areas.

J. Off-Street Parking and Loading Requirements

1. Basic Requirement

In any District where permitted, no use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged unless there is provided for such

extension, construction or enlargement, off street automobile parking space within three hundred (300) feet of the principal building, structure, or use of the premises, in accordance with the following schedule of parking requirements. An area of two hundred (200) square feet appropriate for the parking of an automobile, exclusive of maneuvering space, shall be considered as one (1) off-street parking space.

No required parking space shall, for the purpose of this Ordinance, serve more than one (1) use. No non-commercial off-street parking facility shall have more than two (2) curb cuts on the same street, and no curb cut shall exceed 26 feet in width. Commercial off-street parking shall have no more than two (2) curb cuts on the same street, and no curb cut shall exceed 40 feet in width. Parking areas with more than two (2) parking spaces shall be so arranged that vehicles can be turned around within such areas and are prevented from backing into the street.

2. Schedule of Minimum Off-Street Parking Requirements

a. Two (2) spaces per dwelling unit.

b. One (1) space for each sleeping room in a tourist home, boarding or lodging house, or motel.

c. One (1) space for each recreational vehicle, tent or shelter site in a campground.

d. One (1) space for each four (4) beds for institutions devoted to the board, care or treatment of persons.

e. One (1) space for each one hundred fifty (150) square feet or fraction thereof, of floor area of any retail, wholesale, or service establishment or office or professional building.

f. One (1) space for each three (3) seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverage and for theaters, auditoriums and other places of amusement or assembly.

g. One (1) space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial or other permitted uses.

h. Adequate spaces shall be provided to accommodate customers, patrons, and employees at automobile service stations, drive-in establishments, open air retail businesses and amusements and other permitted uses not specifically enumerated.

3. Off-Street Loading

In any district where permitted or allowed, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely on the same lot as the building or use to be served so that trucks, trailers and containers shall not be located for loading or storage upon any public way.

4. **Landscaping**

Required parking and loading spaced for non-residential uses, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than eight (8) feet in width containing evergreen shrubs, trees, fences, walls, berms, or any

combination thereof forming a visual barrier not less than six (6) feet in height along exterior lot lines adjoining all residential properties except that driveways shall be kept open to provide visibility for vehicles entering and leaving.

K. On-Site Sale of Products

Agricultural or horticultural products, the major portion of which is grown or produced on the premises, may be sold from a stand not exceeding 100 square feet in area. A larger sales building shall be considered a retail or wholesale business.

L. Public Buildings

Public Buildings shall conform to the applicable off-street parking and loading requirements and to the land use standards applicable to similar, privately operated facilities.

M. Public Utility Buildings and Electric Power Transmission Services

Public utility buildings shall conform to the applicable off-street parking and loading requirements. Offices shall conform to the land use standards for Retail and Wholesale Business, Services, Business and Professional Offices. Storage, manufacturing and research uses shall conform to the land use standards for Manufacturing, Warehousing and Research Facilities and/or Outdoor Storage, as applicable.

N. Quarry

1. Quarrying operations shall be designed to have the least visible impact.

2. Setbacks shall be a minimum of one thousand (1000) feet to an existing dwelling (at time of approval) and a minimum of two hundred (200) feet from the edge of a working quarry to the property line(s) unless written permission has been given and recorded at the Registry of Deeds and a certified an attested copy submitted with the Site Plan review application.

3. All access roads to quarries shall have gates to promote safety and discourage off-hour entry.

4. No quarry, quarrying or quarry-type of operation, either existing or new, shall begin until the Planning Board has reviewed and approved the plan under Site Plan Review.
5.

O. Quarry Blasting

Statutory Authority: Administration: Effect On Other Regulations:

1. This chapter is enacted pursuant to 30-A MRSA 3001 and shall be administered by the Planning Board of the Town of Warren.

2. The requirements of this chapter are in addition to any other ordinances, regulations and statutes and where different standards are contained elsewhere, the more restrictive standards shall apply.

3. This chapter in no way replaces or negates the requirements pertaining to explosives as contained in the Fire Prevention Code of the American Insurance Association, 1970 edition, as the same may be amended, or any rule or regulation of any governmental agency.

Purpose:

1. Through the establishment of standards, notice requirements and instrument monitoring of quarry blasting operations it is intended to minimize the effects of airblast overpressure, ground vibration, dust and noise associated with quarry blasting which may be detrimental to individuals and the community in the enjoyment of life, property and the conduct of business.

2. It is intended to prevent permanent damage to the geologic, hydrogeologic and wildlife resources and ecological balance in the region, and to have a chapter, which can be effectively and efficiently administered.

3. Due to safety concerns the suggested hours of detonation shall be between 10:00 am and 3:00 pm Monday thru Friday, excluding Federal and State holidays.

Submission Requirements:

1. All quarries whether existing or newly proposed shall meet blasting standards and will require Site Plan Review.

2. Applications shall contain the following information:

a. The name of the applicant.

b. The name of the property owner/operator.

c. The name of the blasting contractor.

d. The location of the proposed blasting activity.

e. The total number of cubic yards of material to be removed by blasting.

f. An estimate of the number of blasts required to remove the specified amount of material.

g. A description of the quarry project for which the blasting is being undertaken.

h. Adjacent land uses.

i. The location of adjacent structures and distance to those structures.

j. The projected life of the quarry.

k. A road impact and/or traffic safety study maybe required at applicant’s expense.

3. Any other studies or information deemed necessary by the CEO or the Planning board which may include but is not limited to:

**Preblast assessment
**Hydrological studies

**Geological studies
**Test Wells
**Hours of blasting
**Seismographs

**All costs for any and all studies deemed necessary by the Planning Board and/or CEO shall be paid for by the applicant.

4. **Upon receipt** of completed application the CEO shall review and forward the application to the Planning board within 10 calendar days.

    a. When the application is forwarded to the Planning Board, the Board shall review and act upon the application within 60 days of transmittal of a completed application.
    b. The Board may approve, approve with conditions or deny the application based on the performance standards contained herein. The applicant must be notified in writing by first class mail within 10 days of the decision.

5. **A public hearing shall be held on the application.**

    a. All abutting property owners and/or those property owners within 500 feet of the property line of the property for which the permit is requested shall be notified at least 10 days prior to the date of the hearing by certified mail at the applicant's expense. A list of names and mailing addresses shall be provided as part of the application. Such notification shall be the responsibility of the applicant and evidence of such notification shall be provided to the Planning Board.
    b. Notification of the public hearing shall be given in a newspaper of local publication twice, the first time being at least seven days prior to the date of the hearing. Cost of this publication shall be paid by the applicant.

6. **Bond and Proof of Insurance**

    a. The applicant and/or blaster shall be required to post a performance bond in an amount to be determined by the Planning Board for those cases reviewed by the Board.
    b. The applicant and/or the blaster shall present proof of liability insurance in a minimum amount of $1,000,000 combined with single limit per occurrence, except for agricultural purposes by an individual on his own property using binary explosives.

7. **Effective Period**

    Permits shall be effective for no more than 365 days from the date of approval. For quarry blasting operations the scope of which exceeds one year, renewal of the permit shall be accomplished by reapplying in accordance with the procedure for a new permit, except that a public hearing may be held to review past compliance with the standards contained herein and any effects on existing uses and property owners in the vicinity of such quarry blasting operations.

Performance Standards:

The requirements established herein apply to any property of concern as determined by the CEO or Planning board, but no closer than the property line of property under the control, through ownership or lease or other contractual arrangement, or persons having blasting operations performed.

1. Water is a precious resource and measures shall be taken to protect groundwater quality. Water quality shall be as found in the nearest test well within 250 feet from the working edge

of the quarry or as determined by the Planning board from pre- and post-blast testing results. Post-blast testing shall be done no sooner than 24 hours or no later than 48 hours following a blast. Turbidity in wells tested shall be no greater than that which existed prior to the blasting as established in the preblast survey.

2. Due to safety concerns the hours of detonation shall be between 10:00 am and 3:00 pm Monday thru Friday excluding federal and state holidays.

3. Notices

a. All quarry blasting operations shall have notice of such blasting published in a newspaper of local publication and mailed by certified mail to all property owners within 500 feet of the blasting property five (5) working days prior to the intended date of the commencement of blasting. Notice shall include the description of the blasting signals to be used during the operation and an address and telephone number where property owners may request further information and notification. Any property owner requesting further notification shall do so in writing to the CEO and the owner/operator conducting the quarry blasting operation.

b. Prior to any blast, the owner/operator responsible for the blast shall inform all property owners who have requested in writing to be so informed of the impending blast. Such notification shall be given by telephone 24 hours prior to the blast, stating the time of the blast +/- one hour. The burden of proof as to whether the notification was in fact received rests with the person responsible for the blasting operation.

4. Ground Vibration

A. Peak particle velocity limits (inches per second) not to be exceeded at any time:

Quarries:

a. Up to 30 hertz: 0.5 inches per second.

b. More than 30 hertz: 1.0 inches per second.

5. Airblast Overpressure

A. Level not to exceed at any time: 133 peak dB (linear) two Hertz high-pass system.

6. Instrumentation

All seismographs used for compliance with this chapter shall meet the following minimum specifications:

A. Seismic frequency range: two to 200 Hz (+/- three +/- Hz).

B. Acoustic frequency range: two to 200 Hz (+/- one +/- db).

C. Velocity range: 0.02 to 4.0 inches per second.

D. Sound range: 110 to 140 db linear.

E. Transducers: three mutually perpendicular axes.

F. Recording: provide time history of waveform.

G. Calibration: be laboratory-calibrated as often as necessary, but at least once every 12 months according to manufacturer's recommendations.

7. Inspection and Monitoring:

The CEO may conduct tests and observe any authorized blasting operations and may also order that additional ground vibration and blast overpressure measurements using approved instrumentation be made by persons responsible for blasting operations to ensure that the limits specified are not exceeded.

8. Records:

Persons responsible for blast operations shall maintain a record of each blast. All records shall be retained at least three years following cessation of the blasting operation, and shall be available for inspection by the CEO and shall contain the following minimum data:

A. The name of the person or company responsible for the blasting operation.

B. The location, date and time of the blast.

C. The name of the blaster in charge.

D. The type of material blasted.

E. The number of holes, burden and spacing.

F. The diameter and depth of holes.

G. The types of explosives used.

H. The amount of explosives used.

I. The maximum amount of explosives per delay period of eight milliseconds or greater.

J. The maximum number of holes per delay period of eight milliseconds or greater.

K. The method of firing and type of circuit.

L. The weather conditions (including such factors as wind direction, cloud cover, etc.).

M. The height or length of stemming.

N. If mats or other protection were used.

O. The type of detonators used and delay periods used.

P. Seismograph and airblast readings – when measured and from where measured.

9. The applicant shall also comply with all standards and conditions contained in other permits issued for such projects, and local, state and federal statutes and regulations. The requirements established herein shall be measured at the property line of the applicant or at the closest building(s) on abutting properties as determined by the CEO and the Planning Board.

10. Violations and Penalties

The submission of false information required by this chapter or the violation of this chapter or the violation of any condition attached to a permit granted under this chapter shall constitute a land use violation and be penalized in accordance with Title 30-A MRSA 4452.

Severability:

If any provision of this chapter is declared unconstitutional or held invalid, it shall not affect any other section, clause or provision thereof, but the same shall remain in full force and effect.

P. Restaurants

Restaurants shall conform to the following:

1. Lots shall meet all requirements for single family dwellings.

2. No parking shall be located within ten (10) feet of any lot line.

3. Refuse containers not within a building shall be placed not less than 30 feet from any lot line and shall be screened from view and maintained so as to prevent access by flies and vermin.

4. Restaurants serving “take out” food or providing outdoor dining on the premises shall provide suitable waste receptacles for use by customers.

5. The Planning Board may require other conditions to fit the restaurant harmoniously into its neighborhood.

Q. Motels

Motels shall conform to the following:

1. Lots shall meet all requirements for single-family dwellings and shall have an area of not less than 5,000 square feet per sleeping room.

2. New buildings shall be no higher than one (1) story, 25 feet in height.

3. No parking shall be located within ten (10) feet of any lot line.

4. The Planning Board may require other conditions to fit the motel harmoniously into its neighborhood.

R. Outdoor Sales and Storage shall conform to the following:

1. Lots shall meet all requirements for single family dwellings.

2. No parking or storage shall be located within 20 feet from any lot line.

3. All outdoor storage of material, goods, or vehicles shall be screened from view from adjacent residential lots, as required for off-street parking and loading spaces.

4. The Planning Board may require other conditions to fit the facility harmoniously into its neighborhood.

S. Retain and Wholesale Businesses, Services, Business and Professional Offices

Where located adjacent to residential lots, retail and wholesale businesses, services, business and professional offices shall conform to the following:

1. Side and rear yard setbacks shall be not less than 30 feet, or which not less than ten (10) feet shall be maintained as yard space.

2. No parking or outdoor storage shall be located within ten (10) feet of any lot line.

3. All outdoor storage of material, goods or vehicles shall be screened from view from adjacent residential lots, as required for off-street parking and loading areas.

4. The Planning Board may require other conditions to fit the facility harmoniously into its neighborhood.

T. **Schools, public and private;** Semi-public buildings and Churches and other Religious Facilities and Cemeteries. These uses shall conform to the following:

1. Side and rear yard setbacks shall be not less than 30 feet, of which not less than ten (10) feet shall be maintained as yard space.

2. No parking or outdoor storage shall be located within the required ten (10) foot yard areas.

3. Applicable off-street parking and loading requirements shall be met, except that no off-street parking shall be required for cemeteries.

4. The Planning board may require other conditions to fit these uses harmoniously into their neighborhoods.

U. Wireless Telecommunications Facilities

1. Applicability

This section applies to all construction and expansion of wireless telecommunications facilities, included communication facilities and towers, except as provided in subsection

2. Exceptions

The following are exempt from the provisions of this Ordinance:

Amateur (ham) radio station.

a. **A ground, building or tower mounted antenna**, operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, which is no higher than thirty-five (35) feet in height, and is not licensed or used for any commercial purpose. The Code Enforcement Officer may permit additional height up to a maximum of seventy-five (75) feet only if, after engineering documentation substantiating the need for the excess height is submitted to and is acceptable to the Code Enforcement Officer, the CEO determines that a height in excess of thirty-five (35) feet is technically necessary to successfully engage in this activity.

b. **Parabolic antenna**: Parabolic Antennas less than seven (7) feet in diameter, that are an accessory use of the property.

c. **Maintenance or repair**: Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.

d. **Temporary wireless telecommunications facility**: Temporary wireless telecommunications facility, in operation for a maximum period of one hundred eighty (180) days.

e. **Antennas as Accessory Uses**: An antenna that is an accessory use to a residential dwelling unit.

f. **Wireless Telecommunications Facility**: Wireless communication facilities for telecommunications by public officials.

3. Site Plan Review Application

Wireless telecommunications facilities, including expansions of existing facilities, shall comply with the application requirements for the Town of Warren, Maine Land Use Ordinance unless such requirements are waived by the Planning Board in accordance with the Town of Warren, Maine Land Use Ordinance and shall also include the following additional information:

a. A copy of the FCC license for the facility or a signed statement from the owner or operator of the facility attesting that the facility will comply with FCC regulations.

b. A USGS 7.5 minute, topographic map showing the current location of all structures and wireless telecommunications facilities above one hundred fifty (150) feet in height above ground level, except antennas located on roof tops, within a five (5) mile radius of the proposed facility. This requirement shall, be deemed to have been met, if the applicant submits current information (i.e. within thirty days of the date the application is filed) from the FCC Tower Registration Database. Include documentation of longitude and latitude.

c. A site plan prepared and certified by a professional engineer registered in Maine indicating the location, type and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access and setbacks from property lines. The site plan must include certification by a professional engineer registered in Maine that the proposed facility complies with all American National Standards Institute (ANSI) and other applicable technical codes.

d. Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level.

e. A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing; the color of the structure and existing plant materials to be retained and trees or shrubs to be removed; and the proposed lighting method.

f. Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee, during the pre-application review. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.

g. A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.

h. Evidence demonstrating that no existing building, site or structure can accommodate the applicant's proposed facility.

Applicants for review for a new wireless telecommunications tower must send written notice by pre-paid first class United States mail to all other telecommunication tower owners and licensed telecommunication providers in the Town utilizing existing towers, stating their siting needs and/or colocation capabilities in an effort to encourage tower co-location. Evidence that these notice requirements have been fulfilled shall be submitted to the Planning Board and shall include a name and address list, copy of the notice which was sent, and a statement under oath that the notices were sent as required. An application for a new wireless telecommunication tower must include evidence that existing or previously approved towers cannot accommodate the telecommunications equipment (antennas, cable, etc.) planned for the proposed tower. Such evidence should be:

1. Evidence that no existing facilities are located within the targeted market coverage area as required to meet applicant's engineering requirements.

2. Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements.

3. Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:

    a. Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.

    b. The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna cause interference with the applicant's proposed antenna.

    c. Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.

4. Other technically feasible sites have been investigated and, if available, the proposed facility has been relocated in order to minimize the effect of the location on visually sensitive areas such as residential communities, historical areas and open space areas.

5. Co-location, where technically feasible and visually desirable, on an existing tower, has been investigated and, if technically and financially feasible, the proposed facility is co-located.

6. Use of an existing community facility site, such as on or adjacent to water tanks, church steeples or utility poles, has been investigated as a potential site for a tower, antennas and other equipment and, if available and technically feasible and visually desirable, is proposed as the site for the facility.

7. For facilities existing prior to the effective date of this Land Use Ordinance, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after the passage of this Land Use Ordinance or amendment thereto.

        i. A signed statement stating that the owner of the wireless telecommunications facility and his or her successors and assigns agree to:

            1. Respond in a timely, comprehensive manner to a request for information for a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

2. Negotiate in good faith for shared use of the wireless telecommunications facility by third parties that have received Federal licenses;

3. Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for colocation;

4. Require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

ii. A form of surety approved by the Planning Board or proof of financial capacity to pay for the costs to build, maintain or remove the facility if it is abandoned.

4. Standards

All telecommunication facilities shall be located as to minimize their visibility and to minimize the total number of towers in the Town. The following measures shall guide the location.

a. Wireless telecommunications facilities shall not be sited in areas of high visibility unless a finding is made that no other location is technically feasible, and unless the facility is sited below the ridgeline or designed to minimize its profile by blending with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable.

b. No facility shall be located so as to create a significant threat to the health or survival of rare, threatened or endangered plant or animal species.

c. **Siting** on existing developed municipal property is encouraged. The applicant must demonstrate that such locations are technically unfeasible prior to proposing another location.

If an applicant proposes to locate a new wireless telecommunications facility on municipal property, or expand an existing facility on municipal property, the applicant must show the following:

1. The proposed location complies with applicable municipal policies and ordinances.

2. The proposed facility will not interfere with the intended purpose of the property.

3. The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.

d. **Design for Co-location**. A new or expanded wireless telecommunications facility and related equipment must be designed and constructed to accommodate future collocation of at least three additional wireless telecommunications facilities or providers. Collocation shall not be considered an expansion.

e. **Height**. The maximum height of new or expanded wireless telecommunications facilities shall be one hundred nine-five (195) feet. The facility shall be designed to collapse in a manner that does not harm other property.

f. **Mass of antennas per user**. The mass of antennas, including required antenna support structures, on a tower shall not exceed four hundred fifty (450) cubic feet per user. The mass shall be determined by the appropriate volumetric calculations using the smallest regular rectilinear, cuboidal, conical, cylindrical or pyramidal geometric shapes encompassing the entire perimeters of the array and all of its parts and attachments.

g. **Area**. A wireless telecommunications tower shall not be constructed on a lot that does not conform to the minimum lot area required in the zoning district even if such lot is a lawful non-conforming lot of record. If it is located on a lot containing another use, the lot shall be of sufficient area to meet the minimum lot area requirement for each use.

h. **Setbacks**:

1. Setbacks. A new or expanded wireless telecommunications facility must comply with the setback requirements set forth in the Town of Warren Land Use Ordinance, or be set back one hundred twenty-five percent (125%) of its height from all property lines, whichever is greater. The setback may be satisfied, by including the areas outside the property boundaries if secured by an easement. An antenna is exempt from the setback requirement if it extends no more than five (5) feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.

2. No part of the structure, including anchors, guy wires, overhead lines, masts, etc., shall be located in the required District setback or in any required buffer area both on the ground or in the air space above the ground.

3. Accessory support buildings containing electronic equipment and any other structures accessory to the telecommunications tower shall meet the required District building setback and the required buffer setback.

4. If more than one tower is proposed on a single lot or parcel, they shall be clustered as closely together as technically possible.

5. If other non-accessory uses are located on the same lot or parcel as a wireless telecommunications tower, all structures associated with such other uses shall be located a minimum distance of one hundred twenty-five percent (125%) of the tower height from the base of the tower.

6. A tower’s setback may be reduced by the Planning board to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, water tank or similar structure.

7. Notwithstanding the height limitations within a zoning district, in order to accommodate the co-location of an additional antenna, a tower, existing as of August 6, 1997 may be modified or rebuilt to a taller height, not to exceed a total maximum of thirty (30) feet more than the tower's height as of August 6, 1997, but only if that additional height will not require any lighting or obstruction painting. The additional tower height shall not require increased lot setbacks and the tower's pre-modification height shall be utilized to calculate required setbacks.

i. **Landscaping**. The base of a new or expanded wireless telecommunications facility must be screened, with plants, from view by abutting properties, to the maximum extent practicable with plants, trees or other measures as approved by the Planning Board. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable.

j. **Fencing**. A new or expanded wireless telecommunications facility must be fenced with a secured perimeter fence of a height of eight (8) feet to discourage trespass on the facility and to discourage climbing on any structure by trespassers.

k. **Lighting**. A new or expanded wireless telecommunications facility must be illuminated as necessary to comply with FAA or other applicable state, federal and local requirements or Site Plan Review conditions. Security lighting may be used as long as it is shielded to be down directional to retain light within the boundaries of the site, to the maximum extent practicable.

l. **Color and Materials.** A new or expanded wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones and subdued hues shall be used.

All buildings, poles, towers, antenna supports, antennas and other components of each wireless telecommunications facility site shall be initially painted and thereafter repainted as necessary with a "flat" paint. The color(s) selected shall be one that the Planning Board determines will minimize their visibility to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils or trees shall be painted colors matching these landscapes while elements which rise above the horizon shall be painted a blue gray that matches the typical sky color at that location unless the Board determines that an alternative proposal will minimize visibility.

m. **Structural Standards.** A new or expanded wireless telecommunications facility must comply with the current Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

n. **New accessory facilities** shall be no taller than one story in height and shall be treated to look like a building or facility typically found in the area.

o. **Accessory facilities** shall be adjacent to the tower base unless an alternative location will be less visually obtrusive or topographic considerations require an alternative location.

p. **Accessory facilities** shall be constructed out of non-reflective exterior materials and shall be placed underground, if possible.

q. **Noise.** Except during construction, repair, or replacement, operation of a back-up power generator at any time during a power failure and testing of a back-up generator between 8am and 9pm are exempt from existing municipal noise standards.

r. **Any wireless communication** facilities in the Town of Warren must offer to the Town the use of the Town's wireless facilities on said tower.

5. **Standard Conditions of Approval**

The following standard conditions of approval shall be a part of any approval issued by the Planning Board. Reference to the Conditions of approval shall be clearly noted on the final approved site plan, and shall include:

a. The owner of the wireless telecommunications facility and his or her successors and assigns agree to:

1. Respond in a timely, comprehensive manner to a request for information from a potential collocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

2. Negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

3. Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for collocation.

4. Require no more than a reasonable charge for shared use of the wireless telecommunications facility, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the life span of the useful life of the wireless telecommunications facility.

5. Mitigation measures have been utilized to screen antennas and towers from view from public rights-of-way or scenic vistas, either via landscaping, fencing or other architectural screening.

6. Network interconnections from the communications site via land lines have been proposed rather than the use of microwave link dishes, in order to minimize visual impact.

7. Creative design measures have been employed to camouflage Facilities by integrating them with existing buildings and among other uses.

6. **Amendments**

Any change to existing, previously approved and proposed towers requires site plan approval. This includes modifications to approved height and to approved attachments such as antennas and dishes as well as requests for additional attachments.

7. Removal of Wireless Telecommunications Facilities

a. If the tower ceases to be used or if the use of the tower is abandoned for any reason, it shall be the responsibility of the owner of the facility to notify the Code Enforcement Officer of the date of abandonment or cessation of use. If the owner shall fail to give the required notice, the CEO shall make a determination of such date, which determination shall be conclusive as to such date.

b. In the case of a tower which is abandoned or the use of which ceases, it shall be removed within one (1) year of its abandonment or cessation of use. All above ground structures, equipment, foundations, guy anchors, utilities and access roads or driveways specifically constructed to service the tower, structures, equipment or utilities shall be removed, and the land returned to a condition as near to the original pre-construction condition as possible.

c. At the time of approval, the applicant for a new tower shall submit to the Town a bond or other financial surety, to be approved by the Town Manager, in the amount of one hundred fifty percent (150%) of the estimated demolition cost of the tower and the removal of all accessory facilities, such cost to be determined by an independent Registered Professional Engineer in the State of Maine and the amount shall be acceptable to the Town Manager. The bond or other financial surety shall be in effect for as long as the tower is in place.

d. The bond shall be used by the Town to demolish a tower which is abandoned or the use of which has ceased, accessory facilities and associated abandoned structures only if the owner has not done so within the required one (1) year period.

e. The owner may apply to the Town Manager for release of the bond at such time that the owner or assigns removes the tower, accessory facilities and associated abandoned structures as described above, and such completed removal is found to be satisfactory by the Independent Professional Engineer. The cost of inspection by the Independent Professional Engineer shall be borne by the owner.

8. Inspections

The following procedure shall be undertaken by the owner of the tower:

a. Inspection of towers by a Registered Professional Engineer in the State of Maine shall be performed to insure structure integrity. Such inspections shall be performed as follows:

1. Monopole towers – at lease once every seven years following completion of construction. The inspection shall take place between the sixth and seventh year of the repeat sequence.

2. Self-supporting towers – at least once every five years following completion of construction. The inspection shall take place between the fourth and fifth year of

the repeat sequence.

3. Guyed towers – at least once every three years following completion of construction. The inspection shall take place between the second and third year of the repeat sequence.

b. The inspection report shall be submitted to the Independent Professional Engineer within thirty (30) days of its receipt by the tower owner. Based upon the results of the inspection, the CEO, upon recommendation by the Independent Professional Engineer, may require repair or demolition of the tower.

c. The cost of such inspections, reports, repairs or demolition required under this Ordinance shall be borne entirely by the tower owner. Required repairs shall be completed within ninety (90) days or less as required by the CEO and agreement by the Independent Professional Engineer for safety reasons.

d. Failure to provide required inspection reports in the required time schedule shall be deemed primae facie evidence of abandonment.

V. Large Business, Professional and Medical Offices or Clinics (referred to herein as "Large Facilities")

1. **Purpose**

The Town of Warren recognizes that the appropriate siting of Large Facilities, including restricting their proximity to schools, churches, family day care homes, small day care facilities, day care centers, residences, and public parks and playgrounds as well as other locations where children and other young adults may frequent is important in order to protect the public.

The Town of Warren finds that with the reasonable and necessary siting restrictions listed herein, there remain sufficient suitable areas within the Town to site Large Facilities. Permitting of these facilities is appropriate and consistent with the Town's policies and practices to review and permit business activities that impact its citizens.

2. **Applicability**

This article shall apply to any business, professional or medical office or clinic in the Town of Warren that averages over 150 individual visits a day when considering employees present and client/customer use of the facility.

3. Administration

a. *Conflicts with Other Ordinances*. Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

b. *Appeal*. The Warren Board of Appeals shall hear and decide appeals, on a de-novo basis, where it is alleged by an aggrieved party that there is an error in any order,

requirement, decision, or determination made by, or failure to act by the Planning board in the administration of this ordinance.

4. Application requirements.

In addition to the requirements outlined in the Town of Warren's Ordinances, including but not limited to the Site Plan review Ordinance, as well as the requirements outlined in this section 16(V) the following application requirements shall be mandatory:

a. ***Costs.*** All reasonable costs of experts required in the Planning Board's discretion to adequately review the application, including but not limited to, engineers, surveyors and traffic experts shall be borne by the applicant, as contemplated by Section 16(W) of the Land Use Ordinance.

b. *Annual Review Fee*. To the extent the Town incurs fees in administering the annual review; the applicant shall be responsible for annual review fee costs as described in section 4(a) above, which shall be used to pay for the Town of Warren's costs associated with the annual review process.

c. *Business Plan*. The applicant shall provide a complete business plan to the Planning Board as part of the application. This business plan shall include the following:

i. Hours of operation;

ii. Client services;

iii. Security provisions;

iv. Anticipated parking demand;

v. Peak hour traffic;

vi. Identification of other required licenses;

vii. Emergency medical response plan;

viii. Medical waste / hazardous waste disposal plan;

To the extent the Planning Board finds that additional business plan information is pertinent and important to the review process, the applicant shall provide the same.

d. *Licenses/Approvals*. The applicant shall provide documentation to the Planning Board of the receipt of all approvals required by any federal or state agency or department pursuant to federal or state law prior to commencement of operation.

e. *Conditions.* The Planning Board may impose conditions on the approval of any permit application under this section 16(V) to ensure compliance with the provisions of this ordinance or any other provision of law.

f. *Requirements Completed Prior to Occupancy.* Any screening and/or other requirements imposed by the Planning Board pursuant to the provisions of this article or

any applicable ordinance shall be installed, completed and approved by the Code Enforcement Officer prior to the issuance of certificate of occupancy.

g. *Performance Guarantees:* The final plan shall be accompanied by a performance guarantee or, at the discretion of the Planning Board, a conditional agreement. The performance guarantee shall be for an amount adequate to cover the total construction costs of all required improvements for roads, utilities, sewage collection and other improvements for all infrastructure to be used publicly or privately maintained and used in common.

5. Location criteria.

a. *Route #1 or Route 90.* Due to potential traffic impacts, and other considerations, Large Facilities shall be located only on Route #1 or Route #90.

b. *Setback from Certain Neighboring Uses.* No Large Facility may be located within 500 feet of any church school, family day care home, small day care facility, day care center, library, or public park or playground.

c. *Setback from Residences.* No Large Facility may be located within 500 feet of any existing dwelling, or dwelling unit, unless the applicant can demonstrate to the satisfaction of the Planning Board that no other practical alternative is available. In the event that the Large Facility is located within 500 feet of any existing dwelling or dwelling unit, screening shall be utilized to provide a visual buffer sufficient to minimize the adverse impact on residential uses within the development area and surrounding properties. At a minimum, the screening shall include a dense evergreen hedge six feet or more in height. All such plantings shall be maintained as an effective visual screen; plants that die shall be replaced within one growing season.

d. *Distance.* In reference to sections 5(b) and (c) above, distances shall be measured in a straight line, horizontal distance, from the closest point on the referenced structure or lot line (with reference to public park or playground) to the closest point on the applicant's proposed facility.

6. Traffic Conditions

The proposed development or use shall not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.

As part of the application requirements under this ordinance, and to assure safe access and egress to and from public roads, the following conditions must be met by the applicant:

a. *Paving*. Due to potential negative environmental impact on neighboring properties from dust, gravel, etc. any Large Facility shall pave its drive/access road.

b. *Vehicular and Pedestrian Access.* Vehicular and pedestrian access and circulation to, from, into and within the site and facility will be safe and no public way will be overburdened or made hazardous as a result of the new use of and/or development of the property.

c. *Traffic Accommodation.* The portion of Route #1 or Route #90 giving access to the proposed facility and intersections which can be expected to carry traffic generated by

the development shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion. Traffic use for the site or proposed facility shall not reduce the Level of Service (LOS) of the road or street giving access to the site or proposed facility.

d. *Provisional Considerations.* Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle-ways and traffic controls within existing public streets.

e. *Avoid Queuing.* Access-ways to the proposed facility shall be designed to avoid queuing of entering vehicles on any road or street. Left lane storage capacity shall be provided to meet anticipated demand.

f. *DOT Considerations.* The Planning Board may not find that these standards have been satisfied unless it first finds that:

i. Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development. Adequate capacity means that: Intersections on major access routes to the site within a one-half mile radius of any entrance road will function after development at a minimum at Level of Service C, as defined in Maine Department of Transportation regulations, 17-229 C.M.R. Ch. 305, Rules and Regulations Pertaining to Traffic Movement Permits (2000); or

ii. If any such intersection is functioning at a Level of Service D (as defined in MDOT regulations Chapter 305, cited above) or lower prior to the development, the project will not reduce the current level of service. The Planning Board may approve a permit for an application not meeting this requirement if the applicant demonstrates that: A public agency has committed funds to construct the improvements necessary to bring the level of access to said standard, or the applicant will assume financial responsibility for the improvements necessary to bring the level of service to said standard and will guarantee the completion of the improvements within one year of approval of the permit.

7. Other Conditions of Approval.

a. *Knox Box*. A Large Facility shall have a Knox Box or approved equal and shall provide the Fire Department with the necessary information to allow entry by Fire Department personnel in the event of an emergency at the location.

b. *Parking*. A Large Facility shall have at least 1 parking space for each employee on the two largest shifts combined. Additionally, adequate spaces shall be provided to accommodate customer/client use as may be reasonably required by the Planning Board based upon information provided in the business plan, as required in section 4(c) above. All parking shall be on-site.

c. *Hours of Operation*. Hours of operation shall be limited to the hours between 6:00 am and 6:00 pm Monday through Friday. Weekends and holidays, the hours of operation shall be limited to 7 am through noon. The Planning Board may waive strict compliance with this section (c) if the applicant can demonstrate that strict compliance is unreasonable or unnecessary.

8. Violations, Penalties, Authority to Rescind.

If the Planning Board ascertains that any information provided at the time of application or as part of the annual review process is false or intentionally misleading, then the Planning Board shall have the authority to rescind permit approval. Further, the submission of false information during the application process or the violation of this chapter or the violation of any condition attached to a permit granted under this chapter shall constitute a land use violation and be penalized in accordance with Title 30-A M.R.S.A. 4452 or the then applicable statute.

9. Annual Permit Review.

An applicant's representative must meet with the Planning Board on an annual basis to review, discuss and approve any changes to the Large Facility's operations.

W. The Planning Board may hire consultants including, but not limited to, engineers, surveyors, economists, transportation, or traffic experts to assist the Planning Board in analyzing applications based on the site and complexity of the project. All reasonable costs of the experts needed to ensure compliance shall be borne by the applicant.

Section 17. Signs

A. Signs related to goods and service sold on the premises, or the name of the business shall be permitted provided that such signs do not exceed 32 s.f. on Route 90 and Route 1 and 20 s.f. on all other roads. A maximum number of three (3) signs will be allowed per premises, two (2) free standing signs and one (1) sign on the building. A free standing sign shall be defined as a nominal two (2) dimensional structure with a common support at a maximum of two (2) faces for lettering.

B. Temporary signs can be erected on behalf of sponsors on municipal and school properties. The maximum size shall not exceed 32 s.f. (one sided) and shall be removed at the completion of the event or season. No signs shall advertise products, which cannot be legally sold to minors.

C. Changeable sign

"Changeable sign" means any sign, whether permanent or temporary, which has the capability to alter its message rapidly but excludes a sign operated by the Town of Warren, Knox County or the State of Maine.

1. **"Message"** means any form of visual communication, including, without limitation, words, numbers symbols, images, or any combination thereof.

2. **"Rapidly"** means more frequently than once per hour.

3. **"Display"** means those portions of the surface area of a changeable sign that are capable of being periodically altered rapidly for the purpose of conveying the same or a different message.

4. A message is altered if the display (i) changes color or appearance; (ii) rolls, flashes, scrolls, blends, phases or pulse; or (iii) its word, numbers, symbols, and/or images change.

C. The message on the display of a changeable sign is prohibited from being altered more frequently than once every 45 seconds, except a message may phase, pulse, roll, scroll or blend provided that a full cycle of the message takes at least 45 seconds to complete.

X.. **Affordable Housing**

1. The applicant must execute a restrictive covenant, recorded in the Knox County Register of Deeds, for the benefit of and enforceable by a party acceptable to the Planning Board, to ensure that for at least 30 years or longer if the mortgage term exceeds 30 years, after completion of construction:
   a) For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local median income at the time of initial occupancy; and
   b) For owned housing, occupancy of all units designated affordable in the development will remain limited to household at or below 120% of the local area median income at the time of initial occupancy.

2. Density
   a) The proposal must comply with the minimum lot size requirements in accordance with Title 12 chapter 423–A.
   b) The dwelling unit density shall be 2 ½ times the base density that is otherwise allowed in that location. If fractional results occur when calculating the density bonus, the number of units is rounded down to the nearest whole number.
   c) An affordable housing multi-family dwelling proposal shall provide two (2) off-street parking spaces for every three (3) proposed units.

Y. **Accessory Dwelling Unit**

1. Only one Accessory Dwelling Unit (ADU) shall be exempt from any density requirements or calculations related to the area in which the ADU is constructed.

   a) This is not applicable to an ADU proposed in a shoreland zone.

2. An ADU 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 ADU.

3. Any structure containing an ADU must adhere to all setback and dimensional requirements outlined in this ordinance.

4. An ADU must be at least 190 ft.² and can be no larger than 1000 ft.².

5. Only one (1) ADU may be exempt from parking requirements.

6. An ADU must meet all standards from 16. I.

Section 18. Definitions

A. Construction of Language

In general, all words and terms used in this Ordinance shall have their customary dictionary meanings. More specifically, certain words and terms shall be described below.

B. Relationship to Other Town Ordinances Where there is a conflict between the language contained in this Land Use Ordinance and any other Town Ordinances, the stricter language shall apply for purposes of these land use regulations.

C. Definitions

Abutter: One whose property abuts, is contiguous, or joins at a border or boundary, including the property across the street, road, public way or private way.

Accessory Dwelling Unit (ADU) (or equivalent): A self-contained dwelling unit located within, attached or detached from a single-family dwelling unit located on the same parcel. An accessory dwelling unit must be a minimum of 190 square feet and a maximum of 1000 square feet.

Affordable Housing Development:

1. 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 development designates as affordable without spending more than 30% of the household's monthly income on housing costs; and

2. 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.
3. For purposes of this definition, "majority" means more than half of proposed and existing units of the same lot.

4. For purposes of this definition, "housing costs" include, but are not limited to:
   a. For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
   b. For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

Agriculture: Shall mean the cultivation of soil, producing or raising crops, including gardening as a commercial operation.

Alternate Code Enforcement Officer(s): The person(s) appointed by the Warren Board of Selectmen to act in the absence of the appointed Code Enforcement Officer.

Antenna: Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other

appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Area Median Income: The midpoint of Knox County's income distribution calculated on an annual basis by the US Department of Housing & Urban Development

Attached: Connected by a shared wall to the principal structure or having physically connected finished spaces.

Automobile Graveyard (automobile junkyard): Shall mean a yard, field or other area used as a place of storage of three (3) or more unserviceable, discarded, worn-out junked motor vehicles or parts thereof other than temporary storage by an establishment or place of business which is engaged primarily in doing auto repair work the purpose of making repairs to render a motor vehicle serviceable.

Base Density: The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

Bed & Breakfast: A single-family, owner occupied dwelling in which lodging or lodging and meals are offered to guests for compensation, of not more than three (3) bedrooms for lodging purposes.

Boarding House: Any residential structure where lodging or lodging and meals are provided for compensation for a period of at least two (2) weeks and where a family residing in the building acts as proprietor or owner and where there are no provisions for working in any individual room other than the main kitchen.

Body of Water: Shall include the following:

Pond or Lake – any inland impoundment, natural or manmade, which collects and stores surface water.

Stream or River – A free flowing drainage outlet, with a defined channel lacking terrestrial vegetation, and flowing water for more than three (3) months during the year.

Tidal – Any area upon which tidal action occurs.

Building: Any structure and its attachments such as decks, breezeways, and porches, which is supported by columns or walls for the housing or enclosure of persons, animals, or personal property excluding mobile homes which have a separate definition.

Building Height: The vertical distance measured between the average finished grade of the foundation of a building to the highest point of the structure, not including chimneys, spires, antennas, non-accessible towers, or similar accessory structures.

Campground: Any premises established for camping for which a fee is charged.

Centrally managed water system: A water system that provides water for human consumption through pipes or other constructed conveyances to at least fifteen (15) service connections or serves an average of at least twenty-five (25) people for at least sixty (60) days a year as regulated by 10-144 C.M.R. Ch.231, *Rules Relating to Drinking Water*. This water system may be privately owned.

Certificate of Occupancy: The municipal approval for occupancy granted pursuant to 25 M.R.S. §2357-A or the *Maine Uniform Building and Energy Code* (MUBEC) adopted pursuant to Title 10 Chapter 1103. Certificate of Occupancy many also be referred to as issuance of certificate of occupancy or other terms with a similar intent

Church: A building, together with its contiguous accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Cluster Development: A subdivision or development in which the lot sizes are reduced below those normally required in return for the provision of permanent open space owned in common by the lot and/or unit owners, the Town or a land conservation organization. Clustering shall not be used to increase the overall net residential density of the development.

Code Enforcement Officer: A person appointed by the Municipal Officers to administer and enforce these Ordinances. Reference to the Code Enforcement Officer should be construed to include Alternate Code Enforcement Officer(s), Building Inspector, Plumbing Inspection, electrical Inspector, and the like, where applicable.

Collocation: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Commercial Use: Connected with the buying or selling of goods or services or the provision of facilities for a fee.

Comparable sewer system: Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch.241, *Subsurface Wastewater Disposal Rules*.

Complete Final Plan Application: An application presented to the Planning Board that includes:

1. Required fee;

2. Completed application form and associated drawings;

3. Planning Board notification stating that all submissions required for Final Plan approval have been received by the Planning Board.

Comprehensive Plan:

A document consistent with 30-A M.R.S §4326(1)-(4), including the strategies for an implementation program that are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.

Constructed: Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, paving, drainage, and the like, shall be considered as part of construction.

Construction Drawings: Drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground power and telephone ducts, pavements, cross section of roads, miscellaneous structures, drainage and other easements, and similar items.

Contiguous Lots: Lots in the same ownership which adjoin at any line or point, except that lots on opposite sides of a public or private road shall be each considered a separate tract or parcel unless such road was established by the owner of the land on both side thereof.

Day Care Center: A building, structure or other place in which a person, or combination of persons, maintains or otherwise carries out a regular program, for consideration, for any part of the day providing protection and child care for more than 12 children under 13 years of age, who are unattended by parents or guardians for any part of the day, and which holds all necessary licenses and permits from the State of Maine and/or the Town of Warren.

Density Requirements: Maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

Designated Growth Area.
An area that is designated in Warren's Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated Growth Areas may also be referred to as priority development zones or other terms with a similar intent.

Dimensional Requirements.
Requirements which govern the size and placement of structures including, but not limited to, the following requirements: building height, lot area, minimum frontage, and lot depth.

Driveway: A private vehicular entrance from a road or right-of-way. The driveway itself shall not constitute the means of legal access along which frontage may be measured.

Dwelling: Any building, mobile home or structure or portion thereof designed or used for residential purposes.

Single Family Dwelling shall mean any building containing only one (1) dwelling unit for occupation by not more than one (1) family.

Two-Family Dwelling shall mean a building containing only two (2) dwelling units, for occupation by not more than two (2) families.

Multi-Family Dwelling shall mean a building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

Dwelling Unit: Shall mean a room or suite of rooms designed and equipped exclusively for use by one (1) family as a habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured housing and mobile homes, but not recreational vehicles or motel units.

Electric Power Transmission Services: Electric power transmission or distribution lines, towers and related equipment. Such systems may include towers, poles, wires, cables, and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services. The maximum height and road setback requirements of the Town's Land Use Ordinance do not apply to electric power transmission services. The minimum side and rear setback requirements of the Town's Land Use Ordinance do not apply to electric power transmission services which are, instead subject to a forty (40) foot side and rear property line setback requirements that shall be measured from the center of the support tower or pole.

Existing Dwelling Unit: A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot. If a municipality does not have a permitting process, the dwelling unit on a lot must be in existence at the time construction begins for additional units on a lot

Expansion: In relation to a building, expansion shall mean: enlargement of floor area, or enlargement of building enclosure. In relation to use: the addition of weeks or months to a business' operating season, the addition of hours to a business day, the use of more floor area or ground area, or the provision of additional seats or seating capacity. In relation to towers: the addition of antennas, towers or other devices to an existing structure.

FAA: The Federal Aviation Administration, or its lawful successor.

Family: One (1) or more persons occupying a premise and living as a single housekeeping unit.

Family Day Care Home: Child care for three to 12 children under 13 years of age (not related by blood or marriage to, or legal wards of the operator, or foster children living in the private family residence (i.e. dwelling unit) serving as the day care home) who are unattended by parents or guardians for any part of the day. A family day care home shall be operated by a person who is domiciled and a resident within the private family residence, and who is the holder of all necessary licenses and permits from the State of Maine and/or the Town of Warren.

FCC: The Federal Communications Commission or its lawful successor.

Filling: Depositing or dumping any matter on or into the ground or water.

Final Subdivision Plan: The final drawings on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, shall be filed for recording with the municipal officers and the County Registry of Deeds.

Flood Plain: The lands adjacent to a bod of water which have been or may be covered by the base flood.

Forest Management Activities: Includes timber cruising and other forest source evaluation

activities, pesticide applications, timber stand improvement, pruning, timber harvesting and other forest harvesting and regeneration activities of forest stands, and other similar associated activities.

Forest Management Activities: Includes timber cruising and other forest source evaluation activities, pesticide applications, timber stand improvement, pruning, timber harvesting and other forest harvesting and regeneration activities of forest stands, and other similar associated activities.

Frontage: The linear distance between the sidelines of a lot, measured along the line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of these regulations, the following ways shall constitute legal access to a lot along which frontage may be measured:

1. A way accepted by or established as belonging to the Town of Warren, or the State of Maine, provided access is not specifically prohibited;

2. .00A roadway, whether dedicated to public ownership or not, as shown on an approved subdivision plan; this road way must have been constructed before consideration for lot access.

Height: The vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators skylights, domes, water towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.

Hertz: A term used to express the frequency of ground vibrations and Airblast. One (1) "hertz" is one (1) cycle per second.

Historic or Archaeological Resources: Resources that are:

1. Listed individually in the National Register of Historic Places or eligible for listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior.

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by the Secretary of Interior through the Maine Historic Preservation Commission; or

5. Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's

comprehensive plan, which have been listed or are eligible on the National Register of Historic Places.

Historic District: A geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and identified in the municipality's comprehensive plan, which is listed or is eligible to be listed on the National Register of Historic Places. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

Historic Landmark: Any improvement, building or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

Home Occupation or Profession: Home occupation or profession shall mean any professional office located within a home or one (1) accessory structure such as accountant, attorney, dentist, doctor, beautician, antique dealer, real estate salesman, insurance broker, artist, musician, architect, machinist, engineer or similar profession, or any customary home occupation which involves the production or manufacture and sale of a product or minor repair work, exclusive of repairs to motor vehicles and engines, and small engine repair including, but not limited to chain saws, snowmobiles, lawn mowers and snowblowers, and which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof.

Hotel: A building in which lodging or meals and lodging are offered to the general public for compensation and in which ingress and egress to and from the rooms are made primarily through an inside lobby or office. The hotel may contain such accessory services and facilities as newsstands, personal grooming facilities and restaurants.

Housing: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments. For purposes of this rule, this does not include dormitories, boarding housing, or other similar types of housing units. This also does not include transient housing or short-term rentals.

Industrial: Connected with the assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals.

Industrial Metallic Mineral Mining: The exploration for or extraction of metallic minerals, by a person or persons acting in concert which occupies or disturbs an aggregate land area of 1 acre or more, regardless of the number of exploration or extraction sources or sites used. Industrial metallic mineral mining includes any structures, facilities, or processes associated with the exploration for or extraction of metallic minerals, including but not limited to: bulk sampling, preparation, washing, cleaning, processing, beneficiation, or other treatment of metallic minerals; the storage or stockpiling of bulk sampling materials or mine waste, whether or not the exploration or extraction occurs within the geographic boundaries of the town;

and reclamation activities. Industrial metallic mineral mining does not include (i) non-commercial mineral exploration by means of test boring, test drilling, hand sampling or digging of test pits which disturbs the land area of less than 1 acre or (ii) the excavation, processing, or quarrying of sand, fill, gravel, clay, topsoil, peat, silt, or rock not associated with metallic mineral mining. For purposes of this definition, "bulk sampling" means the removal of samples of earth materials to test the feasibility, method, or manner of extraction or processing of metallic minerals by drilling and boring, digging of shafts and tunnels, or digging of pits and trenches, and "minor waste" means all overburden rock, ore, tailings and other mining related materials that are exposed or removed from the Earth as part of any metallic mineral mining exploration or extraction operation.

Inn: A building, which contains a dwelling unit occupied by an owner or resident manager, in which up to ten (10) lodging rooms or lodging rooms and meals are offered to the general public for compensation, and in which entrance to bedrooms is made through lobby or other common room. Inn includes such terms as guest house, lodging hour and tourist house, but not bed and breakfast, hotel or motel.

Land Use Ordinance: The local ordinance of general application adopted by the Warren legislative body which controls, directs, or delineates allowed uses of land and standards for those uses.

Library: A building, together with its contiguous accessory buildings and uses where literary and artistic materials, such as books, periodicals, newspapers, pamphlets, prints, records, and tapes, are kept for reading, reference or lending.

Line of sight: The direct view of the object from the designated scenic resource.

Lot: A single parcel of developed or undeveloped land.

Lot Area: The total horizontal area within the lot lines.

Lot Coverage: The percentage of the lot covered by all buildings.

Lot Width: The distance between the side boundaries of the lot measured at the front setback line.

Manufacturing: The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations, except those associated with industrial metallic mineral mining.

Medical Marijuana Cultivation Facility: Medical Marijuana Cultivation Facility means an entity registered pursuant to the laws of the State of Maine and the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122) that is a permitted location for the cultivation of marijuana on behalf of an off-site Medical Marijuana Registered Dispensary. A Medical marijuana Cultivation Facility shall not sell, supply or dispense marijuana directly to patients or caregivers. All Marijuana Cultivation Facilities shall be further defined in, and shall adhere to, the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122), as the same may be amended from time to time.

Medical Marijuana Registered Dispensary: Medical marijuana Registered Dispensary means

an entity as defined under Title 22 MRSA, Section 2422(6). A Medical Marijuana Registered Dispensary shall be further defined by, and shall adhere to, the laws of the State of Maine and to the State of Maine Rules Governing the Maine Medical Use of Marijuana Program (10-144 CMR Chapter 122), as the same may be amended from time to time.

Minimum Lot Area: The land area of a parcel not including the area of any land, which is part of a right-of-way for a thoroughfare of easement, such as,

Mobile Home: 1. A detached, single-family residence with the following characteristics:

2. Manufactured as a relocatable living unit without a permanent foundation, designed for long-term year-round occupancy and containing sleeping accommodations, a toilet, a tub or shower bath, and kitchen facilities, including major appliances, with plumbing and electrical connections provided for attachment to outside systems;

3. Designed to be transported, after fabrication, on its own chassis, and connected to utilities upon being placed on a permanent foundation or mobile home stand; and

4. Designed to be installed with only incidental unpacking and assembling operations;

5. A mobile home which does not comply with the requirement of subsection (d) above but which was lawfully in use as a dwelling in the Town of Warren on the date o adoption of this Ordinance may be relocated to any lot where a mobile home is permitted by the district regulations of this Ordinance.

A mobile home shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not the wheels axles, hitch or other appurtenances of mobility are removed and the interior facilities are modified.

Mobile Home Parks: A plot of land designed and/or used to accommodate three (3) or more mobile homes shall meet standard for 30A MRSA 4358 and the regulations relating to mobile home parks promulgated by the manufactured home board.

Motel: A building in which lodging is offered to the general public for compensation, and where entrance to rooms is made directly from the outside of the building.

Multifamily dwelling.: A structure containing three (3) or more dwelling units.

Net Residential Acreage: The acreage available for development, excluding the area for streets or access and the areas which are unsuitable for development, as provided for in performance standards for the Town of Warren.

Net Residential Density: The number of dwelling units per net residential lot.

Non-Conforming Use: Use of land or structures that is not otherwise permitted but which is allowed to remain solely because it was in lawful existence at the time the Ordinance or subsequent amendments took effect. If the use of the non-conforming structure is discontinued for more than twelve (12) consecutive months, the rights to continue the non-conforming use are lost.

Normal High Water Mark of Coastal Waters: Along coastal or tidal waters, the elevations at which vegetation changes from predominantly salt tolerant to predominately non-salt tolerant. By way of illustration, coastal or tidal vegetation includes, but is not limited to, salt marsh grass, salt meadow hay, black arrowgrass, seaside lavender, silverweed, salt marsh bulrush, seaside plantain, salt marsh sedge, salt marsh aster. In places where vegetation is not present, the height water mark shall be the identifiable debris line left by non-storm tidal action.

Normal High Water Mark of Inland Waters: That line of the shores and banks of non-tidal waters which is apparent because of the different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes, but is not limited to the following plants and plant groups: Water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plan groups: Upland grasses, aster, lady slipper, wintergreen, partridgeberry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark can not be easily determined (rockslides, ledges, rapidly eroding or slumping banks), the normal high water mark shall be estimated from the places where it can be determined by the above method.

Nursing Home: Any facility which provides meals, lodging and nursing care for compensation.

Official Submittal Date: The time of submission of a pre-application plan, preliminary plan, or Final Plan shall be considered to be the date of written acknowledgement by the Planning Board of the receipt of a completed application. Upon receipt of an application, the Planning board shall issue a dated receipt. Within thirty (30) days of this receipt, the Planning Board shall notify the applicant in writing either that the application is a complete application, or if it is incomplete, shall specify the additional material needed to complete the application. The date of notification of a complete application shall constitute the official submittal date.

Parabolic Antenna (also known as a satellite dish antenna): An antenna which is bowl-shaped, designed for the reception and or transmission of radio frequency communication signals in a specific directional pattern.

Parking Space: An area of two hundred (200) square feet, exclusive of drives or aisles for the parking of vehicles.

Particle Velocity: A measure of ground vibration. “Particle velocity” describes the velocity at which a particle of ground vibrates when excited by a seismic wave. It is measured in inches per second.

Personal Services: A business which provides services but not goods such as: hairdressers, shoe repair, etc.

Planning Board: The Planning Board of the Town of Warren as created by 30 MRSA 4952.

Plat: A map of a town, section or subdivision showing the location and boundaries of

individual parcels of land subdivided into lots with streets, alleys, easements, etc., usually drawn to scale.

Portable: Safe for drinking as defined by the US Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS). Resolve 2021 Chater 82, *Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants*

Preliminary Subdivision Plan: The preliminary drawing for a subdivision indicating the proposed layout of the subdivision and such other information as may be required by these regulations. Approval of a preliminary subdivision plans shall not constitute approval of the final subdivision plan.

Principal Structure: The structure in which the primary use of the lot is conducted.

Principal Use: The primary use to which the premises are devoted.

Processing: Any commercial washing, screening, crushing, or mixing of sand, gravel, stone, rock, clay or topsoil, but excluding (i) the mixing of concrete products on the site of a bona fide residential or commercial construction project ~~and~~ (ii) the mixing, washing, screening of soil, gravel or rock by a landscaper on a customer's property, (iii) the washing, screening, crushing, or mixing of materials associated with industrial metallic mineral mining.

Professional Offices: The place of business for doctors, lawyers, accountants, architects, surveyors, psychiatrists, psychologists, counselors, or similar uses but not including financial institutions or personal services.

Public Recreational Facility: A regionally or locally significant facility as defined and identified either by State statute or in the municipality's adopted comprehensive plan, designed to serve the recreational needs of municipal property owners.

Quarry: A place where rock that is not associated with industrial metallic mineral mining is excavated.

Restaurant: An establishment where meals are prepared and served to the public for consumption for compensation.

Standard Restaurant: A business involving the preparation and serving of meals for consumption on the premises, requiring moderate amounts of time between the period of ordering and serving the meal.

Fast Food Restaurant: A business involving the preparation and serving of meals for consumption on the premises or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposal containers.

Drive In Restaurant: A business involving the preparation and serving of meals for consumption on the premises in a motor vehicle or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal which is served in edible or disposal containers.

Restrictive Covenant.: A provision in a deed, or other covenant conveying real property, restricting the use of the land.

Resubdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which affects the lot lines, including land transactions by the subdivider not indicated on the approved plan, or the relocation of any street or lot line in a subdivision.

Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption and not for trade.

Rights-of-way: When there is no defined right-of-way, the common traveled way will be considered to be the right-of-way for the purpose of this ordinance. The traveled way will be considered to be no less than 30' wide, 15' either side of the center line of the common way, or to the outside of the wrought portion (area which is presently being used for highway purposes) whichever is greater.

Road: Public and private way such as town roads, public rights-of-way and private rights-of-way.

Road Classifications:

Town Road: Strip of land held by the town for the passage and use of the general public by motor vehicle and for which the Town has a maintenance responsibility.

Private Right-of-Way: A way that the general public has no right to pass over by foot or by vehicle, and for which the Town has no maintenance responsibility.

. **Rock:** A hard non-metallic material that requires cutting, blasting or similar methods of forced extraction.

School: A building together with its contiguous accessory buildings and uses for the education and learning of children. Uses within the meaning of this definition shall include private and public preschool, elementary, middle and high school.

Seismograph: An instrument that measures and may supply a permanent record of earthborn vibration induced by blasting.

Setback: The horizontal distance from a lot line to the nearest part of a structure.

Setback from Water: The horizontal distance from the normal high water mark to the nearest part of a structure.

Signs: Signs related to goods and service sold on the premises, or the name of the business, shall be permitted provided that such signs do not exceed 32 s.f. on Route 90 and Route 1 and 20 s.f. on all other roads. A maximum number of three (3) signs will be allowed per premises, two (2) free standing signs and one (1) sign on the building. A free standing sign shall be defined as a nominal two (2) dimensional structure with a common support at a maximum of two (2) faces for lettering.

Small day care facility: A child care facility for three to 12 children under 13 years of age who are

unattended by parents or guardians for any part of the day in a non-home setting. Small day care facilities shall not be operated within a private family residence (i.e. dwelling unit).

Street: An existing state, county, or town way or a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term "street" shall not include those ways which have been discontinued or abandoned.

Street Classifications:

Arterial: A major continuous route serving substantial statewide and interstate travel, linking cities, larger towns and other major traffic generators, as classified by the Maine Department of Transportation under the provisions of 23 MRSA Section 53 as amended.

Major Collector: A road linking towns not on the arterial routes to those routes serving traffic generators of intra county importance, and serving as important inter-town travel corridors, as classified by Maine Department of Transportation, as cited above.

Industrial or Commercial Street: A street servicing industrial or commercial uses.

Minor Street: A street providing access to adjacent land and primarily serving local traffic.

Private Right-of-Way: A vehicular access-way serving more than two (2) dwelling units, which is not proposed to be dedicated to the Town.

Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, commercial park rides and games, satellite receiving dishes, carports, decks, porches, and other building features, but not including signs, sidewalks, fences, driveways, and parking lots.

Subdivider: Assessed owner or owners of land to be subdivided or person with documented title, right, or interest in the land to be subdivided.

Subdivider's Representative or Agent: That person who has written authorization to act for the subdivider.

Subdivision of Land: As defined in 30A MRSA, Section 4401.

1**. Definitions.** As used in this section, unless the context otherwise indicated, the following terms have the following meanings.

Densely Developed Area means any commercial, industrial or compact residential area of ten (10) or more acres with an existing density of at least one (1) principal structure per two (2) acres.

Principal Structure means any building other than one (1) which is used for

purposes wholly incidental or accessory to the use of another building on the same premises.

Subdivision means the division of a tract or parcel of land into three (3) or more lots of less than 40 acres each within any five (5) year period that begins after September 22, 1971. This definition applied whether the division is accomplished by sale, lease, development, building or otherwise, except that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, unless the intent of that gift is to avoid the objectives of this section, or a division accomplished by the transfer of any

Interest in the land to the owner of abutting land, does not create a lot or lots for the purposes of this definition. The division of a tract or parcel into three (3) or more lots and upon all of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

In determining whether a tract or parcel of land is divided into three (3) or more lots, the first dividing of the tract or parcel is considered to create the first two (2) lots and the next dividing of either of these first two (2) lots, by whomever accomplished is considered to create a 3rd lot, unless:

a. Both dividing are accomplished by a subdivider who has retained one (1) of the lots for the subdivider's own use a single-family residence for a period of a least five (5) years before the 2nd dividing occurs; or

b. The division of the tract or parcel is otherwise exempt under this section.

If lots of 40 or more acres are located wholly or partly within any shoreland zone, municipal review may be required by the municipality, provided that the average lot depth to shore frontage ratio is greater than five (5) to one (1).

Targeted Market Coverage Area: The area, which is targeted to be served by this proposed telecommunications facility.

Undue Hardship: That the land in question cannot yield a reasonable return unless a variance is granted; that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; that the granting of a variance will not alter the essential character of the locality; and that the hardship is not the result of action taken by the applicant or a prior owner.

Unreasonable Adverse Impact: That the proposed project would produce an end result which is:

1. Excessively out-of-character with the designated scenic resources affected, including existing buildings, structures and features within the designated scenic resource, and

2. Would significantly diminish the scenic value of the designated scenic resource.

Variance: A relaxation of the terms of an ordinance where such variance would not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. A financial hardship shall not constitute grounds for granting a variance.

Viewpoint: That location which is identified either in the municipally adopted comprehensive plan or by a Federal or State agency, and which serves as the basis for the location and determination of a particular designated scenic resource.

Wholesale: Selling to retailers or jobbers rather than to the consumers.

Wireless Telecommunications Facility: Any structure, antenna, tower or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, common carrier wireless exchange access services, and personal communications service (PCS) or pager services.

Yard: The area between a structure and the property boundary.

Zoning Ordinance: A type of ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.