2026 Land Use Code



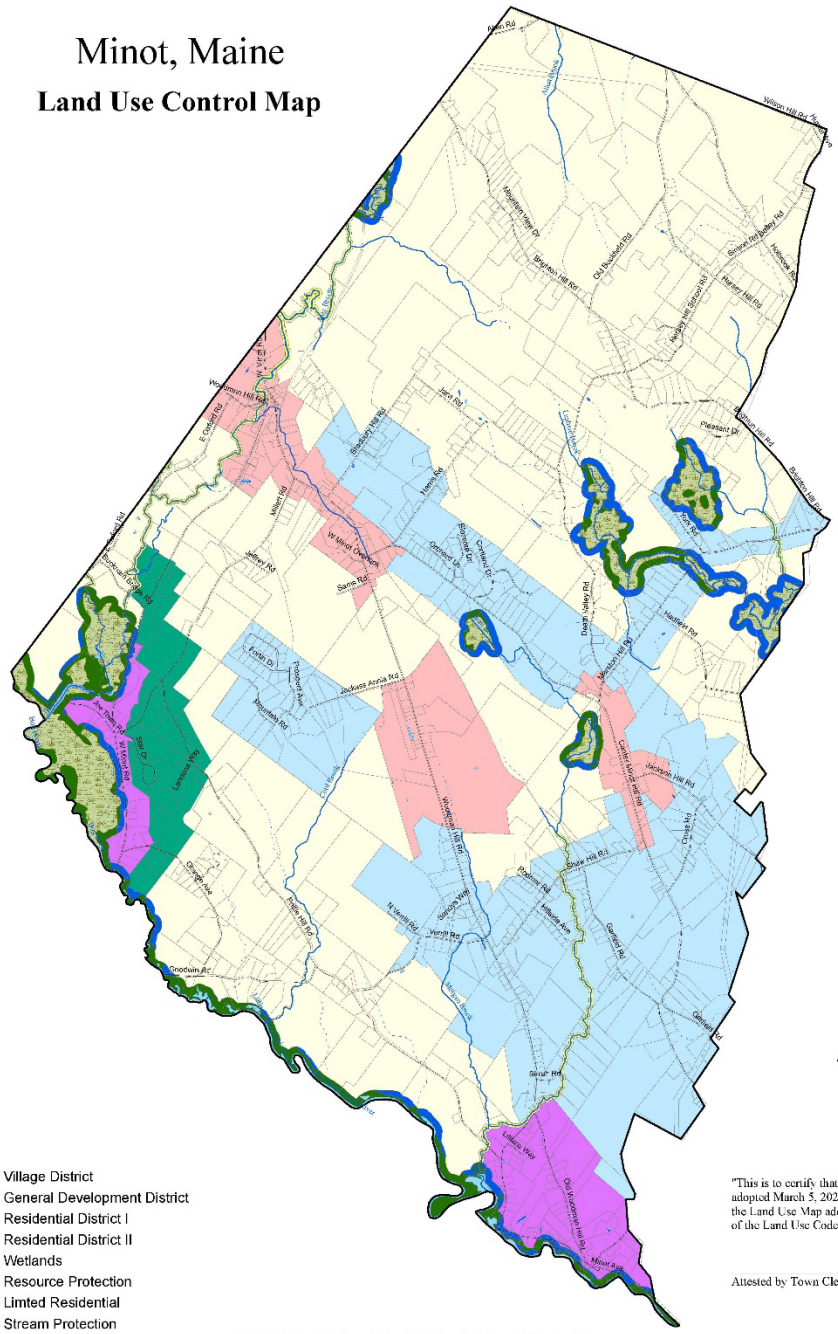
Town of Minot

Adopted
March 4, 2006

AMENDMENTS:
March 3, 2007 – Chapters 7 & 8 and Land Use Control Map
March 1, 2008 – Chapters 4, 7, 9, & 14
March 6, 2010 – Section 5-401.5C (reprint 11/2010)
March 5, 2011 – Definitions
June 12, 2012 – Section 4-501.8, Section 14-101.2
March 2, 2013 – "Village District1" on Land Use Control Map
March 4, 2017 – Sections 4-501.11, 7-501.2.G & 14.101.2
March 2, 2019 – Chapters 2, 3, 10, and 11
November 5, 2019 Referendum Election – Section 4-501.5.C and "Rural District" on the Land Use Control Map
March 7, 2020 - Section 2-301.4 Codes by Reference (MUBC)
April 17, 2021 – Chapters 4, 7, 12, 14 & Land Use Table
March 5, 2022 – Chapters 1, 2, 4, 5, 11, 14, Land Use Tables & Land Use Control Map
March 4, 2023 – Chapters 2, 4 & 5
June 13, 2023 – Chapter 9
March 2, 2024 – Chapter 2, Chapter 4, Section 501.10, and Chapter 4, Section 601
March 7, 2026 – General Administrative Changes (entire LUC); Chp 2§301.4; Chp 4§301.5, §501.2, §501.8, §501.9 §501.14, §501.19, §501.20, §501.21; Chp 8 §101-401.3, Chp 14

Minot, Maine

Land Use Control Map



Zone

- Village District
- General Development District
- Residential District I
- Residential District II
- Wetlands
- Resource Protection
- Limted Residential
- Stream Protection
- Rural District

0 1,000 2,000 4,000 6,000 Feet

The depiction of the boundaries of the Shoreland Areas of this Land Use Control Map is merely illustrative of their general location. The exact boundaries of the zone shall be determined by on-site inspection and measurement from the normal high-water line or upland edge of a wetland.

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"This is to certify that this Land Use Control Map adopted March 5, 2022 supersedes and replaces the Land Use Map adopted March 1, 2008 as part of the Land Use Code of the Town of Minot, Maine."

Attested by Town Clerk

AVCOG
WESTERN MAINE
Androscoggin Valley Council of Governments

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Land Use Control Map
"General Development" Added – March 3, 2007
"Resource Protection Districts" – Amended March 1, 2008
"Village District1" Amended – March 2, 2013
"Rural District" Amended - November 5, 2019 Referendum Election
"Village District I & II" Merged into "Village District" and Shoreland Zoning Updated – March 5, 2022

Chapter 1
General

1-101 Authority, Purpose, Applicability, Availability and Effective Date

1-101.1 Authority

This Code has been adopted pursuant to Article VIII-A, 2nd Part of the Maine Constitution, Title 30-A M.R.S.A. Section 3001, Title 30-A M.R.S.A. Section 4312 et. seq. Title 30-A M.R.S.A. Section 4354 and Title 38 M.R.S.A. section 435 et. seq.

1-101.2 Purposes

The purpose of this Code, made pursuant to the comprehensive plan for the development of the Town, is to promote the health, safety, and welfare of the residents of the Town, to protect the environment and to regulate the growth of the Town in an orderly manner to protect the essentially rural character of the Town; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover; and visual as well as actual points of access to inland waters; to conserve natural beauty and open space.

1-101.3 Applicability

The provisions of this Code shall govern all land and structures within the boundaries of the Town of Minot including those areas within 250 feet, horizontal distance, of the normal high-water line of any river, within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet horizontal distance, of the normal high-water line of a stream and outlet stream. These Standards also apply to any structure built on, over, or abutting a dock, wharf, or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland.

1-101.4 Effective Date

The effective date of this Code is March 4, 2006. Ordinance provisions relating to the Shoreland Zone shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner of the Department of Environmental Protection for approval. If the Commissioner of the Department of Environmental Protection fails to act on Shoreland Zone Standards within forty-five (45) days of receipt of the Standards, they shall be deemed approved.

Any application for a permit in the Shoreland Zone submitted within the forty-five (45) day period shall be governed by the terms of this Ordinance if the Shoreland Zoning Standards are approved by the Commissioner of the Department of Environmental Protection.

1-101.5 Availability

A certified copy of this Code shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Code shall be posted.

1-101.6 Permits Required

A. After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use.

No permit shall be issued or entrance to a public road installed until the site has been reviewed by the Road Commissioner and approved by the proper permitting authority.

B. A permit is not required for the replacement of an existing street culvert as long as: (Note: This Section does not eliminate the requirement of a permit required under the Natural Resource Protection Act.)

1. The replacement culvert is not more than one standard culvert size wider in diameter than the culvert being replaced;

2. The replacement culvert is not more than 25% longer than the culvert being replaced;

3. The replacement culvert is not longer than 75 feet; and

4. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.

1-101.7 Permit Application

A. Every applicant for a permit shall submit a written application, including a scaled site plan, on the proper application form provided by the town.

B. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property, said person shall submit a letter of authorization from the owner or lessee.

C. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

D. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

1-101.8 Permit and Approval Expiration

Except where expiration is otherwise provided for in this ordinance, following the issuance of a permit or approval, if no substantial start is made in construction or in the use of the property within two (2) years of the date of the permit or approval, the permit or approval shall lapse and become void. A substantial start shall mean completion of 30% of construction for the purposes of this Ordinance.

1-201 Repeal of Existing Ordinances

Adoption of this Code shall repeal on the effective date of this Code any and all previously enacted Building Ordinances of the Town of Minot, Ordinances Relating to Citation System of Code Officer of the Town of Minot, Community Facilities Impact Fee Programs of the Town of Minot, Floodplain Management Ordinances of the Town of Minot, Land Use Control Ordinances of the Town of Minot, Minimum Lot Size Ordinances of the Town of Minot, Minimum Street Requirements for Town Acceptance Ordinances for the Town of Minot, Mobile Home Location Ordinances of the Town of Minot, Shoreland Zoning Ordinances of the Town of Minot, and Subdivision Ordinance of the Town of Minot. This shall not prevent enforcement of repealed ordinances with respect to the time periods in which they were effective.

1-301 Conflicts and Validity and Severability

1-301.1 Conflicts with Other Ordinances

Whenever a provision of this Code conflicts with, or is inconsistent with, another provision of this Code or of any other ordinance, regulation or statute, the more restrictive provision shall apply.

1-301.2 Validity and Severability

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

1-401 Amendments

1-401.1 Procedure

On written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election, or on recommendation of the Planning Board, or on their motion, the Board of Selectmen may present warrants for consideration by the Town to amend, supplement, or repeal the regulations and provisions of this Code.

1-401.2 Adoption of Amendments

This Code may be amended by a majority vote of a Town Meeting after a public hearing is held on the proposed amendment(s).

1-401.3 Notification

Copies of amendments within the Shoreland Zone, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. If the Commissioner fails to act on any amendment within forty-five (45) days of the Commissioner's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if said amendment is approved by the Commissioner.

Chapter 2
Building Standards

2-101 Purpose

The purpose of this Chapter is to promote the health, safety and welfare of the inhabitants of the Town by regulating minimum construction standards for new construction, alterations, additions, relocations and replacements of buildings.

2-201.1 Sizes of Dwellings [Amended March 2, 2024]

Every principal dwelling except otherwise accepted in this ordinance shall have a minimum ground floor area of five hundred (500) square feet.

Every accessory dwelling unit shall have a minimum ground floor area of one hundred and ninety(190).

2-301 Administration

2-301.1 Code Enforcement Officer

The Code Enforcement Officer shall be appointed annually by the Selectmen and paid such salary, as they deem suitable.

2-301.2 Duties and Rights of the Code Enforcement Officer

A. Building Permits - An applicant shall apply for and receive a building permit prior to the commencement of construction of new buildings, relocation or replacement of existing buildings, or the addition of living area to existing buildings, provided such persons or corporations shall have given proof, in application, that they plan to build as required by the provisions of this Chapter. The fee for this permit shall be set by the Selectmen, said fee due and payable to the Town of Minot. Permits shall be good for two (2) years after the date of issue. The exterior portion of any construction must be completed within two (2) years of the date construction started.

B. Inspection During Construction – The Code Enforcement Officer shall inspect all buildings during construction, as he/she deems necessary, to ensure compliance with this Ordinance.

C. Right of Entry - The Code Enforcement Officer shall be granted the right to enter, at any reasonable hour, any building for the purpose of inspection.

2-301.3 Occupancy Permit

For any dwelling, upon completion of construction and substantial compliance with building plans and specifications approved by the Code Enforcement Officer as set forth in the Applicant's Building Permit, the Code Enforcement Officer shall issue an Occupancy Permit to the Applicant. No Occupancy Permit shall be issued by the Code Enforcement Officer unless the Applicant demonstrates compliance with all applicable state, federal and local land use laws, rules and regulations, including, but not limited to, the State Plumbing Code and this Code. No structure

shall be occupied as a dwelling prior to receipt of an Occupancy Permit as provided for in this Chapter. Enforcement of this provision shall be in accordance with the Uniform Citation Code adopted by the town of Minot, as it may be amended from time to time. Appeals of any denial of an Occupancy Permit shall be to the Board of Appeals.

2-301.4 Codes by Reference [Adopted March 2, 2019]

Pursuant to MRS Title 30-A§3003, shall the Town adopt the following codes by edition: NFPA 13: Standard for the Installation of Sprinkler Systems (2016), NFPA 70: National Electrical Code (2017), NFPA 101: Life Safety Code (2018), and 2021 Universal Plumbing Code. These shall supersede any code reference in the Minot Land Use Code.

The Town of Minot applies and enforces the Maine Uniform Building Code (MUBC) as required by 10 M.R.S.A. § 9724. This includes the 2021 International Residential Code (IRC); 2021 International Building Code (IBC); and the 2021 International Existing Building Code (IEBC). Administration and enforcement of M.U.B.C. including fees, permits, certificates of occupancy, and violations, penalties and appeals shall be in accordance with this Ordinance and pursuant to 30-A M.R.S.A § 4452. [MUBC Adopted March 7, 2020, retroactive to September 19, 2019, Amended March 7, 2026]

Chapter 3
Community Facilities Impact Fee Program

3-101 Preamble

The Town of Minot finds that new development: places demand on municipal government to expand or enhance services and public facilities or infrastructure. To provide an equitable source of funding for these new services and facilities: the Town of Minot has established a. municipal infrastructure improvement program which charges a proportionate share of the cost of facilities improvements to those who are creating the demand for these improvements. Infrastructure shall be defined as any building, service, or piece of equipment or device necessary for the operation of a department.

3-101.1 Use of Impact Fees [Amended March 2, 2019]

A. In accordance with Title 30-A §4354, Impact Fees may only be used for financing facility improvements needed to meet the demand caused by new growth. Impact Fees may be used for costs associated with the necessary infrastructural improvements to meet the increased demand of the new development.

B. Impact fees may not be used for operations and maintenance including salaries or to pay for day-to-day costs or replacement of existing equipment

3-101.2 Applicability [Amended March 2, 2019]

A. The Planning Board shall require the applicant for a subdivision or site plan to participate in the municipal infrastructure improvement program and pay an impact fee at the rate currently in effect, as determined by the Board of Selectmen. The total impact fee shall be paid separately from any other fees required by this Code and shall be paid at the time the Building Permit is issued.

B. The Board of Selectmen shall establish the impact fee schedule and shall review and revise, if necessary, the impact fee schedule to reflect changes in planned improvements, current budget levels and compliance with the Town of Minot Comprehensive Plan and the Town's anticipated capital needs or Capital Improvement Program.

i. Prior to the establishment or revision of the impact fee schedule, the Board of Selectmen shall hold a public hearing on the proposed fees.

ii. Notice of the public hearing shall be published in a newspaper of general circulation in the Town at least twice. The first notice shall be published no more than thirty (30) days in advance of the first hearing and the second no less than seven (7) days in advance of the hearing.

C. The impact fee schedule shall indicate the improvements to be financed; the anticipated schedule for construction; and the characteristics of new development.

D. The amount of the fee shall be reasonably related to the development's share of the cost of the facilities improvements made necessary by the development or,' if the improvements were previously constructed at municipal expense prior to the development, the fee must be reasonably related to the portion or percentage of the improvement used by the development.

3-101.3 Segregation of Impact Fees from General Fund

A. The Code Enforcement Officer shall record the name of the individual paying the impact fee, the assessor's map and lot numbers for the property for which the impact fee is being paid, the amount of the fee paid for each facility for which fees are collected, and the date the impact fee was paid.

B. Upon collection of an impact fee, the Code Enforcement Officer shall transfer the funds to the municipal treasurer who shall deposit the impact fees in special non-lapsing accounts dedicated for funding the improvements for which the fee is collected.

C. Impact fee funds shall be maintained separately from and not be combined with other municipal revenues.

D. Funds collected as impact fees shall be expended only for the infrastructure improvement for which the fee was collected.

3-101.4 Refund of Impact Fees

The Town shall refund any portion of impact fees paid that exceeds the Town's actual costs. The Town shall also refund impact fees that were not expended within fifteen (15) years of the date they were collected. The Board of Selectmen shall establish the procedure for refunding impact fees, or portions of impact fees, not expended. Unexpended fees shall be returned to the owner of record at the time a refund is warranted.

Chapter 4
Land Use Control Standards

4-101 Purpose, Administration and Applicability

4-101.1 Purpose

The purpose of this Chapter is to establish minimum land use control standards in the Town of Minot in order to promote the health, safety and welfare of the residents of Minot and to protect the environment.

4-101.2 Administration

A. This Chapter shall be administered by the Planning Board, hereinafter referred to as the Board, and the Code Enforcement Officer appointed by the Board of Selectmen of the Town of Minot.

B. The Code Enforcement Officer shall satisfy that the owner or lessor of a lot who plans to build also plans to comply with the provisions of this Chapter before he or she issues a building permit.

4-101.3 Applicability

The Chapter applies to all land in town, except for those areas regulated under Chapter 5, Shoreland Zoning Standards, upon which single-family dwellings, multi-family dwellings, accessory dwelling units, manufactured housing units including modular, mobile homes and trailers, commercial buildings, industrial, and institutional buildings or uses are to be or have been built or located.

4-201 Dimensional Requirements

Land uses in all Districts shall meet the requirements of this section. After the effective date of this Chapter, no lot shall be created or reduced below the minimum dimensional requirements unless allowed by other provisions of this Code.

4-201.1 Dimensional Standards

District	Minimum Lot Size/ Density	Minimum Road Frontage[1]	Minimum Front Setback[2]	Minimum Side Setback[3]	Minimum Rear Setback[3]	Maximum Impervious Surface Ratio[4]	Maximum Egress Window -Height[5]
Village District	30,000 sq. ft.	100 ft.	55 ft.	15 ft.	15 ft.	50 %(Residential) 65 %(Non Residential)	30 ft.
General Development District	42,500 sq. ft.	200 ft.	55 ft.	15 ft.	15 ft.	60%	30 ft.
Residential I District	85,000 sq. ft.	250 ft.	55 ft.	15 ft.	15 ft.	40%	30 ft.
Residential II District	85,000 sq. ft.	250 ft.	55 ft.	15 ft.	15 ft.	50%	30 ft.
Rural District	2.5 acres[7] (Residential) 85,000 sq. ft. (Non Residential)	250 ft.[6]	55 ft.	15 ft.	15 ft.	40%	30 ft.

NOTES:

1 Measured along a single road.
2 Measured from the centerline of the right-of-way to the nearest part of the structure.
3 Measured from the property to the nearest part of the structure.
4 The total area of all structures, parking lots, storage areas and other non-vegetated surfaces.
5 Measure to the egress windowsill of structures intended for human habitation.
6 Does not apply to open spacer subdivisions.
7 Amended 11/5/2019 Referendum Election from 5 to 2.5 acres lot size.

4-201.2 Setback Measurements

Front setbacks shall be measured from the centerline of the right-of-way to the nearest part of the structure. All other *s*etbacks shall be measured from the property line to the nearest part of the structure.

4-201.3 Required Frontage

A. All lots hereinafter created shall possess a minimum frontage on (1) a public road or a road in an approved open space subdivision meeting the standards contained Chapter 7-501.E.

B. Corner lots shall have the minimum road frontage on at least one (1) road.

C. Each lot must be able to completely contain within its boundaries an area as would be defined by a circle with a minimum diameter equal to the required minimum road frontage per District as required in 4-201.1 Dimensional Standards above.

D. New building lots located at the cul-de-sacs along curves in a street where the radius of the curve at the front lot line is less than ninety (90) feet, may be designed so that they have a minimum of one hundred (100) feet of street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for street frontage in that district.

4-201.4 Multiple Structures

If more than one (1) principal structure is constructed on a single parcel of land, the "minimum lot area" requirement shall apply to each structure, and each structure shall meet the front side, and rear setback and road frontage requirements.

4-201.5 Corner Lots

The front setback requirement shall be observed along all streets abutting the lot.

4-201.6 Lots of Duplexes

Lots for duplexes shall require a minimum lot size and frontage of 150% of that required in the District.

4-301 Districts

4-301.1 Establishment of Districts

To implement this Chapter, the following Districts are established in the Town of Minot:

A. Village
B. General Development
C. Residential I
D. Residential II
E. Rural

4-301.2 Location of Districts

Said districts are located and bounded as shown on the Official Map, entitled "Land Use Control Map of Minot" dated and on file in the Office of the Town. The Official Map shall be signed by the Town Clerk and Chairperson of the Planning Board at the time of adoption or amendment of this Chapter certifying the date of such adoption or amendment. Additional copies of this map may be seen at the Town Office.

4-301.3 Interpretation of Districts

A. Unless otherwise indicated, district boundary lines are the center lines, plotted at the time of adoption of this Chapter of streets, waterways or rights-of-way of utilities and railroads or such lines extended.

B. Boundaries indicated as following plotted lot lines shall be construed as following such lot lines.

C. Other district boundary lines which are not listed in the proceeding paragraphs shall be considered as lines paralleling a street and at distances from the center lines of such streets as indicated by the Official Map. In the absence of a written dimension, the graphic scale of the Official Map shall be used.

D. The Board of Appeals shall make interpretations, where needed, as to the exact location of District boundaries.

4-301.4 District Purposes

A. Village District: The purpose of the Village District is to provide for traditional village type development and uses and allow for new areas to be developed for such typed development. A mixture of land use and development activity are allowed including commercial, business, services, residential and public and semi-public.

B. General Development District: The purpose of this District is to provide locations for larger scale commercial and industrial type development as well as a mix of residential uses.

C. Residential I District: The purpose of this District is to provide suitable locations for future residential growth and protect the economic and social values of existing residential areas. The Residential I area is located where residential development currently exists or where appropriate for this type of development at such densities. Other land uses that are appropriate and compatible with residential uses are permitted.

D. Residential II District: The purpose of this District is to provide for a mixture of residential uses including mobile home parks and compatible business uses.

E. Rural District: The purpose of this District is to maintain rural qualities and lands usable for agriculture and forestry. Uses other than agriculture and forestry in this District include low density residential and natural resource-based based businesses and industry.

4-301.5 District Uses

Land uses permitted for each District, in conformance with the Performance Standards of Section 4-501, are shown in the following table.

[NOTE: All uses involving building construction require a Building Permit from the Code Enforcement Officer prior to beginning construction.]

[NOTE: All uses must comply with the applicable Performance Standards in Section 4-501 whether they are required to undergo Site Plan Review or not.]

TABLE OF LAND USES

LAND USES	DISTRICTS				
	VD	GDD	RID	RIID	RD
1. Single-family residence	CEO	CEO	CEO	CEO	CEO
2. Accessory Apartments	CEO	CEO	CEO	CEO	CEO
3. Duplex dwellings	CEO	CEO	CEO	CEO	CEO
4. Multiplex housing	PB[SD]	PB[SD]	PB[SD]	PB[SD]	PB[SD]
5. Mobile home park	No	PB[SD]	No	PB[SD]	No
6. Home Occupations	Yes	Yes	Yes	Yes	Yes
7. Structures accessory to residential uses	Yes	Yes	Yes	Yes	Yes
8. Agriculture/Farmsteads	Yes	Yes	Yes	Yes	Yes
9. Farm enterprises	Yes	Yes	Yes	Yes	Yes
10. Agriculture/Forestry Sales & Service	PB[SR]	PB[SR]	No	PB[SR]	PB[SR]
11. Agriculture Products, Processing and Storage	PB[SR]	PB[SR]	No	PB[SR]	PB[SR]
12. Timber harvesting	Yes	Yes	Yes	Yes	Yes
13. Saw mill	No	PB[SR]	No	PB[SR]	PB[SR]
14. Mineral extraction, including sand and gravel extraction	PB[SR]	PB[SR]	PB[SR]	PB[SR]	PB[SR]
15. Public buildings/facilities	PB[SR]	PB[SR]	PB[SR]	PB[SR]	PB[SR]
16. Public Utilities	PB[SR]	PB[SR]	PB[SR]	PB[SR]	PB[SR]
17. Institutional	PB[SR]	PB[SR]	No	PB[SR]	No
18. Commercial recreation	PB[SR]	PB[sr]	No	PB[SR]	PB[SR]
19. Resource based recreation	PB[SR]	PB[SR]	PB[SR]	PB[SR]	PB[SR]
20. Golf courses	PB[SR]	PB[SR]	PB[SR]	PB[SR]	PB[SR]
21. Bed & breakfast	PB[SR]	PB[SR]	PB[SR]	PB[SR]	PB[SR]
22. Neighborhood convenience store	PB[SR]	PB[SR]	PB[SR]	PB[SR]	No
23. Small commerce/service	PB[SR]	PB[SR]	No	PB[SR]	PB[SR]
24. Large commerce/service	PB[SR]	PB[SR]	No	No	No
25. Automobile Graveyard & Recycling/Junkyard	No	PB[SR]	No	No	PB[SR]
26. Waste disposal facilities	No	PB[SR]	No	No	No
27. Waste processing facilities	No	PB[SR]	No	No	No
28. General industrial	No	PB[SR]	No	No	No
29 Nonresidential Accessory Structures/Uses	CEO	CEO	CEO	CEO	CEO
30. Uses similar to uses requiring a PB approval	PB	PB	PB	PB	PB
31. Uses similar to prohibited uses	No	No	No	No	No
32. Tower Structures	No	PB[SR]	No	PB[SR]	PB[SR]
33. Solar Energy Systems	No	PB[SR]	No	PB[SR]	PB[SR]
34. Campgrounds	No	PB[SR]	PB[SR]	PB[SR]	PB[SR]
35. Individual Private Campsites	No	CEO	CEO	CEO	CEO
36. Event Venue	PB[SR]	PB[SR]	PB[SR]	PB[SR]	PB[SR]
37. Small Engine Repair	PB[SR]	PB[SR]	PB[SR]	PB[SR]	PB[SR]
38. Vehicle Repair	PB[SR]	PB[SR]	No	No	No
39. Accessory Swelling Units	CEO	CEO	CEO	CEO	CEO

***Key to table on next page**

Key to Table:

Yes	Allowed (no permit required but must comply with all applicable performance standards contained in Section 4-501)
No	Prohibited
PB	Required approval by the Planning Board
PB^{SR}	Requires a Site Plan Review Approval pursuant to Chapter 4-701.
PB^{SD}	Requires subdivision approval pursuant to the Chapter 7, Subdivision Standards.
CEO	Requires a permit from the Code Enforcement Officer

Abbreviations:

VD	Village District
GDD	General Development District
RID	Residential I District
RIID	Residential II District
RD	Rural District

4-401 Nonconforming Uses, Structures and Lots /Special Exceptions

4-401.1 Purpose

It is the intent of this Section to promote land use conformities. Nonconforming uses, structures, and lots that existed before the effective date of this Chapter shall be allowed to continue and expand, subject to the requirements set forth in this Chapter. All uses, structures, and lots which are not in conformance with the provisions of this chapter are prohibited.

4-401.2 General Requirements

A. Transfer of Ownership: Nonconforming structures, lots and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Code.

B. Repair and Maintenance: This Section allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures. All repairs shall comply with the provisions of applicable standards as contained in this Code.

C. Rebuilding: If a nonconforming structure is damaged or destroyed by fire, other natural causes, or removed it may be rebuilt in place within two (2) years from date of destruction or removal except as may be required by the Town of Minot Floodplain Management Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

4-401.3 Nonconforming Structures

A. Expansions: A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure only if such addition or expansion does not increase the nonconformity of the structure.

B. Foundations: Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided that the completed foundation does not extend beyond the existing dimensions of the structure, and that the foundation does not cause the structure to exceed the maximum structure height as contained in Section 4-201.1.

4-401.4 Nonconforming Uses

A. Expansion: Expansion of nonconforming uses may be allowed provided the Planning Board, after reviewing a written application, determines that no greater adverse impacts would occur as the result of the expansion as defined in items 1-7 below.

1. The expansion of a nonconforming use will be in accordance with any applicable Performance Standards set forth in Sections 4-501 and 4-701 of this Chapter.

2. The expansions of the nonconforming use will not encroach further on the required setbacks.

3. The proposed expansion is of the same character or less noxious than the current nonconforming use.

4. The expansion will not create a traffic hazard nor increase an existing traffic hazard.

5. That the amount of parking shall meet the minimum requirements for the proposed use exists on the site or will be otherwise provided in Section 4-501.2 of this Chapter.

6. The amount of noise, odors, vibrations, smoke, dust, light and air discharges of the proposed expansion shall not be increased or must be less than the present use.

7. The hours of operation of the proposed expansion will be compatible with the existing, surrounding land uses.

B. Change of Nonconforming Use: An existing legal nonconforming use may not be changed to another nonconforming use.

C. Resumption Prohibited: A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding two years, or which is superseded by a conforming use, may not again be devoted to a nonconforming use.

4-401.5 Nonconforming Lots

A. Nonconforming Lots: A vacant, nonconforming lot of record that was recorded on or before the effective date of this Chapter or amendment thereto, may be built upon without the need for a variance, provided it complies with the following:

i. State Minimum Lot Size Law
ii. State of Maine Subsurface Wastewater Disposal Rules to accommodate a subsurface wastewater disposal system
iii. All provisions of this Chapter except lot size and frontage.

Variances relating to setback or other requirement not involving lot size or frontage shall be obtained by action of the Board of Appeals.

B. Contiguous Lots-Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Chapter, if any of these lots do not individually meet the dimensional requirements of this Chapter or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements. This provision shall not apply in the Rural District.

C. Contiguous Built Lots: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Chapter, if all or part of the lots do not meet the dimensional requirements of this Chapter, and, if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that they comply with the State Minimum Lot Size Law and can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

4-401.6 Illegal Reduction in Dimensions

No lot shall be reduced or created in any manner that violates the requirements of this Chapter. If land is subdivided, conveyed, divided or otherwise transferred in violation of this Chapter, no building permit or other municipal permit shall be issued with reference to any of the land or lots so reduced or created until all such land or lots fulfill the dimensional regulations.

4-401.7 Special Exceptions

The following uses may be located in a building or buildings existing as of May 1, 1999 in any District, and the use may use more floor area than is otherwise permitted in the District.

Day Care	Museum
Library	Institutional
Public Buildings and Facilities	Auction House
Antique Sales	Warehousing and Storage
Restaurant	Sale of Outdoor Recreational Equipment

A. The lot area and frontage dimensional requirements must be met.

B. The footprint of an existing building shall not be expanded by more than 10%.

C. The use will be subject to Site Plan Review by the Planning Board.

4-501 Performance Standards

The following Performance Standards shall be met by all new uses whether undergoing Site Plan Review or not.

4-501.1 Buffer Areas

A. Any nonresidential use abutting a residential use shall be required to provide and maintain a buffer area which shall be 15 feet in width in the General Development

District and Village District and 40 feet in width in all other districts. The buffer shall run the full length of the property line separating the two uses. Such buffer area shall be for the purpose of eliminating any adverse effects upon the environmental or aesthetic qualities of abutting properties or any type of nuisance affecting the health, safety, welfare and property values of the residents. The Planning Board may require a wider buffer area based on the type of nonresidential use and the ability of the area to eliminate adverse effects.

The buffer strip shall create a visual screen between the uses. Where no natural vegetation can be maintained or due to varying site conditions, the landscaping screen may consist of fences, walls, tree plants, hedges or combinations thereof. The buffering shall be sufficient to minimize the impacts of any kind of potential use such as: truck or vehicle parking or movement, loading and unloading operations, outdoor storage areas, mineral extraction, waste collection and disposal areas. Where a potential safety hazard to small children would exist, physical screening or barriers shall be used to deter entry to such premises. The buffer areas shall be maintained and vegetation replaced to ensure continuous year-round screening.

B. Natural features shall be maintained wherever possible to provide a break between the proposed development and abutting properties.

C. When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops do not exist or are insufficient to provide a buffer, the developer shall landscape or otherwise provide fencing or screening.

D. Fencing, screening or natural features, or combination thereof, shall be sufficient to shield from the view of abutting residential properties, and otherwise prevent any kind of nuisance: all loading and unloading operations, storage areas, commercial vehicle parking, waste disposal and collection areas.

E. Fencing and screening shall be durable and properly maintained at all times by the owner.

F. Fencing and screening shall be so located within developer's property line to allow access for maintenance on both sides without intruding upon abutting properties.

G. All buffer areas shall be maintained as designed and approved and in a safe condition by the owner.

4-501.2 Off-Street Parking and Loading

A. No use shall be constructed or enlarged unless off-street parking as required by this section is provided on the same lot or within 300 feet, measured along the line of public access, of the principal building or use. The applicant shall have a legally binding agreement to construct, maintain and use any off-lot parking areas for such tenure as assures continued availability for parking as long as the particular land will be needed for such use.

Such off-lot parking will be considered part of the development for review purposes.

B. No required parking space shall service more than one use except as provided in F below.

C. Parking areas shall be located to the side or rear of principal building whenever possible.

D. Parking areas shall be arranged so that it is not necessary for vehicles to back into the street.

E. Where the development will abut an existing or potential parking area provisions shall be made for internal vehicular connections.

F. Joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

G. Parking stalls shall not be immediately accessible from any public way.

H. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

I. Parking areas shall be designed to prevent vehicles from damaging landscaping, erosion control devices, or buffer areas.

J. Minimum off-street parking shall be provided in accordance with the following table:

Activity	Minimum Required Parking
Residential	2 spaces per dwelling unit
Elderly/congregate housing	1 ½ space per dwelling unit
Tourist home, boarding, lodging house, motel, hotel, inn, bed & breakfast	1 space per room/unit rental and for each employee on the largest shift
Church	1 space per three seats based upon maximum seating capacity
Schools Primary	1.5 spaces per classroom
Child care facility	1 space for every 4 children facility is licensed to care for
Private clubs or lodges	1 space per every 75 sq. ft. of floor space
Theater, auditorium, public assembly	1 space per four seats based upon maximum seating capacity or for every 100 square feet or major fraction thereof of assemblage space if no fixed seats
Funeral homes	1 space for every 100 sq. ft. of floor space
Medical care facilities	1 space for every 3 beds and every 2 employees on the maximum working shift

Activity	Minimum Required Parking
Offices, banks	1 space for every 200 sq. ft. of floor space
Medical offices	1 space per employee and 5 spaces per physician
Veterinarian clinic	5 spaces/veterinarian
Retail and service businesses	1 space for every 250 sq. ft. of floor space
Barber/beauty shop	3 spaces/chair
Restaurant	1 space per 3 seats based upon maximum seating capacity
Industrial businesses	1 space/employee on maximum working shift
Warehouse, wholesale	1 space per 1,000 sq. ft. of floor area
Flea market	3 spaces/table
Mixed use	total of individual uses
Vehicle repair garages and gasoline filling stations	5 spaces for each bay or area used for repair work
Library, museum, art gallery	1 space for 150 sq. ft. of floor space
Commercial recreation facility	1 space for each 100 sq. ft. of floor area
Motor vehicle sales	1 space reserved for customers per 30 vehicles displayed on the lot
Event Venue	1 space per 3 attendees

NOTES:

1. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.
2. The above are minimum standards, and additional parking spaces shall be required by the Planning Board if necessary to provide off street parking.
3. Where floor space is to be used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.

K. In determining the adequacy of proposed parking facilities, the following minimums shall apply:

1. Typical parking space: approximately 9 feet wide and 18 feet long. With a boat and trailer, the length shall be considered 40 feet long.

2. Internal travel aisles: approximately 20 feet wide.

L. Parking areas shall be designed to prevent storm water runoff from flowing directly into a water body and, where feasible, to retain all runoff on-site.

4-501.3 Common Driveways

A. Common driveways may serve two single-family dwelling units. The Road Commissioner and/or Code Enforcement Officer shall review and approve all plans for common driveways.

B. The following design and construction standards shall apply to common driveways.

Minimum right-of-way	33 feet
Minimum travel width	12 feet
Maximum grade	15 percent
Minimum angle of street intersections	75 percent
Maximum grade within 30 feet of intersections	3 percent
Minimum r/o/w radii at intersections	10 feet
Minimum thickness of common driveway material after compaction	15 inches

C. Adequate provisions shall be undertaken to minimize erosion and sedimentation.

D. Deeds to lots proposed to be accessed by a common driveway shall include a road maintenance agreement signed by the property owners and recorded in the Androscoggin County Registry of Deeds.

4-501.4 Automobile Graveyards and Junkyards

Automobile graveyards, automobile recycling businesses and junkyards shall comply with Title 30-A MRSA Section 3754-A and this Chapter.

4-501.5 Multiplex Housing

A. Maximum Net Residential Density: The Net Residential Density shall mean the ratio of dwelling units to acreage suitable for development. Net residential density method is calculated in the following manner; determine the net residential acreage of the parcel by taking the total area of the parcel and subtracting in order the following and then divide the buildable area by the minimum lot size required in the District.

1. area in proposed rights-of-way;

2. area of two or more contiguous acres with sustained slopes of 20% greater;

3. area of wetlands identified as Class I, II, and III under the Natural Resource Protection Act;

4. area shown to be in a floodway as designated in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency;

B. Multiplex housing development may be allowed by the granting of subdivision approval by the Planning Board in accordance with the Chapter 7, Subdivision Standards, the following and other provisions of this Code.

C. Dimensional requirements: Dimensional requirements for all multiplex development shall meet or exceed the following:

1. Within the area regulated by Title 38 M.R.S.A. Section 435 et seq., (Mandatory Shoreland Zoning Act) lot area and shore frontage shall be equal to or greater than that required for the equivalent number of single family dwelling units.

2. In the Village District, the lot size shall equal or exceed 30,000 sq.ft. per dwelling unit.

3. In the General Development District, lot size shall equal or exceed 42,500 sq.ft. per dwelling unit.

4. In the Residential I and II Districts, lot size shall equal or exceed 42,500 square feet per dwelling unit.

5. In the Rural District, lot size shall equal or exceed two and a half (2.5) acres per dwelling unit.

6. Street frontage for four units or less shall be not less than the required frontage for a single-family dwelling in the District. Street frontage for more than four units shall be not less than twice what is required for a single family dwelling except in the Village District where street frontage shall be a minimum of 200 feet.

D. Open Space, Facilities, Services

1. Provision shall be made for the maintenance of all land and facilities contained on or within the parcel on which the development is located.

2. Facilities including but not limited to sewage collection and disposal systems, water supplies, roadways and parking areas and recreation areas shall be shown on the plan.

3. Recreation and Open Space: All multi-family developments of 15 dwelling units or more shall provide a developed play area no smaller than 5,000 sq. ft. Any development in which occupancy is restricted to the elderly need not provide a play area but space shall be provided for outdoor recreation.

E. Additional Requirements:

1. Open space (separation*)* between principal buildings shall be greater than the height of the higher of such unattached buildings.

2. No more than four (4) units shall be attached together.

3. It shall be the responsibility of the owner to provide for rubbish removal, snow removal and site maintenance. All outdoor storage areas for waste collection shall be screened from public view and protected from vermin and made of material at least six feet in height.

4-501.6 Elderly and Congregate Housing Complexes

A. For each elderly dwelling unit contained in an elderly housing complex, there shall be provided a minimum lot area of 20,000 square feet.

B. Minimum street frontage shall equal or exceed that required for a single-family dwelling in the District.

C. All the provisions contained in Section 4-501.5.D shall be met for elderly housing complexes.

4-501.7 Phosphorous Export

A. The following development activities shall require a Phosphorous Management Control Permit issued by the Code Enforcement Officer whenever within the direct watershed of the Basin, Little Wilson and Taylor Ponds.

1. New commercial, retail, industrial, institutional and recreational structures and uses that have not received approval by the Planning Board that included a Phosphorous Export Analysis.

2. New principal residential structures and uses that have not received approval by the Planning Board that included a Phosphorous Export Analysis.

B The following are exempt from this Section:

1. Legally existing buildings and uses as they existed on March 1, 2008; and

2. Land development activities related to Subdivision and Site Plan Review activities when they are in conformance with an approved application by the Planning Board to limit phosphorus export pursuant to Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development, (Maine Department of Environmental Protection et al., September 1989 with revisions to Chapter 4, May 1990 and as amended).

C. Application Procedure

Before issuing a Building or Use Permit the Code Enforcement Officer shall review and approve an application for Phosphorus Management Control.

D. Submission Requirements

1. The tax map and lot number of the lot and the name of the direct lake/pond watershed in which it is located.

2. A Site Map of the proposed activity drawn at a scale of one (1) inch equals fifty (50) feet unless otherwise approved by the Code Enforcement Officer showing:

a. The location and dimensions of all existing and proposed structures and driveways;

b. Existing ground cover (woods, fields, lawns, etc.);

c. Areas to be cleared for construction or landscaping;

d. Present or proposed location of Subsurface Wastewater Disposal System;

e. Drainage Patterns.

3. A photograph of the project site.

E. Application Review

The Code Enforcement Officer shall review and approve a Phosphorus Management Control Permit based on one of the following methods.

1. Point System

The Code Enforcement Officer shall issue a Phosphorus Management Control Permit if the applicant meets or exceeds thirty (30) points based on the following schedule:

a. 10 points for correcting an existing erosion problem on the project site.

b. 10 points for a clearing limitation of 15,000 square feet and less.

c. 15 points for a clearing limitation of 10,000 square feet and less.

d. 15 points for the installation of rock-lined drip edges or other infiltration system to serve the new construction.

e. 20 points for a 50-foot wide buffer located down slope of the developed area.

f. 25 points for 75-foot wide buffer located down slope of the developed area.

g. 30 points for a 100-foot wide buffer located down slope of the developed area.

2. Technical Analysis

The Code Enforcement Officer shall issue a Phosphorus Management Control Permit if the applicant does not exceed the Phosphorus Export Per Acre as identified in the Section 4-701.6.B.4.

F. Performance Standards

1. Erosion

Existing erosion problems shall be corrected according Section 4-701.6.F.

2. Clearing Limitations

Clearing limitation shall be determined based on the area where the natural vegetation is to be removed and converted to structures, gravel or paved surfaces and lawns.

3. Rocked-lined Drip Edges and/or Gutter Drains

A trench 6 to 8 inches in depth and 12 to 16 inches in width, filled with 3/4 inch crushed stone, centered beneath the roof edge drip line and/or gutter drain..

4. Other infiltration Systems

Other infiltration systems shall be designed according to the Maine Erosion and Control Hand Book for Construction Best Management Practices, (March 1991 and as amended).

5. Buffers

a. Existing Buffers

Existing buffers will be located and maintained according to Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development (Chapter 5 Maine DEP al., September 1989 with revision in 1992 and as amended).

b. Created Buffers

1) Natural Occurring

The natural occurring buffer shall be created by allowing the natural progressing of vegetation to develop by the lack of mowing.

2) Planted Buffers

Any planting or revegetation required must be in accordance with a written Plan drafted by a qualified professional and be implemented at the time of construction. At a minimum, the Plan must provide for the establishment of a well-distributed planting of saplings spaced so that there is at least one sapling per eighty (80) square feet of newly established buffer. Planted saplings may be no less than three (3) feet tall for coniferous species and no less than six (6) feet tall for deciduous species. The Planting Plan must include a mix of at least three (3) native tree species found growing in adjacent areas with no one species making up more than fifty (50) percent of the number of saplings planted unless otherwise approved by the Planning Board or its designee based on adjacent stand comparison. All aspects of the implemented Plan must be maintained by the applicant and future owners.

3) Ground Cover

Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch and plantings of native shrubs, and other woody and herbaceous vegetation in quantities sufficient to retard

erosion and provide for effective infiltration of stormwater while the area is returning to its natural state.

4-501.8 Backlots [Amended March 7, 2026]

Back lots may be developed for uses permitted in the District if they are or can be provided with right-of way access that connects with a public road, a privately-owned street that meets the standards contained in Chapter 8 Minimum Street Construction Standards, or is in an approved subdivision.

A back lot may be used if the following conditions are met:

A. The right-of-way must be conveyed by a deed or easement recorded in the Androscoggin County Registry of Deeds to the owner of the back lot and be a minimum of 33 feet in width.

B. A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the back lot.

C. Except for lots recorded on or before the effective date of this Ordinance, the right-of-way deed must be recorded in the Androscoggin County Registry of Deeds at the time the back lot is first deeded out as a separate parcel.

D. Creation of the right-of-way to serve the back lot shall not create a non-conforming front lot by reducing the donor lot's required road frontage below the minimum. If the front lot is already nonconforming in respect to road frontage, road frontage must not be reduced at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than a fee interest, the land over which such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.

E. The right-of-way may serve only one (1) principal use or principal structure. The right-of-way may serve two dwelling units if a common driveway meeting the standards of Chapter 4-501.3 is constructed. If the right-of-way is to serve more than two dwelling units, a street meeting the requirements of Chapter 8 and creation of a road maintenance agreement is required.

F. No more than one right-of-way for back lot development may be created out of a single lot fronting on a road unless each subsequent right-of-way is supported by additional frontage equal to the frontage requirement in that District.

G. Each principal structure on back lots shall be located within the area defined by a circle with a minimum diameter equal to the road frontage required per District in Chapter 4-201.1 Dimensional Standards.

H. A public easement may not be used to fulfill road frontage requirements.

I. Any back lot with a dwelling unit or structure shall be no less than five (5) acres in size.

J. Any driveway used for access to the back lot must be located within the right of way referred to in this section. [Adopted 6/12/12]

4-501.9 Lots Served by Nonconforming Rights-of-Way [Amended March 7, 2026]

A lot of record which could otherwise be legally built upon but which is served by a right-of-way which does not comply with Section 4-501.8 above may nevertheless be used for a single-family dwelling or an accessory dwelling unit upon submission of items A-G below, and with Planning Board approval. This provision shall not apply to lots created after March 1, 2008. The Board shall require the following before approval may be granted.

A. A copy of the deed or other legal instrument, if such exists, which grants use of the nonconforming right-of-way and the dimensions of the right-of-way.

B. A Road Maintenance Agreement indicating how those who use the nonconforming right-of-way to access their residences will maintain the nonconforming right-of-way.

C. The names and addresses of all others granted use of the nonconforming right-of-way if such is not a public easement.

D. All newly improved non-conforming rights-of-way shall remain private, to be maintained in accordance with the Road Maintenance Agreement. Roads shall not be accepted or maintained by the Town until the road meets all requirements of Chapter 8 for a town street and petition for acceptance of the improved right-of-way as a town way.

E. Assurance in such form as the Planning Board may require that all other applicable state laws and regulations and local ordinances will be complied with.

F. A statement in recordable form signed by the applicant that if the erection of the new single-family dwelling or accessory dwelling unit is accessed by the nonconforming right-of-way occurs, those persons owning property on the nonconforming right-of-way shall continue to assume responsibility for maintaining and plowing the nonconforming right-of-way, and that, because the nonconforming right-of-way is not constructed to town street standards, the travel of personal, service, emergency and maintenance vehicles over the nonconforming right-of-way may be hindered. The Town does not assume the responsibility to clear nonconforming rights-of-way for access by personal, service, emergency or maintenance vehicles.

G. Nothing contained within shall be construed as requiring the Town to provide additional services to properties on nonconforming rights-of-way not already receiving those services, or to accept such nonconforming rights-of-way as town ways.

4-501.10 Accessory Dwelling Units [Amended March 4, 2023 & March 2, 2024]

An accessory dwelling unit may be located within structures legally existing at the adoption of this Code including structures located on legally existing nonconforming lots. They may also be located in a detached structure on a residential lot meeting the residential lot dimensions in Sections 4-201.1 when there is a primary residential structure present. An accessory dwelling unit may be created with a permit issued by the Code Enforcement Officer provided that the following are met:

A. The additional dwelling unit shall be a complete, separate house-keeping unit that is isolated from the original dwelling unit and may be attached to, detached from, or located within the principal dwelling or an accessory garage.

B. The additional dwelling unit shall be designed so that the appearance of the structure remains that of a single-family dwelling, with the exception of emergency egress, if so required.

C. The design and size of the additional dwelling units conform to all applicable standards of Chapter 2, Building Standard, and all other applicable codes.

D. Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.

E. Pursuant to Title 30-A MRSA §4364, applicants must show written documentation that the dwelling unit has access to adequate potable water as well as subsurface waste disposal system capacity prior to being issued a permit for construction.

F. Where there is one existing single-family dwelling unit on a conforming lot or a legally existing non-conforming lot, the owner shall be allowed to have up to two (2) accessory dwelling units as follows: one (1) accessory unit within or attached to the existing dwelling unit; one (1) unit detached from the existing dwelling unit; or one of each.

G. Where there are zero (0) dwelling units located on a conforming lot or a legally existing non-conforming lot, the owner shall be allowed to have up to two (2) dwelling units on the lot.

H. Subdivision approval has been received for any project that meets subdivision criteria.

I. Accessory dwelling units will be a minimum of 190 square feet in size, but no more than 700 square feet.

J. Pursuant to Title 30-A MRSA §4364-A, accessory dwelling units in the Shoreland Zones must comply with all requirements established by the Department of Environmental Protection as well as Town of Minot Shoreland Zoning Ordinance, including that units not attached to the primary structure shall have adequate road frontage and acreage to support the number of stand alone units.

4-501.11 Home Occupation: [Amended March 4, 2017]

A. All home occupations shall be overseen by the Code Enforcement Officer. The owner of the property, where a home occupation occurs, or the occupant of the property shall present all applicable facts relating to the home occupation undertaken by the occupant to the Code Enforcement Officer. At the CEO's discretion, the applicant may need to go before the Planning Board.

B. Home occupations may be located in structures legally existing at the adoption of this code, including structures on legally nonconforming lots. They may also be located on lots meeting the dimensions in Section 4-201.1&2. Accessory structures for home

occupations may contain up to 800 sq. ft. floor area. Outside storage areas for home occupations shall be limited to 625 sq. ft

.

4-501.12 Farm Enterprise

The purposes of Farm Enterprise is to assist in the implementation of the policies of the Comprehensive Plan relating to encouraging the presence of an agricultural land base for production agriculture and to encourage use of prime agriculture land for farming by providing farm owners and or operators to conduct business not otherwise permitted to supplement income from traditional farm operations. The Planning Board shall find in addition to the Provisions of Section 4-701, Site Plan Review, that all of the following criteria will be met.

A. The farm enterprise shall be owned or operated by the owner or operator of the farm.

B. The farm enterprise is located on property owned by the owner of the farm.

C. Should the farm enterprise not be conducted in an existing structure, new structure(s) constructed for the sole purpose of conducting a farm enterprise shall not exceed a total of 10,000 square feet of ground area.

D. The owner or operator of the farm enterprise shall provide the Planning Board with a legally binding statement that should his or her farm operation cease the farm enterprise shall also cease with in 60 days unless the use is permitted in the district.

4-501.13 DELETED

4-501.14 Accessory Use and Site Plan Permitting of Solar Energy Systems (Adopted 4/17/2021, Amended March 7, 2026)

A. DEFINITIONS

1. GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground, attached to a pole or other mounting system, detached from any other structure, for the primary purpose of producing electricity.

2. LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is Ground-Mounted and produces energy (50% or more) for the purpose of off-site sale or consumption.

3. ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for either on-site or off-site consumption.

4. SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, inverters, hardware, material, or any other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

5. SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

6. SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

B. APPLICABILITY

The requirements of this ordinance shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair.

C. SOLAR ENERGY SYSTEMS AS AN ACCESSORY USE

1. Roof-Mounted Solar Energy Systems

    a. Roof-mounted Solar Energy Systems are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.

    b. Height: Roof-mounted Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to other building-mounted mechanical equipment.

    c. Roof-mounted Solar Energy Systems shall be exempt from site plan review under the Land Use Ordinance.

    d. Building Permit Applications for any Roof-mounted Solar Energy Systems must include stamped engineered design plans showing evidence of a load-bearing analysis of the building structure, showing that the structure will meet at least the minimum additional roof loading required by code after installation.

2. Ground-Mounted Solar Energy Systems

    a. Ground mounted Solar Energy Systems that use electricity primarily (more than 50%) at onsite premises are permitted as accessory structures in all zoning districts.

    b. Height and Setback restrictions: Ground-mounted Solar Energy Systems permitted as accessory structures shall adhere to the height and setback requirements of the zoning district in which they are located.

    c. Ground-mounted Solar Energy Systems permitted as accessory structures shall be exempt from site plan review under the Land Use Ordinance with the exception of subsection (b).

3. Suitability of Purpose

    a. For all Solar Energy Systems permitted as an accessory use, evidence of approval for connection to the local electrical utility will be accepted as evidence of suitability of purpose in lieu of local inspection.

D. SITE PLAN APPROVAL STANDARDS FOR LARGE SCALE SOLAR ENERY SYSTEMS

1. Large-Scale Solar Energy Systems are permitted through the approval of a Site Plan in the General Development District, Residential District II, and Rural District zones, subject to the requirements set forth in this section. Applications for the construction of Large-Scale Solar Energy Systems shall be reviewed by the Code Enforcement Officer and referred, with comment, to the Planning Board for its review and action, which can include approval, approval with conditions, or denial.

2. Application requirements: The site plan application process at Chapter 4-701 is to be utilized for review, as supplemented by the following provisions:

    a. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including any and all easements and other agreements, with financial data redacted, shall be submitted.

    b. Drawings showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be submitted.

    c. Equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

    d. A Property Operation and Maintenance Plan, describing responsibility for continuing system maintenance, security, and property upkeep such as mowing and trimming shall be submitted.

3. Decommissioning Plan:

To ensure proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of accepting any Site Plan under this section.

    a. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System is abandoned, it shall be removed by the applicant, successor, successor-in-interest or any subsequent owner or lessor.

    b. The Decommissioning Plan shall describe how the removal of all infrastructure and remediation of soil and vegetation will be conducted to return the parcel as near as practical to its original state prior to construction, taking also into consideration stormwater management requirements and any other environmental requirements or considerations from the State Department of Environmental Protection.
    c. The Decommissioning Plan will include an expected timeline for execution, in a timeframe need to exceed seven years. A cost estimate detailing the projected cost

of executing the Decommissioning Plan, taking inflation into account, shall be prepared by a Professional Engineer or Contractor, and a removal bond shall be required.

d. If the system is not decommissioned as described in the Decommissioning Plan after being considered abandoned, the municipality may remove the system and restore the property and assess all costs of the same to the owner or its successors in interest, and impose a lien on the property in order to recover those costs to the municipality.

4. Additional Site Plan Approval Standards

    a. Height, Setback, and Visual Screening: Large-Scale Solar Energy Systems shall adhere to the height, setback, and visual screening requirements of the underlying zoning district.

    b. All Large-Scale Solar Energy Systems shall be enclosed by fencing to restrict unauthorized access. Warning signs with the facility operator's contact information shall be placed on all entrances in the perimeter of the fencing. The type of fencing shall be determined by the Planning Board.

    c. All Site Plans approved under this section will require the condition that no topsoil be removed from the site during construction or subsequent maintenance of the facility.

    d. Any application under this section shall meet any and all provisions contained in site plan requirements for the zoning district in which it is located under the Land Use Ordinance. Site Plan requirements which are judged not applicable may be waived by the discretion and action of the Planning Board.

    e. The Planning Board may impose additional conditions on its approval of any site plan under this section in order to discharge its obligations under State regulations as they may exist or be amended.

5. Suitability of Purpose

For all Solar Energy Systems permitted by an accepted Site Plan, evidence of approval for connection to the local electrical utility will be accepted as evidence of suitability of purpose in lieu of local inspection.

E. ABANDONMENT AND DECOMMISSIONING

Solar Energy Systems will be considered abandoned after one year without electrical energy generation and must then be removed from the property per prior approved Decommission Plan. Application for time extensions due to extenuating circumstances shall be reviewable by the Planning Board for a period of six (6) months after abandonment.

F. ENFORCEMENT

Any violation of these Solar Energy provisions shall be subject to the same civil and criminal penalties provided for violations of the Land Use Ordinance of the Town of Minot.

G. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction shall not affect the validity or enforceability of any other part, which shall remain in full force and effect

4-501.15. Campgrounds.

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

A. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

B. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

4-501.16. Individual Private Campsites.

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

A. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

B. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.

C. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

D. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

E. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

F. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

4-501.17 Recreational Vehicles

Recreational vehicles shall either:

A. Be on the site for fewer than 180 consecutive days;

B. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

C. Be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Section 6-401.7.A, if relevant.

4-501.18 Accessory Use and Site Plan Permitting of Solar Energy Systems

A. DEFINITIONS

1. GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground, attached to a pole or other mounting system, detached from any other structure, for the primary purpose of producing electricity.

2. LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is Ground-Mounted and produces energy (50% or more) for the purpose of off-site sale or consumption.

3. ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for either on-site or off-site consumption.

4. SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, inverters, hardware, material, or any other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

5. SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

6. SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

B. APPLICABILITY

The requirements of this ordinance shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair.

C. SOLAR ENERGY SYSTEMS AS AN ACCESSORY USE

4. Roof-Mounted Solar Energy Systems

    a. Roof-mounted Solar Energy Systems are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
    b. Height: Roof-mounted Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to other building-mounted mechanical equipment.
    c. Roof-mounted Solar Energy Systems shall be exempt from site plan review under the Land Use Ordinance
    d. Building Permit Applications for any Roof-mounted Solar Energy Systems must include evidence of a load-bearing analysis of the building structure, showing that the structure will meet at least the minimum additional roof loading required by code after installation. Existing structures not meeting this requirement will require a plan to reinforce the structure as needed to achieve the minimum additional loading capacity.

5. . Ground-Mounted Solar Energy Systems

    d. Ground mounted Solar Energy Systems that use electricity primarily (more than 50%) at onsite premises are permitted as accessory structures in all zoning districts.
    e. Height and Setback restrictions: Ground-mounted Solar Energy Systems permitted as accessory structures shall adhere to the height and setback requirements of the zoning district in which they are located.
    f. Ground-mounted Solar Energy Systems permitted as accessory structures shall be exempt from site plan review under the Land Use Ordinance.

6. Suitability of Purpose

    b. For all Solar Energy Systems permitted as an accessory use, evidence of approval for connection to the local electrical utility will be accepted as evidence of suitability of purpose in lieu of local inspection.

D. SITE PLAN APPROVAL STANDARDS FOR LARGE SCALE SOLAR ENERY SYSTEMS

6. Large-Scale Solar Energy Systems are permitted through the approval of a Site Plan in the General Development District, Residential District II, and Rural District zones, subject to the requirements set forth in this section. Applications for the construction

of Large-Scale Solar Energy Systems shall be reviewed by the Code Enforcement Officer and referred, with comment, to the Planning Board for its review and action, which can include approval, approval with conditions, or denial.

7. Application requirements: The site plan application process at Chapter 4-701 is to be utilized for review, as supplemented by the following provisions:
    a. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including any and all easements and other agreements, with financial data redacted, shall be submitted.
    b. Drawings showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be submitted.
    c. Equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
    d. A Property Operation and Maintenance Plan, describing responsibility for continuing system maintenance, security, and property upkeep such as mowing and trimming shall be submitted.

8. Decommissioning Plan: To ensure proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of accepting any Site Plan under this section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System is abandoned, it shall be removed by the applicant, successor, or any subsequent owner. The Decommissioning Plan shall describe how the removal of all infrastructure and remediation of soil and vegetation will be conducted to return the parcel as near as practical to its original state prior to construction, taking also into consideration stormwater management requirements from the State Department of Environmental Protection. The Decommissioning Plan will include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan, taking inflation into account, shall be prepared by a Professional Engineer or Contractor, and a removal bond shall be required. If the system is not decommissioned as described in the Decommissioning Plan after being considered abandoned, the municipality may remove the system and restore the property and assess all costs of the same to the owner or its successors in interest, and impose a lien on the property in order to recover those costs to the municipality.
Additional Site Plan Approval Standards
    f. Height, Setback, and Visual Screening: Large-Scale Solar Energy Systems shall adhere to the height, setback, and visual screening requirements of the underlying zoning district.
    g. All Large-Scale Solar Energy Systems shall be enclosed by fencing to restrict unauthorized access. Warning signs with the facility operator's contact information shall be placed on all entrances in the perimeter of the fencing. The type of fencing shall be determined by the Planning Board.
    h. All Site Plans approved under this section will require the condition that no topsoil be removed from the site during construction or subsequent maintenance of the facility.
    i. Any application under this section shall meet any substantive provisions contained in site plan requirements for the zoning district in which it is located under the Land Use Ordinance. Site Plan requirements which, in the judgment

of the Planning Board, are for some reason judged not applicable may be waived by action of the Planning Board.

j. The Planning Board may impose additional conditions on its approval of any site plan under this section in order to discharge its obligations under State regulations as they may exist or be amended.

9. Suitability of Purpose

For all Solar Energy Systems permitted by an accepted Site Plan, evidence of approval for connection to the local electrical utility will be accepted as evidence of suitability of purpose in lieu of local inspection.

E. ABANDONMENT AND DECOMMISSIONING

Solar Energy Systems will be considered abandoned after one year without electrical energy generation and must then be removed from the property. Application for time extensions due to extenuating circumstances shall be reviewable by the Planning Board for a period of six (6) months after abandonment.

F. ENFORCEMENT

Any violation of these Solar Energy provisions shall be subject to the same civil and criminal penalties provided for violations of the Land Use Ordinance of the Town of Minot.

G. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction shall not affect the validity or enforceability of any other part, which shall remain in full force and effect

4-501.19 Tower Structures

Section 1. Purpose
The purpose of these standards is to cover all metal, concrete, or wood towers erected on land in Minot. Towers are allowed in the General Development District, Residential District II, and Rural District zones.

Section 2. Applicability
This local land use ordinance applies to all new construction and expansion of existing towers. This local land use ordinance applies to all new construction and expansion of existing wireless telecommunications facilities, except as provided in section 2.1.

2.1. Exemptions
The following are exempt from the provisions of this ordinance:

A.) Emergency Wireless Telecommunications Facility. Temporary wireless communication facilities for emergency communications by public officials.

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.) Amateur (HAM) radio operations are exempt from zone limitations, but the tower still needs to meet ordinance standards for construction and placement.

Section 3. Review and Approval Authority

3.1. Approval Required

No person shall construct or expand a tower without approval of the Code Enforcement Officer (CEO) or the Planning Board as follows:

A.) Expansion of an Existing Wireless Telecommunications Facility and Colocation. Approval by the CEO is required for:

1.) any expansion of an existing wireless telecommunications facility or tower that increases the height by no more than twenty (20) feet;

2.) any proposed accessory use of an existing facility or tower; or

3.) any proposed colocation of equipment on an existing facility or tower.

B.) New Construction. Approval of the Planning Board is required for:

1.) construction of a new wireless telecommunications facility or tower; or

2.) any expansion of an existing facility or tower that increases the height by more than twenty (20) feet.

3.2 Approval Authority

In accordance with Section 3.1 above, the CEO or Planning Board shall review applications for towers and wireless communications facilities and make written findings supporting denial or approval.

Section 4. New Construction Approval Procedure

All applicants for a permit for a new tower or new wireless communications facility shall follow all procedures for and be subject to site plan review as provided in Chapter 4-701. In addition to all other applicable standards and procedures, applicants shall also include the following information in their application:

A. If the proposed structure is for telecommunications, a copy of the FCC construction permit for the facility or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.

B. If the proposed structure is for other purposes, a copy of FAA construction permit or a signed statement from the owner or operator of the facility attesting that the facility complies with current FAA regulations.

C. For a proposed expansion of more than twenty (20) feet to an existing facility or tower, or an expansion of a tower's or facility's ancillary structures, a signed statement that commits the owner of the facility or tower and its successors in interest, to:

1.) respond in a timely, comprehensive manner to a request for information from a potential colocation 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 by third parties;
3.) allow shared use 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 and maintenance, financing, return on equity, depreciation, and all of the costs of adopting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
5.) A landscaping plan indicating the proposed placement of the facility or tower on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility or tower; the method of fencing, the color of the structure, and the proposed lighting method.
6.) Photo simulations of the proposed facility or tower taken from perspectives determined by the Planning Board, or its designee, during the pre-application conference. 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 or tower and method of screening.

A narrative discussing:

a.) the extent to which the proposed facility or tower would be visible from, or within a designated scenic resource as identified in the Comprehensive Plan;
b.) the tree line elevation of vegetation within 100 feet of the facility or tower;
c.) the distance to the proposed facility or tower from the designated scenic resource's noted viewpoints; and
d.) the applicable shot clock for the application (90 or 150 days) and why.

D.) A written description of how the proposed facility or tower fits into the applicant's proposed operations. This submission requirement does not require disclosure of confidential business information.

E.) Evidence demonstrating that no existing building, site, or structure can accommodate the needs of the applicant and that construction of the proposed facility or tower is necessary, the evidence for which may consist of any one or more of the following:
1.) Evidence that no existing facilities or towers are located within the targeted market coverage area as required to meet the applicant's engineering requirements;
2.) Evidence that existing facilities or towers 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 or towers 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 facilities or towers, considering the existing and planned use of

those facilities or towers, and these existing facilities or towers 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 facilities, or the antenna or equipment on the existing facilities or towers would cause interference with the applicant's proposed antenna; or

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

4.) For facilities and towers existing prior to the effective date of this code, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility or tower are unreasonable. Costs exceeding the pro rata share of a new facility or tower development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower or facility built after the passage of this code; or

5.) Evidence that the applicant has made diligent good faith efforts to negotiate colocation on an existing facility, tower, building, or structure, and has been denied access for colocation;

F.) A signed statement stating that the owner of the wireless telecommunications facility or tower, and its successors and assigns agree to:

1.) respond in a timely, comprehensive manner to a request for information from a potential colocation 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 or tower by third parties;

3.) allow shared use of the wireless telecommunications facility or tower if an applicant agrees in writing to pay reasonable charges for colocation; and

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 or tower owner shall be accomplished at a reasonable rate, over the useful life span of the facility or tower.

G.) A form of surety approved by the Planning Board to pay for the costs of removing the facility or tower if it is abandoned or at the end of its useful life.

H.) Evidence that a notice of the application has been published in a local newspaper of general circulation in the community, together with evidence that written notice was provided to all abutting property owners.

Section 5. Standards

The following performance standards shall apply to all applications for new construction or expansion of any facility or tower:

A.) No tower or facility shall exceed three hundred (300) feet above ground level.

B.) The minimum land area for a tower or facility shall be one hundred and twenty-five percent (125%) of the area required for the fall zone, which the applicant may satisfy by demonstrating it has an ownership interest in, lease for, or easement in the minimum land area.

C.) The minimum distance from a tower or facility to any property line, road, structure, dwelling, recreational, or institutional use shall be one hundred and twenty-five percent (125%) of the fall zone of the tower or facility, including any antennas or other appurtenances.

D.) Proposed structure design and any attached building design must be stamped by a State of Maine Registered Engineer.

E.) Ground lighting shall be defined and located on plans.

F.) Accessory noise shall be defined in the application.

G.) Driveways to the facility or tower shall be constructed for year-round access by emergency equipment.

H.) Towers, facilities, and/or compound areas shall be enclosed by security chain-link fencing a minimum of six (6) feet in height and shall be equipped with appropriate anti-climbing devices.

I.) All towers, antennas and other telecommunications facilities and equipment shall meet or exceed current standards and regulation of the FAA, FCC and any other agency of the federal or state government having regulatory authority over the same.

Section 6. Commencement and Abandonment

A tower shall commence operation within twelve (12) months from start of construction. A wireless telecommunications facility, tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility or tower of the same, in writing, and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility or tower shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility or tower has not been abandoned.

If the Owner fails to show that the facility or tower is in active operation, the owner shall have sixty (60) days to remove the facility or tower. If the facility or tower is not removed within this time period, the

municipality may remove the facility or tower at the owner's expense.

The owner shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation.

If a surety has been given to the municipality for removal of the facility or tower, the owner may apply to the Planning Board for release of the surety when the facility, tower, and related equipment is removed to the satisfaction of the Planning Board.

Section 7. Definitions

The terms used in this ordinance shall have the following meanings:

"Antenna" means 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" means 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, blades, 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.

"Colocation" means the use of a wireless telecommunications facility by more than one wireless telecommunications provider.

“Expansion” means the addition of antennas, towers, or other devices to an existing structure.

"Wireless Telecommunications Facility" or “Facility” means, except as provided in Section 2.1 hereof, 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, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services.

"FCC” means the Federal Communications Commission, or its lawful successor.

"Height" means 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, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.

"Towers” are defined as, but not limited to, wind turbines, water towers, and telecommunication structures. Towers are defined as being fifty (50) feet from ground level or greater and can be a standalone structure or connected to a building. Towers are constructed out of wood, concrete, or metal.

Section 8. Appeals
Appeals of any final decision rendered on any application submitted pursuant hereto shall be appealable in accordance with Chapter 9 of this Land Use Ordinance.

4-501.20 Event Venue [Adopted March 7, 2026]

A. Purpose.

The purpose of this section is to regulate Event Venues to ensure they are designed in compliance with applicable fire and safety standards and operated in such a manner as to protect the health, safety, and general welfare of the residents of Minot.

All definitions relating to an Event Venue can be found in Chapter 14 Definitions of this Land Use Code.

B. Exemptions.

The following sites are exempt from the provisions of this Section,

- property owned by the Town of Minot
- state-owned property that is used for public purposes.
- Event Venues previously approved by the Planning Board.

Event Venues that were legally established prior to the adoption of this Section will be assessed by the Fire Chief to understand the current limitations associated with the operation. Courtesy life safety inspections can be requested from the Planning Board. These inspections aim to provide recommendations to homeowners to improve fire safety. However, these inspections in no way entitle the Event Venue established prior to the adoption to this section to immunity from changes recommended by the Fire Chief to protect the health, safety, and general welfare of the residents of Minot.

C. Standards.

Event Venues must comply with the following criteria:

1. Site Plan Review is required for all Event Venues proposed after the adoption of this Section, regardless of whether any new, permanent buildings are proposed.

2. All applications shall be referred to the Fire Chief for a review of compliance with the National Fire Protection Association (NFPA) Life Safety Code.

3. The site must comply with all applicable state and federal laws concerning accommodations of disabilities, including but not limited to the Americans with Disabilities Act and the Maine Human Rights Act.

4. **Parking**

    a. All parking must be located on site, or off-site with written authorization.

    b. If off-site parking is utilized, parking must be within walking distance of the Event Venue (defined as no more than ¼ mile). If parking is located beyond ¼ mile of the Event Venue, a dedicated shuttle service will be required for transport to and from the Event Venue.

    c. Walking or use of a shuttle shall not impede the normal flow of traffic on any roadway.

    d. Under no circumstances shall on-street parking be permitted.

5. Event venues with capacity for more than 200 attendees must submit a Traffic and Parking Management Plan as part of the Site Plan application. The Traffic Management Plan shall be referred to the Highway Director by the Planning Board for review.

    a. This Plan must address how traffic will be handled on the adjacent roads and at any intersection leading to the site, as determined by the Planning Board (e.g. hire a traffic attendee), in addition to the entrance to the site. It must also address how traffic circulation within the parking lot will be handled (e.g. staff direction of attendees to parking spaces). Traffic management must be carried out to handle

both traffic arriving at and leaving the site and is separate from any plan or permit required by the Maine DOT.

6. Events held Sunday-Thursday shall end no later than 10 PM. Events held Friday-Saturday shall end no later than 12 AM.

7. Signage shall be permitted in compliance with the requirements in Title 23 M.R.S.A. Chapter 21 Section 1914.

8. All light fixtures must be located and aimed to only illuminate areas and/or objects necessary for the event and the safety of attendees. Lighting should not be directed skyward, towards abutting properties, or produce glare on adjacent roadways.

9. Fixed and portable sanitary facilities must be provided in compliance with the Site Plan Approval and setback a minimum of ten (10) feet from any property lines.

10. The distribution and sale of alcoholic beverages must be in compliance with all applicable state laws. Copies of state approvals must be submitted to the Town.

11. The Planning Board may require the installation of a vegetated buffer and any other buffers to minimize disturbance to adjacent properties as a component of Site Plan review.

4-501.21 Small Engine Repair [Adopted March 7, 2026]

A. Purpose

The purpose of this section is to regulate Small Engine Repair operations to ensure they are designed and operated in such a manner as to minimize potential hazards and to protect the health, safety, and general welfare of the residents of Minot.

B. Definitions

Combustible: A material that, in the form in which it is used and under the conditions anticipated, will aid combustion or add appreciable heat to an ambient fire.

Small Engine: Small-displacement, low-powered internal combustion engine used to power machines that require independent power sources, with the exception of automobiles, as defined and regulated by 4-501.21 Vehicle Repair.

C. Standards

The following standards apply to all small engine repair operations.

1. Installation of a fireproof cabinet is required for the storage of any paints, solvents, and combustible materials located on site.

2. A container for the storage of waste generated from liquid chemicals and hazardous materials must be located on site.

3. Proper ventilation must be installed inside the automobile repair shop to mitigate inhalation of hazardous emissions.

4. Restroom facilities shall be located on site and be in accessible, serviceable condition for use by employees.
    a. Any pumping agreement made for a portable toilet must be reviewed by the Local Plumbing Inspector.

5. Burning of hazardous materials resulting from the use, including but not limited to paint or painted materials, and oily waste materials, is prohibited.

6. Buffers shall be required on property lines abutting residential uses in accordance with 4-501.1 Buffer Areas of this Code.

4-501.22 Vehicle Repair [Adopted March 7, 2026]

A. Purpose
The purpose of this section is to regulate Automobile Repair operations to ensure they are designed and operated in such a manner as to minimize potential hazards and to protect the health, safety, and general welfare of the residents of Minot.

B. Definitions
Combustible: A material that, in the form in which it is used and under the conditions anticipated, will aid combustion or add appreciable heat to an ambient fire.
Automobiles: Any and all vehicles that are regulated and registered by the Bureau of Motor Vehicles, with the exception of vehicles with a small engine as regulated under 4-501.20 Small Engine Repair.

C. Standards
The following standards apply to all automobile repair operations.

1. Installation of a fireproof cabinet is required for the storage of any paints, solvents, and combustible materials located on site.
2. A container for the storage of waste generated from liquid chemicals and hazardous materials must be located on site.
3. Proper ventilation must be installed inside the automobile repair shop to mitigate inhalation of hazardous emissions.
4. Parking shall be 5 spaces required for each bay or area used for repair work in accordance with 4-501. Off-Street Parking and Loading of this Code.
5. Restroom facilities shall be located on site and be in accessible, serviceable condition for use by employees.
6. Any pumping agreement made for a portable toilet must be reviewed by the Local Plumbing Inspector.
7. Burning of hazardous materials resulting from the use, including but not limited to paint or painted materials, and oily waste materials, is prohibited.
8. Automobiles may not be displayed for sale, or sold, on the premises, unless a Dealer License has been obtained from the Bureau of Motor Vehicles.
9. Noise generated by the operation shall adhere to the noise levels prescribed in 4-701.6 Approval Criteria of this Code.
10. Upon completion of all repair work, no more than four registered automobiles shall be left on-site in excess of 45 consecutive days each in a calendar year.

11. Buffers shall be required on property lines abutting residential uses in accordance with 4- 501.1 Buffer Areas of this Code.

4-601 Application Requirements

4-601.1 Non Site Plan Review

Uses which are permitted may be constructed and operated after compliance with the Performance Standards (Section 4-501) and with other applicable Town Ordinances and Regulations and Federal and State Laws and Permit requirements have been met

4-601.2 Change of Use [Amended March 2, 2024]

A Change of use from one existing use allowed by Planning Board approval to another allowable use may be considered and approved by the Code Enforcement Officer as long as the following criteria are met:

A. The use is considered to be no more intrusive on the neighborhood than what is currently being operated. Such as but not limited to vehicle traffic, noise and pollution.
B. There have been no violations or complaints against the existing property or presumed operations within the last 12 months.
C. There are no external modifications of the property, other than those that would be more conforming to the ordinance, such as but not limited to demolition of existing structures or addition of green spacing/ screening.

4-601.3 Site Plan Review

Uses which require a Site Plan Review may be constructed and operated after the Planning Board has completed the review and granted a Site Plan Review Permit and after compliance with other applicable Town Ordinances and Regulations and all State and Federal Permit requirements have been met.

4-701 Site Plan Review

4-701.1 Application Procedure

A. In order to avoid unnecessary delays in process applications, the Board shall prepare an agenda for each regularly scheduled meeting. The following procedures shall be followed in establishing that agenda.

    1. Before being placed on the Agenda for a Board meeting, the applicant must fill out a “Request for Planning Board Review” form and appropriate permit application.

    2. The Code Enforcement Officer will review these forms and determine whether the applicant should be placed on the Agenda.

3. If supporting documents are required for Board review, the applicant must submit the following materials to the Code Enforcement Officer or Town Administrator:

    a. Ten (10) copies of the completed application form and supporting documents, with the signed original application on top;

    b. Ten (10) copies of the site plan and all supporting plans, stapled and folded together;

    c. A letter of authorization, if the applicant is represented by an agent;

    d. Supporting documents must be received by the Town of Minot fourteen (14) days prior to the next regular Board Meeting. The Code Enforcement Officer will review the documents for completeness of application requirements.

4. Applicants will qualify for agenda slots only when the Town has received a completed application. Space on an agenda may not be reserved by a call, letter, or partial submission. Public Hearings are placed at the beginning of the Agenda. Items tabled at previous meetings will generally receive scheduling priority over new applications, in order of how long each has been pending, and new applications will be placed on the Agenda on a first-come, first-served basis.

5. No new or revised documentary information shall be presented at the meeting.

B. Within 31 calendar days of the first meeting of the Board to consider the application, the Board shall find that the application is complete or incomplete. If incomplete, the Board shall inform the applicant in writing of the additional information necessary to make the applicant complete.

A determination of completeness in no way commits the Board as to the adequacy of the application.

C. Within 45 calendar days of finding the application complete, the Board may hold a public hearing on the application. The Board shall notify the Code Enforcement Officer and Municipal Officers, and shall publish notice of the time, place and subject matter of hearing at least seven days in advance in a newspaper of general circulation in the area.

1. The Board Secretary shall notify by mail the applicant and the owners of all properties within 200 feet of the property involved at least seven days in advance of the hearing, of the nature of the application and of the time and place of the public hearing.

2. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board.

3. The Code Enforcement Officer or his designated assistants shall attend all hearings and may present to the Board all plans, photographs or other material deemed appropriate for an understanding of the application.

D. Within 45 days of the Public Hearing or 45 days of finding the application complete, or within such other time period as mutually agreed to, the Board shall either deny, approve, or approve with conditions the applications.

1. Upon notification of the decision of the Board, the Code Enforcement Officer, as instructed, shall issue, issue with conditions prescribed by the Board, or deny a Building Permit.

2. A Site Plan Review Permit secured under the provisions of this Chapter by vote of the Board shall expire if the work or change involved is not commenced within two years of the date on which the permit was authorized.

3.Appeals shall be in accordance with Chapter 9.

E. Required materials must be submitted within three months of review by the Planning Board. If no action by the applicant is taken on an application for a period exceeding three months, and no request for an extension is submitted to the Planning Board, the application shall be considered expired and a new application must be submitted.

4-701.2 Conditions of Approval

The Board may attach conditions to its approval of a Site Plan Review application as it deems necessary to ensure compliance with the performance standards and review criteria contained herein.

4-701.3 Projects Needing Board of Appeals Review

When an application needs a variance from a requirement in this Chapter or when an ordinance interpretation is needed before the Board is able to approve the application as submitted, an appeal may be submitted to the Board of Appeals prior to final action by the Board. If an application is filed with the Board of Appeals prior to the Board making a final decision, the Board shall table final action on the application pending the Board of Appeals decision and shall notify the Board of Appeals of that action. In this case, the time limits placed upon the Board Review shall be waived.

4-701.4 Application and Mailing Fees

A. Mailing fees will be billed to the applicant and must be paid prior to the Board meeting.

B. The applicant shall pay a non-refundable fee, payable to the Town of Minot, to cover administrative costs of processing the application as follows:

1. Small commercial/service- $75.00

2. All other- $50.00 plus $10.00 per 1,000 sq.ft. or portion thereof of gross floor area, parking and storage areas. For mining operations and outdoor based uses such as but not limited to cemeteries, golf course, recreation areas and campgrounds and for structures without floor areas such as communication towers, there shall be a fee of $150.00.

C. At the option of the Board, the developer may be required to create Review Escrow Account. There shall be a payment of $100.00 per 2,000 sq.ft. or portion thereof of gross floor area, parking and storage area. For mining operations and outdoor based uses such as but not limited to cemeteries, golf courses, recreation areas and campgrounds and for structures without floor areas such as communication towers, there shall be a payment of $500.00. The monies shall be made by check payable to the Town of Minot, Maine. These monies may be used by the Board to pay for professional reviews and advice related to the developer's application, as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account, which notice shall specify the purpose for the proposed expenditures. If the balance in the applicant's portion of the Planning Board Review Escrow Account shall be drawn down by 75 percent, the Board shall require that an additional 50 percent of the original Planning Board Review Escrow Account Fee be deposited. The Board shall continue to notify and require an additional 50 percent of the original Planning Board Review Escrow Account Fee be deposited as necessary whenever the balance of the account is drawn down by 75 percent of the original deposit. Those monies deposited by the developer and not spent by the Board in the course of its review shall be returned to the developer within thirty (30) days after the Board renders its final decision on the application.

D. Amendments to Site Plan Review approvals shall be accompanied by the following fees.

1. Site Plan Review Amendment for projects approved but not constructed or changes to the approved application where there will be no increase in project size -$50.00.

2. Site Plan Review Amendment for projects approved but not constructed where there will be an increase in the project size. All fees required above for the areas to be increased in size.

E. The Planning Board will not begin the application review process without proof that all fees have been paid.

4-701.5 Application Requirements

Applications for Site Plan Review shall be submitted on application forms provided by the Town. The submission shall contain at least the following exhibits and information:

A. The Development Plan shall consist of one or more reproducible, stable base transparent original, to be filed at the Town Office, drawn at a scale of not smaller than 50 feet to the inch or other scale as determined by the Planning Board.

B. A fully executed and signed copy of the application for Site Plan Review.

C. General information:

1. Name of owner(s) of record and address and applicant's name and address, if different;

2. The name of the proposed development;

3. Names and addresses of all property owners within 100 feet of the edge of the property line;

4. Sketch map showing general location of the site within the Town;

5. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;

6. The tax map and lot number of the parcel or parcels;

7. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant; and

8. The name, registration number and seal of the land surveyor, architect, engineer and/or person who prepared the plan.

D. Existing Conditions

1. Zoning classification(s) of the property and the location of Zoning District boundaries if the property is located in two or more Zoning Districts or abuts a different district;

2. The bearings and distances of all property lines of the property to be developed and the source of this information. The Planning Board may require a formal boundary survey when sufficient information is not available to establish, on the ground, all property boundaries;

3. Location and size of any existing sewer and water mains, culverts and drains on the property to be developed and of any that will serve the development from abutting streets or land;

4. Location, names and present widths of existing streets and rights-of-way within or adjacent to the proposed development;

5. Location of intersecting streets or driveways within 200 feet of the site;

6. The location, dimensions and ground floor elevations of all existing buildings on the site;

7. The location and dimensions of existing driveways, streets and parking and loading areas and walkways on the site;

8. The location of open drainage courses, wetlands, significant wildlife habitat, known or potential archaeological resource, historic buildings and sites, significant scenic areas, mapped sand and gravel aquifers, rare and endangered animals and plants and other important natural features with a description of how such features will be maintained or impacts upon them minimized;

9. The direction of existing surface water drainage across the site;

10. If any portion of the property is in the 100-year floodplain, its elevation shall be delineated on the plan;

11. The location and dimensions of existing and proposed signs; and

12. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

E. Proposed Development Activity

1. The location, dimensions, design and exterior materials of all proposed buildings and structures.

2. All existing and proposed setback dimensions.

3. The size, location and direction and intensity of illumination and method of installation of all major outdoor lighting apparatus.

4. The type, size and location of all incineration devices.

5. The type, size and location of all machinery likely to generate appreciable noise at the lot lines.

6. An on-site soils investigation report by a Maine Department of Human Services licensed Site Evaluator. The report shall identify the types of soil, location of test pits, and proposed location and design for the subsurface waste water disposal system.

7. The type and location of water supply to be used.

8. The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings including their physical and chemical properties, if appropriate,

9. All existing contours and proposed finished grade elevations of the entire site and the system of drainage proposed to be constructed. Contour intervals shall be specified by the Board.

10. The location, type and size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas, and the layouts thereof, together with their dimensions.

11. Landscape plan indicating all landscaped areas, fencing and size and type of plant material proposed to be retained or planted with special emphasis placed on front setback areas.

12. The property lines of all properties abutting the proposed development, including those properties across the street, with the names and addresses of the owners as disclosed on the tax maps on file in the Town Office as of the date of the development plan review application.

13. Traffic Data: Traffic data shall include the following:

    a. The estimated peak-hour traffic to be generated by the proposal.

    b. Existing traffic counts and volumes on surrounding streets.

    c. Traffic accident data covering the most recent three-year period for which such data is available.

    d. The capacity of surrounding streets and any improvements which may be necessary on such streets to accommodate anticipated traffic generation.

    e. The need for traffic signals and signs or other directional markers to regulate anticipated traffic.

14. A copy of the approved Driveway or Entrance permit issued by the Maine Department of Transportation.

15. A storm water/drainage management plan prepared by a licensed professional engineer in accordance with the most recent edition of Stormwater Management for Maine: BMPS Technical Design Manual, published by the Maine Department of Environmental Protection.

16. An erosion and sedimentation control plan prepared in accordance with the most recent edition of the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, published by the Maine Department of Environmental Protection.

17. If located in the direct watershed of a great pond, a phosphorous control plan prepared in accordance with Section 4-701.6.b.4.

18. A ground water impact analysis prepared by ground water hydrologist for projects involving shared on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons or more per day.

19. A utility plan showing, in addition to provisions for water supply and waste water disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site.

20. The location, width, typical cross-section, grades and profiles of any proposed streets and sidewalks.

21. Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.

22. Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and interest in financing the project.

F. The Board may require the applicant to submit any additional information and studies that it deems necessary and reasonable in order to demonstrate that the Approval Criteria (Section 4-701.6)**,** and other requirements of this Chapter have been met.

G. Submission Waivers. Where the Board makes written findings of fact that there are special circumstances of a particular application, it may waive portions of the submission requirements, unless otherwise indicated in this Ordinance, provided that the applicant has demonstrated that the standards of this Ordinance have been or will be met, the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan and this Ordinance.

4-701.6 Approval Criteria

In conducting a Site Plan Review, the Board shall consider the following criteria and find that the development and/or use.

A. Will not result in undue air pollution. The air pollution regulations of the Maine Department of Environmental Protection in effect at the time of application shall be met. Furthermore, there shall be no emission which could cause an accumulation of dust, debris or other substances which would be harmful to humans, animals or plants or which would damage structures in any way including the finish.

B. Will not result in undue water pollution.

1. The water quality control laws and rules of the Maine Department of Environmental Protection shall be met.

2. The use will not alter the quality of any surface or subsurface water in such a way as to adversely affect any fish, plants or animals which might live in, around or drink from such water.

3. The development will not overburden downstream storm water runoff systems so as to damage the system or adjacent property.

4. Developments proposed within the direct watershed of pond listed below shall be designed to limit phosphorous runoff to the levels defined below. The Board shall keep an accurate record of permits issued by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments to the table at five year intervals, subject to a reasonable appropriation by the Town to conduct such a reassessment, or the availability of adequate State or regional grant programs or technical assistance programs.

   a. Protection Level

	Protection Level	Phosphorus Allocation (lbs/per/acre/year)
Little Wilson Pond	High	0.038
Mud Pond	Medium	0.033
Taylor Pond	Medium	0.041
The Basin	Medium	0.043

   b. Phosphorous export from a proposed subdivision shall be calculated according to the procedures defined in "Phosphorous Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et.al., September 1989 with revision in 1992 and as may be amended).

      Upon request, copies of all worksheets and calculations shall be made available to the Planning Board.

   c. Phosphorous control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street lengths, and shall encourage the use of other non-structural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

C. Has sufficient water available for the reasonably foreseeable needs of the proposed use including fire protection. The water supply shall meet the maximum anticipated demand of all persons using the supply, and for all commercial or industrial needs which will use such water. Adequacy will be based on a drought conditions which will assume 60% of the annual average precipitation. The water supply shall sustain fire suppression requirements recommended for the proposed development consistent with the recommendations of the National Fire Protection Association for the fire loading level of the proposed development.

D. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized. The development shall not use volumes of water to the extent that system storage volumes are reduced below that needed for fire fighting, other emergencies, and normal stored reserve or that adversely impact the quantity or quality of the supply. Flows shall not cause a significant decrease in pressure in existing lines and to existing uses.

E. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water. The use will not increase the contaminant concentration in the ground water to more than 80% of the State's Primary Drinking Water Standard or Secondary Drinking Water Standard, or if such water is already below such standard, will not cause the concentration to exceed 150% of the ambient concentration.

The use will not decrease the quantity of ground water available on nearby properties below that needed to support existing uses, potential expansions of existing uses or allowable uses.

In those areas identified as sand and gravel aquifers as prepared by the Maine Geological Survey, labeled as Map 16. The following land uses are prohibited unless the Planning Board finds that no discharges will occur such that water quality at the property line will fall below State Drinking Water Standards and all provisions of this Chapter are met.

dry cleaners	chemical manufacturing
printers	pesticide/herbicide stores
laundromats	metal platers
salt piles/sand-salt piles	concrete/asphalt/tar/coal company
leather/leather products	photo processors
plastic/fiberglass fabricating	commercial car washes
industrial waste disposal/impoundment areas	meat packers/slaughter houses
landfills/dumps/transfer stations	wood preservers
junk and salvage yards	electrical equipment manufacturer
graveyards	chemical reclamation facilities

F. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

1. Filling, excavation and earth moving activity shall be carried out in a way that keeps erosion and sedimentation to a minimum, including:

   a. Minimizing cut-fill operations and ensuring conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.

   b. Preserving and protecting natural vegetation where possible.

   c. Keeping duration of exposure of disturbed soils to as short a period as possible.

d. Using temporary vegetation or mulching to protect exposed critical areas during development.

e. Using other control measures such as, but not limited to, siltation fence and stone check dams.

f. Installing permanent (final) vegetation and mechanical erosion control measures as soon as practical.

g. Where appropriate or necessary, using debris basins, sediment basins, silt traps, wet ponds or other acceptable methods to trap the sediment from storm water runoff.

h. Storing fill materials more than 75 feet from the high water mark of any intermittent or perennial streams, surface water bodies or wetlands.

i. Providing adequate topsoil depth on all revegetated areas to maintain proposed vegetative cover.

j. Providing for surface drainage and storm water management so that storm runoff will not have an unreasonable adverse effect on neighboring properties, downstream water quality, soil erosion or the downstream storm drainage structures.

k. Maintaining drainage facilities and/or watercourses within the development in their natural state or, if altered as part of the development, maintaining the facilities and structures related to the alteration.

l) Using the erosion control practices set forth in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices (March 1991 and as amended).

2) Permanent erosion control measures shall be provided that insures on-site soils will not be subject to erosion and that runoff will not erode downstream areas.

3) Soils: All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including without limitation, severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction.

Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall not be approved absent a soils report based on on-site investigation and shall be prepared by a state-certified professional. Certified persons may include Maine Certified Site Evaluator, Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil

and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

G. Will not cause highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed. When conflicts exist between this Section and a Driveway Permit or Entrance Permit onto Route 119, Route 121, Route 124, Center Minot Hill Road or Jackson Hill Road issued by the Maine Department of Transportation, the most stringent or restrictive shall apply.

1. All proposed streets are designed and constructed in accordance with Chapter 8, Minimum Street Construction Requirements.

2. Vehicular circulation upon the lot shall provide safe and convenient circulation on proposed streets and within the development.

3. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

4. Intersections, including the intersection of any proposed entrances/exits or streets, on major access routes to the site within one half (1/2) mile of any proposed entrance/exit that are functioning at a Level of Service of C or better prior to the development must function at a minimum at Level of Service C after the development. If any intersection is functioning at a Level of Service D or lower prior to the development, the project must not reduce the current level of service.

   The Board may approve a development not meeting this requirement if the applicant demonstrates that:

   a. A public agency has committed funds to construct the improvements necessary to meet this standard, or

   b The applicant shall assume financial responsibility for the off site improvements necessary to meet this standard and will guarantee the completion of the improvements within one (1) year of approval of the project.

5. Any entrance or exit shall be designed and located to provide the following minimum sight distance measured in each direction. The measurements shall be from the drivers seat of a vehicle located on the entrance or exit drive between 10 and 15 feet behind the curbline or edge of shoulder, with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.

SIGHT DISTANCES

Post Speed Limit (mph)	Safe Sight Distance
25	200
35	305
40	360
45	425
50	495

6. Where truck traffic is expected to be substantial, (more than 30% of the projected traffic) the minimum sight distance shall be increased by fifty (50) percent of that required in the table above. Height of the eye should be six (6) feet with height of object no more than 4.25 feet above the pavement.

7. Where more than one use is located on a single parcel, all vehicular access to and from a public road or private street shall be via a common access way(s) serving all uses except as provided for herein.

8. Projects generating 400 or more vehicle trips per 24-hour period must provide two or more separate points of vehicular access into and out of the site.

9. Curb cuts or entrance/exit points shall be limited to one per lot for all lots with less than 300 linear feet or less of road frontage. For lots with greater than 300 feet of frontage, a maximum of one curb cut per 300 feet of frontage shall be permitted to a maximum of three, provided the Planning Board makes a finding that (a) the entrance/exit design relative to the site characteristics and design provides safe entrance and exit to the site and (b) no other practical alternative exists.

10. Where a lot to be developed has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall a condition of approval.

11. Curb cut locations, widths and design shall conform to the following standards, except that the Planning Board may vary these standards due to unique factors such as speed limits or significant levels of traffic, or truck traffic.

    a. Intersect the street at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;

    b. The grade of any proposed entrance/exit or street for a distance of fifty (50) feet from its intersection with any existing street shall be a maximum of three (3) percent.

c. Have a curb radius of between 10 and 25 feet and a width of between 20 and 30 feet depending on the level of traffic and type of vehicles to use the entrance/exit.

d. Entrance/Exit Spacing: Distance from edge of entrance/exit point of tangency to edge of intersection point of tangency shall be a minimum of 50 feet for unsignalized intersections. Entrances/exits serving high volumes of traffic and/or at signalized intersections shall follow sound engineering design practice.

e. Minimum distance between entrances/exits serving the same lot, measured from point of tangency to point of tangency by type of entrance/exit, shall be 75 feet. Distances for entrances/exits serving high volumes of traffic shall follow sound engineering design practice.

f. The minimum distance between an entrance/exit to the property line, as measured from point of tangency, shall be 20 feet. Entrances/exits serving high volumes of traffic shall have greater distances in keeping with sound engineering practice. For lots with shared access, an entrance/exit may be located along the property line.

The minimum spacing to property line may be varied if (1) the safest point of access to the site is closer to the property line and (2) there are at least 20 feet of separation between access points serving adjacent parcels.

g. When the proposed development is to be located on the opposite side of an existing development, the entrance/exit point(s) shall be directly opposite the existing entrance/exit point(s) or separated from the opposite entrance/exit point(s) by a minimum of seventy-five (75) feet measured from the two closest points of tangency whenever possible.

h. Entrance/exit points having more than 200 peak hour vehicle trips, based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, shall have a design adequate to accommodate the projected traffic including, but not limited to:

larger spacing between curb cuts, larger radii, larger lengths, additional lanes/turning lanes, sign control, striping

12. Sidewalks or pedestrian easements may be required by the Board to provide safe and convenient access to common areas, existing streets, schools, playgrounds, or other public facilities.

H. Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are to be utilized. Sewage will be disposed in conformity with laws and rules of the Maine Department of Environmental Protection, and/or the State Plumbing Code and other applicable regulations. Subsurface sewage disposal systems shall be designed and installed in full conformance with the Maine Subsurface Wastewater Disposal Rules, other sections of this Chapter and/or local ordinances. A hydrogeologic study, when required, must show that nitrate loadings at lot lines will not increase to over 80% of the Primary Drinking Water Standards of the Maine Department of Human Services.

The disposal septage and other wastes associated with sewage disposal shall not overburden the town's site or designated disposal site if located elsewhere.

I. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste, sewage and/or other residual wastes. The municipal solid waste disposal facility shall be sufficient capacity to handle the solid waste to be generated by the proposed use. If other residual waste disposal facilities are to be used, the Planning Board must find that a contract with a term of five years exists with a licensed facility which is in substantial compliance with State law. The Planning Board may require land clearing debris including brush, stumps, excess fill, etc., to be disposed on the development site if permitted by State law.

J. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to water bodies. Mitigation measures such as buffers or setbacks can be required by the Planning Board in order to protect these resources. Applicant shall consult with IFW or other wildlife consultants and provide the Board with an analysis of impacts and recommended measures to minimize the impact of the development on the habitat.

1. The landscape shall be preserved in its natural state insofar as practical by minimizing tree removal, disturbance of soil and by retaining existing vegetation insofar as practical. Landscaping shall soften or screen the appearance all phases of development including off-street parking areas. Landscaping shall be completed within six months of completion of principal structure(s).

2. The Board shall consider impacts on historic buildings and sites as identified in the Minot Comprehensive Plan. When a proposed development will include a historic building or site the applicant will design the subdivision to minimize the impacts on the historic building or site.

3. No plants listed on the Federal or State list of Endangered Species will be affected adversely by the proposed use.

4. No irreplaceable natural areas as identified by the Natural Areas Program will be adversely affected by the proposed use.

5. The Board shall consider the existence of a scenic site or view location as identified in the 2006 or most recent Minot Comprehensive Plan and the impact of the proposed development on such a site or view. The Board may require the placement or visual qualities of structures on lots in such locations as to minimize the negative impacts of the project on such sites and views

6. No public rights to access to any water body will be diminished by the proposed use.

7. Applicants proposing to develop land in or within 75 feet to fish of wildlife resources identified in the Minot Comprehensive Plan or by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board. The Board may consult with the Maine Department of Inland Fisheries and Wildlife and may impose any recommendations by the Maine Department or consultant as conditions of approval.

8. Any proposed activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the Board shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 20 days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

9. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed structures so as to have a minimally adverse affect on the environmental and aesthetic qualities of the developed and neighboring areas. The Board shall consider the following criteria.

    a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

    b. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.

    c. Materials shall have good architectural character and shall be selected for harmony of the building with adjacent buildings.

    d. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.

    e. Materials shall be of durable quality.

    f. Building components, such as windows, doors and eaves, shall have good proportions and relationships to one another.

    g. Colors shall be harmonious and shall use compatible accents.

    h. Mechanical equipment or other utility hardware on roof, ground or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so visibility from any public way is minimized.

i. Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with building design.

j. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.

k. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, viable siting or individual buildings may be used to prevent a monotonous appearance.

K. Is in conformance with Chapter 7, Subdivision Standards, the Comprehensive Plan and all other municipal ordinances.

L. The applicant has adequate financial and technical capacity to meet the standards required by this Chapter.

1. The applicant shall submit accurate and complete cost estimates of the development, a time schedule for construction and sufficient financial information to determine the applicant's financial capacity to meet the other standards and criteria contained herein.

2. The applicant shall employ professional experts as needed to comply with the standards contained in this ordinance.

M. The applicant will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the site of the proposed use is in a flood-prone area. If the site of proposed use, or any part of it, is in such an area the applicant will determine the 100-year flood elevation and flood hazard boundaries within the site. The proposed use shall include a condition of approval requiring that principal structures on any lots where the proposed use is to be conducted shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation and will only be constructed if permitted under Chapter 6, Floodplain Management Standards.

N. Will not cause noise, odor, glare or vibration to disturb the peaceful enjoyment of adjacent property.

1. Odor from other than dairy, beef, and vegetable farming shall not create conditions unsuitable for residential habitation and enjoyment of outdoor residential property.

2. Vibration shall not cause the damage to structures or vegetation on adjacent property and shall not interfere with the use of adjacent property for residential purposes.

3. Noise levels shall not increase to the extent that abutting or nearby residents are adversely affected.

a. The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity shall be limited by the time period and land use which it abuts as listed below. Sound levels shall be measured at least 4 feet above ground at the property boundary of the source.

Adjacent Land Use	Sound Pressure Level Limits Using the Equivalent Sound Level over a one-hour period (measured in the A-weighted db(a) scale) Note: This limit can also be referred to as the hourly equivalent sound level (Leg 1 hr).	
	7:00 P.M. to 7:00 A.M.	7:00 A.M. to 7:00P.M.
Residential	50	60
Commercial	60	70
Industrial	60	70

b. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI 81 4-1961) "American Standard Specification for General Purpose Sound Level Meters."

c. The following uses and activities shall be exempt from the sound pressure level regulations:

1) Noises created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.

2) The noises of safety signals, warning devices and emergency reassure relief valves and any other emergency activity.

3) Traffic noise on public roads.

4. All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicle traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.

O. Will not place an excessive burden on existing or proposed utilities or ability of the Town to provide municipal, governmental or educational services.

Except for small commercial/service any proposed development shall be reviewed by the Board with respect to its effect upon existing community services and facilities. The Board may require the applicant to submit a municipal impact analysis. When the Board finds, based on the results of any municipal impact analysis, that municipal services do not have the capacity to provide services to the proposed development, the Board will require one or more of the following.

1. A voluntary monetary payment or donation or goods or services to the Town of Minot that would mitigate the direct impact to municipal services that has been identified as the consequence of the proposed development. Any such payment shall be subject to the following provisions.

    a. The Selectmen with advice from the Planning Board, shall find that the money offered will be sufficient to mitigate the identified direct impact of the subdivision.

    b. The payment shall be held in a reserve account and may only be expended to fund capital improvements agreed to by the applicant and Board to mitigate the identified direct impacts.

    c. The payment in all cases shall be expended within five years of collection, unless otherwise agreed upon the Board and applicant.

    d. Any payment not expended shall be refunded to the property owner(s) of record at the time of the refund with interest as earned by the Town of Minot for the period the payment was held by the Town.

2. The applicant will construct or pay to construct his proportional share, as determined by any municipal impact analysis of the required improvements necessitated by the subdivision

P. Provides for adequate parking and internal pedestrian and vehicular circulation. The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall provide for safe interior circulation, separation of vehicular and pedestrian traffic, service traffic and loading areas. Adequate parking shall be provided for employees, customers, and service vehicles.

Q. The Board may require buffer strips to separate non residential uses and agricultural uses. The purpose of the buffer strips is to separate new non residential development from active agricultural uses. In determining the width of the buffer strips and the uses allowed in the buffer strips, including wells, the Nutrient Management Law and Nutrient Management Rules shall be considered.

R. No industrial or commercial buildings or uses shall be established in, or adjacent to, a residential use, or an existing agricultural use unless a landscaped buffer strip is provided to create a visual screen between the uses. Where no natural vegetation can be maintained or due to varying site conditions, the landscaping screen may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffering shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking, mineral extraction, waste collection and disposal areas. Where a potential safety hazard to small children would exist, physical screening or barriers shall be used to deter entry to such premises. The buffer areas shall be maintained and vegetation replaced to insure continuous year-round screening.

4-801 Appeals

Appeals shall be in accordance to Chapter 9, Appeals

Chapter 5
Shoreland Zoning

5-101 General

5-101.1 Purposes

The purposes of this Chapter are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater and wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

5-101.2 Applicability

This Chapter applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Chapter also applies to any structure built on, over, or abutting a dock, wharf, or pier, or other structure extending below the normal high-water line of a water body or within a wetland. These areas are hereinafter collectively referred to as the "Shoreland Zone."

5-201 Districts and Zoning Map

5-201.1 Official Shoreland Zoning Map

The areas to which this Chapter is applicable are hereby divided into the Resource Protection, Stream Protection, and Limited Residential districts and are shown on the Land Use Control Map of Minot which is made a part of this Chapter.

5-201.2 Certification of Land Use Control Map of Minot

The Land Use Control Map of Minot shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

5-201.3 Changes to the Land Use Control Map of Minot

If amendments are made in the Shoreland Zone district boundaries or other matter portrayed on the Land Use Control Map of Minot such changes shall be made on the Land Use Control Map of Minot within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

5-201.4 Interpretation of District Boundaries

Unless otherwise set forth on the Land Use Control Map of Minot district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the

shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

5-301 Land Use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

5-401 Nonconformance

5-401.1 Purpose

It is the intent of this Chapter to promote land use conformities, except that nonconforming conditions that legally existed before the effective date of this Code shall be allowed to continue, subject to the requirements set forth in this section. Except as otherwise provided by this Chapter, a nonconforming condition shall not be permitted to become more nonconforming.

5-401.2 General

A Transfer of Ownership: Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Chapter.

B Repair and Maintenance: This Chapter allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations which do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

5-401.3 Nonconforming Structures

A. Expansions: All new principal and accessory structures, excluding functionally water dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 5-601.2.A. A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs 1 and 2 below.

1. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.

2. Notwithstanding paragraph (1), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 5-401.3 (A.1):

   i. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

3. All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 5-401:

   i For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

   ii For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 5-401.3.(A)(2)(i) and Section 5-401.3(A)(3)(i), above.

   iii In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or

upland edge of a wetland must meet the footprint and height limits in Section 5-401.3(A)(2)(i) and Section 5-401.3(A)(3)(i), above.

4. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.

B. **Foundations.** Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 5-401.3(C) "Relocation," below.

C. Relocation: A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 5-601.18. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

1. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

   Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The

vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

2. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

D. Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 5.401.3.A.1 above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 5-401.3(C) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 5.401.3.C above, the physical condition and type of foundation present, if any.

E. Change of Use of a Nonconforming Structure: The use of a nonconforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on the water body, tributary stream or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural

beauty, flood plain management, archaeological and historic resources, and other functionally water-dependent uses.

5-401.4 Nonconforming Uses

A. Expansions: Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 5-401.3.A.

B. Resumption Prohibited: A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

C. Change of Use: An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 5-401.3.E.

5-401.5 Nonconforming Lots

A. Non-conforming Lots: A non-conforming lot of record as of the effective date of this Chapter or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Chapter except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

B. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Chapter, if all or part of the lots do not meet the dimensional requirements of this Chapter, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this Chapter, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Chapter.

C Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Chapter, if any of these lots do not individually meet the dimensional requirements of this Chapter or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to two or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on March 7, 2022 and recorded in the Registry of Deeds if the lot is served by a public sewer or can accommodate a subsurface sewerage disposal system in conformance with the State of Maine Subsurface Waste Water Disposal Rules; and

1. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

2. Any lots that do not meet the frontage and lot size requirements of 5-401.5(C)(1) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

5-501 Establishment of Districts and Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 5-601. The district designation for a particular site shall be determined from the Land Use Control Map of Minot.

5-501.1 Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone exclusive of the Stream Protection District and except that areas which are currently developed need not be included in the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph “wetlands associated with rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with rivers” are considered to be part of that r river.

2. Floodplains along rivers defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.

3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.

4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Limited Residential District. The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District or Stream Protection District.

C. Stream Protection District. The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a river or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Key to Table 1: LAND USES IN THE SHORELAND ZONE (Following Page)

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

Abbreviations:

LR – Limited Residential
RP – Resource Protection
SP – Stream Protection

NOTES TO TABLE 1:

[1] Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total is disturbed.
[2] In RP not permitted in areas so designated because of wildlife value.
[3] Single-family residential structures may be allowed by special exception only according to Section 5-601.19, Special Exception. Two-family residential structures are prohibited.
[4] Provided a variance from the setback requirement is obtained from the Board of Appeals.
[5] Except for commercial uses otherwise listed in this Table, such as marinas, that are allowed in the respective district.
[6] Excluding bridges and other crossings not involving earthwork, in which case no permit is needed.
[7] See further restrictions in Section 5-601.B.
[8] Permit not required but must file a written "notice of intent to construct" with CEO
[9] Except as provided in Section 5-601.5.C

5-501.2 Table 1: LAND USES IN THE SHORELAND ZONE (Key and Notes on Previous Page)

LAND USES	LR	RP	SP
1. Non-intensive recreational uses not requiring structures such as hunting, fishing, and hiking	yes	yes	yes
2. Timber harvesting	yes	CEO	yes
3. Clearing or removal of vegetation for activities other than timber harvesting	yes	CEO	CEO
4. Fire prevention activities	yes	yes	yes
5. Wildlife management practices	yes	yes	yes
6. Soil and water conservation practices	Yes	Yes	yes
7. Mineral exploration	Yes[1]	Yes[1]	no
8. Mineral extraction, including sand and gravel extraction	PB	PB[2]	no
9. Surveying and resource analysis	yes	yes	yes
10. Emergency operations	yes	yes	yes
11. Agriculture	yes	PB	yes
12. Aquaculture	PB	PB	PB
13. Principal structures and uses A. One and two family residential, including driveways	CEO	PB[3]	PB[4]
B. Multi-unit residential	no	no	no
C. Commercial	no[5]	no[5]	no
D. Industrial	no	no	no
E. Governmental and Institutional	PB	no	no
F. Small, nonresidential facilities for educational, scientific, or nature interpretation purposes	PB	PB	PB[4]
14. Structures accessory to allowed uses	CEO	PB	PB[4]
15. Piers, docks, wharfs, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland a. Temporary b. Permanent	 CEO[6] PB	 CEO[6] PB	 CEO[6] PB
16. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI
17. Home occupations	PB	PB	PB
18. Private sewage disposal systems for allowed uses	LPI	LPI	LPI
19. Essential services	PB	PB[7]	PB[7]
a. Streetside distribution lines(34.5kV and lower)	Yes[8]	CEO[7]	CEO[7]
b. Non-streetside or cross-country distribution lines involving ten poles or less in the shoreland zone	CEO	PB[7]	PB[7]
c. Non-streetside or cross-country distribution lines involving 11 or more poles in the in the shoreland zone	PB	PB[7]	PB[7]
d. Other essential services	PB	PB[7]	PB[7]
20. Service drops, as defined, to allowed uses	yes	yes	yes
21. Public and private recreational areas involving minimal structural development	PB	PB	PB
22. Individual, private campsites	CEO	CEO	CEO
23. Campgrounds	no	no	no
24. Street construction	no[9]	no[9]	no[9]
25. Parking facilities	no	no	no
26. Marinas	PB	no	no
27. Filling and earthmoving <10 cubic yards	yes	CEO	CEO
28. Filling and earthmoving >10 cubic yards	CEO	PB	PB
29. Signs (new or replacement)	yes	yes	yes
30. Uses similar to allowed uses	CEO	CEO	CEO
31. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO
32. Uses similar to uses requiring a PB permit	PB	PB	PB

5-601 Land Use Standards

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

5-601.1 Minimum Lot Standards

	Minimum Lot Area (square feet)	Minimum Shore Frontage (feet)	Minimum Road Frontage (feet)	Minimum Front Frontage (feet)	Minimum Side Frontage (feet)	Minimum Rear Frontage (feet)
Residential per dwelling unit	85,000	200	250	55	15	15
Public and Private Recreational Facilities	85,000	200	250	55	15	15

A. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath streets serving more than two (2) lots shall not be included toward calculating minimum lot area.

B. Lots located on opposite sides of a public road or private street shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

C. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

D. If more than one residential dwelling unit, principal governmental, institutional or commercial structure or use, or combination thereof is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit principal structure, or use.

5-601.2 Principal and Accessory Structures

A. All new principal and accessory structures shall be set back at least seventy-five (75) feet, horizontal distance, from the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland. In the Resource Protection District, the setback requirement shall be 250 feet, horizontal distance, except for structures, streets, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

1. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

2. The Planning Board may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this Chapter. Instances where a greater setback may be appropriate include, but not be limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

3. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

B Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

C. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.

D. Non-vegetated surfaces,-shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.

For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

E. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

1. The site has been previously altered and an effective vegetated buffer does not exist;

2. The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

3. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

4. The total height of the wall(s), in the aggregate, are no more than 24 inches;

5. Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

6. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

7. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

   (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

   (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

   (iii)Only native species may be used to establish the buffer area;

   (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

   (v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

F. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources

Protection Act, 38, MRSA Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

5-601.3. Piers, Docks, Wharves, Bridges, and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland, and Shoreline Stabilization.

A. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 5-601.1, a second structure may be allowed and may remain as long as the lot is not further divided.

B. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

C. The location shall not interfere with existing developed or natural beach areas.

D. The facility shall be located so as to minimize adverse effects on fisheries.

E. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses, of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.

F. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

G. New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resource Protection Act.

H. Vegetation may be removed in excess of the standards in Section 5-601.15 of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

1. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored.

2. Revegetation must occur in accordance with Section 5-601.18.

NOTE: A permit pursuant to the *Natural Resources Protection Act* is required from the Department of Environmental Protection for Shoreline Stabilization activities.

5-601.4. Campgrounds.

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

A. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

B. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of seventy-five (75) feet, horizontal distance, from the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland.

5-601.5. Individual Private Campsites.

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

A. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

B. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.

C. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

D. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

E. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

F. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

G. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be

met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

5-601.6 Parking Areas

A. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located The setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

B. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

C. In determining the appropriate size of proposed parking facilities, the following shall apply:

1. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

2. Internal travel aisles: Approximately twenty (20) feet wide.

5-601.7 Streets and Driveways

The following standards shall apply to the construction of streets and/or driveways and drainage systems, culverts and other related features.

A Streets and driveways shall be set back at least seventy-five (75) feet horizontal distance from the normal high-water line of water bodies, tributary steams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the street and/or driveway setback requirement shall be to no less than fifty (50) feet horizontal distance upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the street and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 5-601.5.A does not apply to approaches to water crossings or to streets or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary

docks for recreational uses. Streets and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of 5-601.5.A except for that portion of the street or driveway necessary for direct access to the structure.

B. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary steam or wetland.

C. New streets and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a street or driveway to provide access to permitted uses within the district. A street or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a street or driveway is permitted in a Resource Protection District the street and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

D. Street and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 5-601.14

E. Street and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

F. In order to prevent street and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, streets and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Street surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

G. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the street or ditch. To accomplish this, the following shall apply:

1. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the street or driveway at intervals no greater than indicated in the following table:

Grade (percent)	Spacing (feet)

0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

2. Drainage dips may be used in place of ditch relief culverts only where the street grade is ten (10) percent or less.

3. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

4. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

H. Ditches, culverts, bridges, dips, water turnouts, and other storm water runoff control installations associated with streets and driveways shall be maintained on a regular basis to assure effective functioning.

5-601.8 Signs

The following provisions shall govern the use of signs in the Shoreland Zone:

A. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

B. Name signs, are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

C. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

D. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

E. Signs relating to public safety shall be allowed without restriction.

F. No sign shall extend higher than twenty (20) feet above the ground.

G. Signs may be illuminated only by shielded, non-flashing lights.

5-601.9 Storm Water Runoff

A. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where

possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.

B. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

5-601.10 Septic Waste Disposal

All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and the following:

A. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland: and

B. A holding tank is not allowed for a first time residential use in the shoreland zone.

5-601.11 Essential Services

A. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

B. The installation of essential services, other than street-side distribution lines, is not, allowed in the Resource Protection or Stream Protection District, except to provide services to a permitted use within said district or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

C. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

5-601.12 Mineral Exploration and Extraction

NOTE: This includes mining of topsoil and loam. For additional information see the definition of Mineral Extraction in Chapter 14.

A. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

B. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph D below.

C. No part of any extraction operation, including drainage and runoff control features shall be permitted within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet of any property line, without written permission of the owner of such adjacent property.

D. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

1. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

2. The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.

3. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

E. In keeping with the purposes of this Chapter, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

5-601.13 Agriculture

A. All spreading or disposal of manure shall be accomplished in conformance with the Manure Utilization Guidelines Published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. section 4201-4209.

B. Manure shall not be stored or stockpiled within seventy-five (75) feet horizontal distance, of water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

C. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Chapter.

D. There shall be no new tilling of soil within seventy-five (75) feet, horizontal distance, from water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this Chapter and not in conformance with this provision may be maintained.

E. Newly established livestock grazing areas shall not be permitted within seventy-five (75) feet, horizontal distance, of water bodies nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

5-601.14 Timber Harvesting - REPEALED

The regulation of timber harvesting activities is hereby repealed on the statutory date established under 38 M.R.S.A. section 438-A(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone.

5-601.15 Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

A. Except to allow for the development of permitted uses, within a strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in section 5-601.16.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

B. Except in areas as described in Section 5-601.15(1), above, within a strip of land extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

1. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.

2. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a "well-distributed stand of trees" adjacent to stream flowing to a great pond shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50 foot rectangular (1,250 square feet) area as determined by the following rating system.

Diameter of tree at 4 ½ feet above ground level (inches)	Points
2 - <4	1
4 – <8	2
8 <12	4
12 or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

a. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

b. Each successive plot must be adjacent to, but not overlap a previous plot;

c. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Chapter;

d. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Chapter;

e. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this Section "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40 percent of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above ground level may be removed in any ten (10) year period.

3. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer shall not be cut, covered or removed, except to provide for a footpath or other permitted uses as described in paragraphs A.1 & 2 above.

4. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

5. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead, or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section 5-601.16 below, unless existing new tree growth is present.

6. In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 5-601.15(B).

B. At distances greater seventy-five (75) feet, horizontal distance, from the normal high-water line of any water body, tributary stream, or the upland edge of a wetland, there

shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 ½ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25 percent of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area.In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead, or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section 5-601.16 below, unless existing new tree growth is present.

C. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Chapter.

D. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

5-601.16 Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

A. Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

1. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

2. Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

3. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps

are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

4. The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

5. The Code Enforcement Officer may require more than a one–for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

B. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

1. Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

i. The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

ii. Stumps from the storm-damaged trees may not be removed;

iii. Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

iv. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

2. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

5-601.17 Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 5-601.15, provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

A. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of

these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 5-601.15 apply;

B. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 5-601.2 are not applicable;

C. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;

D. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 5-601.13 are complied with;

E. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:

1. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;

2. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and

3. If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

F. The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

5-601.18 Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 5-601.15, to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

A. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

B. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:

C. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

D. Revegetation activities must meet the following requirements for trees and saplings:

1. All trees and saplings removed must be replaced with native noninvasive species;

2. Replacement vegetation must at a minimum consist of saplings;

3. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;

4. No one species shall make up 50% or more of the number of trees and saplings planted;

5. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

6. A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

E. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

1. All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;

2. Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

3. If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

4. No one species shall make up 50% or more of the number of planted woody vegetation plants; and

5. Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years

F. Revegetation activities must meet the following requirements for ground vegetation and ground cover:

1. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

2. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

3. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

5-601.19 Erosion and Sedimentation Control

A. All activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

1. Mulching and revegetation of disturbed soil.

2. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

3. Permanent stabilization structures such as retaining walls or riprap.

B. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

C. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

D. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

1. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

E. Natural and manmade drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

5-601.20 Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals.

Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

5-601.21 Water Quality

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

5-601.22 Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

5-601.23 Special Exception

In addition to applicable criteria specified in this Chapter, excepting structure setback requirements, the Planning Board may approve a permit for a single-family residential structure

in the Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

A. There is no location on the property, other than a location within the Resource Protection District where the structure can be built.

B. The lot on which the structure is proposed is undeveloped and was established and recorded in the Androscoggin County Registry of Deeds before the adoption of the Resource Protection District.

C. The proposed location of all buildings, sewage disposal systems and other improvements are:
   1. Located on natural ground slopes of less than 20%; and

   2. Located outside the floodway of the 100-year floodplain along rivers based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with the Floodplain Management Ordinance for the Town of Minot, Maine. If the floodway is not shown on the Federal Emergency Management Agency maps, it is deemed to be ½ the width of the 100-year floodplain.

D. The total footprint of all principal and accessory structures located within the Resource Protection District is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

E. All structures, except functionally water-dependent structures, are set back from the normal high-waterline or upland edge of a wetland to the greatest practical extent, but not less than 75 feet. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain and its proximity to moderate-value and high-value wetlands.

5-701 Permits

5-701.1 Permits Required

A. After the effective date of this Chapter no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Chapter shall have a copy of the permit on site while the work authorized by the permit is performed

No permit shall be issued or entrance to a public road installed until the site has been reviewed by the Road Commissioner and approved by the proper permitting authority.

1. A permit is not required for the replacement of an existing street culvert as long as:

Note: This Section does not eliminate the requirement of a permit required under the Natural Resource Protection Act.

i. The replacement culvert is not more than one standard culvert size wider in diameter than the culvert being replaced;

ii. The replacement culvert is not more than 25% longer than the culvert being replaced;

iii. The replacement culvert is not longer than 75 feet; and

iv. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.

2. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by mean of adequate and timely temporary and permanent stabilization measures.

3. Any permit required by this Chapter shall be in addition to any other permits required by other law or ordinance.

5-701.2 Permit Application

A. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 5-501.2.

B. All applications shall be signed by the owner or owners of the property or other person who can show evidence of right, title or interest in the property or by agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

C. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

D. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

E. Every application shall include preconstruction photographs or the shoreline vegetation and area to be developed and, no later than 20 days after completion of development, postconstruction photographs of the shoreline vegetation and development site.

5-701.3 Procedure for Administering Permits

A. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 5-501.2, shall notify the applicant

in writing either that the application is a complete application, or, if the application is incomplete, what specific additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Chapter.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;

2. Will not result in water pollution, erosion, or sedimentation to surface waters;

3. Will adequately provide for the disposal of all wastewater;

4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;

6. Will protect archaeological and historic resources as designated in the comprehensive plan;

7. Will avoid problems associated with flood plain development and use; and

8. Is in conformance with the provisions of Section 5-601 Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or statute administered by the town.

E. Expiration of Permit

Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire

F. Installation of Public Utility Service

No public utility, water district, sanitary district, or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this Chapter or any previous Ordinance, has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

Chapter 6
Floodplain Management Standards

(NOTE: This is the most recent floodplain management standards prepared by the state Planning Office.)

6-101 Purposes and Establishment

6-101.1 Purposes

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

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

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

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

6-101.2 Establishment

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

The areas of special flood hazard, Zones A and AE, are identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Town of Minot, Maine, Androscoggin County," dated May 17, 1990 with accompanying "Flood Insurance Rate Map" dated May 17, 1990, which are hereby adopted by reference and declared to be a part of this Chapter.

6-201 Permits

6-201.1 Permit Required

Before any construction or other development (as defined in Chapter 14, Definitions), including the placement of manufactured homes, begins within any areas of special flood hazard established in 6-101.2, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Minot, Maine.

6-201.2 Application for Permit

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

A. The name, address and phone number of the applicant, owner, and contractor;

B. An address and a map indicating the location of the construction site;

C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;

D. A statement of the intended use of the structure and/or development;

E. A statement of the cost of the development including all materials and labor;

F. A statement as to the type of sewage system proposed;

G. Specification of dimensions of the proposed structure and/or development;

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

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

1. base flood at the proposed site of all new or substantially improved structures, which is determined:

a. in Zone AE, from data contained in the "Flood Insurance Study - Town of Minot, Maine," as described in Section 6-101.2; or,

b. in Zone A:

1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Section 6-401.10 and Section 6-401.15.D*;*

2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,

3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

2. highest and lowest grades at the site adjacent to the walls of the proposed building;

3. lowest floor, including basement; and whether or not such structures contain a basement; and,

4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Section 6-401;

J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

K. The following certifications as required in Section 6-401 by a registered professional engineer or architect:

1. a Floodproofing Certificate (FEMA Form 81-65, 08/99, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria Section 6-201.H.4.;Section 6-401.6.; and other applicable standards in Section 6-401;

2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Section 6-401.11.B.1.;

3. a certified statement that bridges will meet the standards of 6-401.12.;

4. a certified statement that containment walls will meet the standards of Section 6-401.13.;

L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

M. A statement of construction plans describing in detail how each applicable development standard in Section 6-401 will be met.

6-201.3 Application Fee and Expert Fee

A. A non-refundable application fee as determined by the Board of Selectmen shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

6-301 Review Standards for Flood Hazard Development Permit Applications

6-301.1 The Code Enforcement Officer shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Section 6-401 (Development Standards) have been, or will be met;

B. Utilize, in the review of all Flood Hazard Development Permit applications:

1. the base flood data contained in the "Flood Insurance Study - Town of Minot, Maine," as described in 6-101.2;

2. in special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Section 6-201.2.H.1.b.; Section 6-401.10.; and Section 6-401.5.D., in order to administer Section 6-401 of this Chapter; and,

3. when the community establishes a base flood elevation in a Zone A by methods outlined Section 6-201.2.H.1.b**.,** the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Section 6-101.2.;

D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;

E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;

F. If the application satisfies the requirements of this Chapter, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:

1. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, “as built”, for verifying compliance with the elevation requirements of Section 6-401.5, 6, or 7. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Section 6-401.6.A. 1, 2 and 3. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for Section 6-401.9., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Chapter 9 of this Code, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions Sections 6-201.2., 6-401, and 6-401.16 of this Chapter.

6-401 Development Standards and Certificate of Compliance

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

6-401.1 All Development - All development shall:

A. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

B. use construction materials that are resistant to flood damage;

C. use construction methods and practices that will minimize flood damage; and,

D. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

6-401.2 Water Supply

All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

6-401.3 Sanitary Sewage Systems

All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

6-401.4 On Site Waste Disposal Systems

On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

6-401.5 Watercourse Carrying Capacity

All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

6-401.6 Residential

New construction or substantial improvement of any residential structure located within:

A. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

B. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant Sections 6-201.2.H.1.b; 6-301.1.B; or 6-401.15.D.

6-401.7 Non Residential

New construction or substantial improvement of any non-residential structure located within:

A. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:

1. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

2. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

3. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Section 6.201.2.K and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

B. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Sections 6-201.2.H.1.b.; 6-301.1.B: or 6-401.15.B**.,** or

1. together with attendant utility and sanitary facilities meet the floodproofing standards of Section 6-401.6.A.

6-401.8 Manufactured Homes

New or substantially improved manufactured homes located within:

A. Zone AE shall:

1. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;

2. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,

3. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

a. over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

b. frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).

c. all components of the anchoring system described in Section 6-401.7.A.3.(a) and (b) shall be capable of carrying a force of 4800 pounds.

B. Zone A shall:

1. be elevated on a permanent foundation, as described in Section 6-401.7.A.1., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Sections 6-201.2.H.1.b; 6-301.1.B; or 6-401.15.D.; and

2. meet the anchoring requirements of Section 6-401.7.A.3.

6-401.9 Recreational Vehicles

Recreational Vehicles located within:

A. Zone AE shall either:

1. be on the site for fewer than 180 consecutive days,

2. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by

quick disconnect type utilities and security devices, and has no permanently attached additions; or,

3. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Section 6-401.7.A.

6-401.10 Accessory Structures

Accessory Structures, as defined in Chapter 14, located within Zones AE and A, shall be exempt from the elevation criteria required in Sections 6-401.5 and 6. above, if all other requirements of Section 401 and all the following requirements are met. Accessory Structures shall:

A. be 500 square feet or less and have a value less than $3000;

B. have unfinished interiors and not be used for human habitation;

C. have hydraulic openings, as specified in Section 6-401.12.B., in at least two different walls of the accessory structure;

D. be located outside the floodway;

E. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,

F. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

6-401.11 Floodways

A. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

B. In Zones AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Section 6-401.10.C unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

1. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

2. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37/ January 1995, as amended).

C. In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

6-401.12 Enclosed Areas Below the Lowest Floor

New construction or substantial improvement of any structure in Zones AE and A that meets the development standards of Section 6-401, including the elevation requirements of Section 6-401.5, 6, or 7 and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

A. Enclosed areas are not "basements" as defined in Chapter 14;

B. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

1. be engineered and certified by a registered professional engineer or architect; or,

2. meet or exceed the following minimum criteria:

a) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

b) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,

c) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

C. The enclosed area shall not be used for human habitation; and,

D. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

6-401.13 Bridges

New construction or substantial improvement of any bridge in Zones AE and A shall be designed such that:

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

B. a registered professional engineer shall certify that:

1. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Section 6-401.10.; and

2. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

6-401.14 Containment Walls

New construction or substantial improvement of any containment wall located within:

A. Zones AE and A shall:

1. have the containment wall elevated to at least one foot above the base flood elevation;

2. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

3. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Section 6-201.2.K.

6-401.15 Wharves, Piers and Docks

New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE and A, in and over water and seaward of the mean high tide if the following requirements are met:

A. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and

B. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

6-401.16 Review of Subdivision and Development Proposals

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

A. All such proposals are consistent with the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Section 6-401 of this Chapter. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

6-401.17 Certificate of Compliance

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

A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Section 6-401.5, 6, or 7.

B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this Chapter.

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

1. review the Elevation Certificate and the applicant's written notification; and,

2. upon determination that the development conforms with the provisions of this Chapter, shall issue a Certificate of Compliance.

Chapter 7: Subdivision Standards [Adopted March 3, 2007]

7-101 General

7-101.1 Purpose

A. To provide for the local administration of the State Law regulating the division of land and buildings;

B. To provide uniform procedures and standards for observance by the Planning Board and developers;

C. To provide for safe and adequate transportation network, utilities and other services to new land development and ensure orderly development;

D. To provide for the health, safety and welfare of the people;

E. To protect the environment; and

F. To honor the rights of property ownership, consistent with the rights and responsibilities of the subsequent owners or users of such land and of the Town and its inhabitants in general.

7-101.2 Applicability

Beginning on 21 September 1973, no lot or dwelling in a subdivision as defined herein shall be sold or otherwise transferred in ownership, and a building permit shall be issued for the construction of any building thereon, and no utility installations, ditching, grading, construction of streets, grading of land or lots shall be done on any part of the sub-divisions, unless and until a Final Plan for said subdivision shall have been approved by the Minot Planning Board, and an attested copy of the approved and endorsed Final Plan shall have been recorded with the Androscoggin County Registry of Deeds.

7-201 Administrative Procedures

The subdivision review process shall be a two-stage process consisting of Preliminary Plan review and Final Plan review. For the purpose of this Chapter, the wording, the "Preliminary Plan" and "Final Plan" shall refer to both the appropriate plans and the application.

7-201.1 Application Fee

The following fee(s) shall be paid at the time of the submission of any application.

A. Publishing and Notice Fee: $150.00

B. Review Fee: $ 300.00 for the first three (3) lots or dwelling units and $ 50.00 for each additional lot or dwelling units for multiplex development.

C. Review Escrow Account: At the option of the Board, the developer may be required to create a Review Escrow Account. The account shall be $50.00 per lot, or dwelling units for multiplex developments, deposited in a separate escrow account for each development, established by the Town. These monies may be used by the Board to pay for professional reviews and advice related to the developer's application, as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account, which notice shall specify the purpose for the proposed expenditures. Those monies deposited by the developer and not spent by the Board in the course of its review shall be returned to the developer within thirty (30) days after the Board renders its final decision on the application.

7-201.2 Fees for Amendments

Amendments to plans shall require the following fees:

A. The fee for amendments when the number of lots or dwelling units remain the same, and there are no substantial changes to streets or drainage systems: $25.00.

B. The fees for amendments when three or less new lots or dwelling units are created: $75.00 publishing and notice fee, $100.00 for the first new lot or dwelling unit created, and $50.00 for each additional lot.

C. The fee for amendments when there are substantial changes to streets and drainage systems or more than three (3) lots or dwelling units are created: All fees and escrow accounts required of a new application.

7-301 Preliminary Plan

In order to avoid unnecessary delays in process applications, the Planning Board shall prepare an agenda for each regularly scheduled meeting. The following procedures shall be followed in establishing that agenda.

A. Before being placed on the Agenda for a Planning Board meeting, the applicant must fill out a "Request for Planning Board Review" form and appropriate permit application.

B. The Code Enforcement Officer will review these forms and determine whether the applicant should be placed on the Agenda.

C. If supporting documents are required for Planning Board review, the applicant must submit the following materials to the Code Enforcement Officer or Town Administrator:

1. Ten (10) copies of the completed application form and supporting documents, with the signed original application on top;

2. Ten (10) copies of the site plan and all supporting plans, stapled and folded together;

3. A letter of authorization, if the applicant is represented by an agent;

4. The required application fees and mailing fees. Mailing fees will be billed to the applicant and must be paid prior to the Planning Board meeting. The Planning Board will not meet with applicant without proof that all fees have been paid; and

E. Supporting documents must be received by the Town of Minot fourteen (14) days prior to the next regular Board Meeting. The Code Enforcement Officer will review the documents for completeness of application requirements.

F. Applicants will qualify for agenda slots only when the Town has received a completed application. Space on an agenda may not be reserved by a call, letter, or partial submission. Public Hearings are placed at the beginning of the Agenda. Items tabled at previous meetings will generally receive scheduling priority over new applications, in order of how long each has been pending, and new applications will be placed on the Agenda on a first-come, first-served basis.

G. No new or revised documentary information shall be presented at the meeting.

7-301.1 Preliminary Plan and Application

A. The Preliminary Plan shall be submitted on one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than 100 feet to the inch. The Board may allow plans for subdivision containing more than 100 acres to be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read.

B. At the meeting the application is received, the Board shall issue to the applicant a dated receipt. Within thirty (30) days from receipt of the subdivision application, the Board shall notify the applicant in writing either that the application is or is not complete, and, if not, which specific additional information is necessary to make a complete application. Determination by the Board that the Preliminary Plan and Application are complete in no way commits or binds the Board as to their adequacy to meet the provisions of this Chapter and the criteria of Title 30-A, M.R.S.A., Sections 4401-4407.

7-301.2 Notice to Abutters

Once an application has been received by the Board, the Board or its agent shall notify all abutters, including those on the opposite side of public or private right-of-way, by regular mail.

7-301.3 Procedure

The Planning Board shall, within thirty (30) days of a public hearing or with sixty (60) days of receiving a complete Preliminary Plan, if no hearing is held, or within such time limit as is mutually agreed to, issue an order and findings denying or granting approval, or granting approval with conditions. The Planning Board secretary shall notify the subdivider in writing of the vote of the Board on the Preliminary Plan and of any conditions voted.

A. Approval of the Preliminary Plan in no way commits or binds the Board to approve the Final Plan.

B. In the event of disapproval of the plan, the developer has a right to submit a new and different Preliminary Plan at the next regular meeting of the Board.

7-301.4 Public Hearing

As part of the procedure for reviewing a Preliminary Plan, a public hearing may be held within thirty (30) days of finding the application complete. Notice of such hearing shall be provided by mail to the applicant and abutting landowners, and shall be published in a newspaper of general circulation in the Town at least twice, the date of the first publication to be at least seven (7) days prior to the hearing. Public hearings shall be held in accordance with the provisions of M.R.S.A., Title 30-A, Section 4403, and as hereafter amended.

7-401 Final Plan

7-401.1 Final Plan and Application

A. The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred (100) acres may be drawn at a scale of not more than two hundred feet to the inch. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. Two reproducible, stable based transparent originals, embossed with the seal of the professional who prepared the plan, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Offices, and ten copies of the plan and all other material shall be submitted. This material must be received by the Town of Minot fourteen (14) days prior to the next regular Board meeting.

B. At the meeting the application is received, the Board shall issue to the applicant a dated receipt. Within thirty (30) days from receipt of the application, the Board shall notify the applicant in writing either that the application is or is not complete, and, if not, which specific additional information is necessary to make a complete application.

C. The Board shall within thirty (30) days of a public hearing or within sixty (60) days of receiving a complete Final Plan, if no hearing is held, or within such time limit as is mutually agreed to, issue an order and findings denying or granting approval, or granting approval with conditions. The Planning Board secretary shall notify the subdivider in writing of the vote of the Board on the Final Plan and of any conditions voted.

D. Prior to signing of the Final Plan, the following approvals shall be obtained in writing, where applicable.

1. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resource Protection Act, Stormwater Management Law or if a Wastewater Discharge License is needed.

2. Maine Department of Human Services, if the subdivider proposes to provide a Community Water System as defined by the State of Maine Rules of the Department of Human Services Relating to Drinking Water (10-144A. C.M.R. 231).

3. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.

E. The approval by the Board of the final subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

7-401.2 Public Hearing

As part of the procedure for reviewing a Final Plan, a public hearing may be held within thirty (30) days of finding if application is complete. Notice of such hearing shall be provided by mail to the applicant and abutting landowners, and shall be published in a newspaper of general circulation in the Town at least twice, the date of the first publication to be at least seven (7) days prior to the hearing. Public hearings shall be held in accordance with the provisions of M.R.S.A., Title 30-A, Section 4403, and as hereafter amended.

7-501 Standards for Subdivisions Design/Review

7-501.1 State Subdivision Law Review Criteria

The Board shall determine that the Subdivision complies with the criteria contained in Title 30-A, M.R.S.A Section 4404, and as hereafter amended.

7-501.2 Additional Standards

In addition, the Board shall find that the subdivision complies with the following criteria before granting approval. Failure to fulfill these criteria shall constitute grounds for denial.

A. Open Spaces

Within any subdivision hereafter proposed, the Board may require that there be designated on the subdivision plan a suitably located land area of not more than 10% of the gross area for a common area for playground, recreation or open space purposes. The developer, at his/her option, may dedicate more than 10% for those purposes. The Board may require, by appropriate inscription and endorsement, on the subdivision Final Plan, that no building be erected upon such common area and shall indicate such by deed restriction on each lot within the subdivision.

B. Natural Features

1. To the extent practical, the proposed subdivision layout shall preserve existing natural features such as, but not limited to large trees, groves, water courses,

2. The proposed subdivision shall preserve habitat for species identified as threatened or endangered and shall preserve critical areas designated by the Maine Natural Areas Program.

3. Development shall conform to natural topography, extensive land filing or grading shall be avoided so far as possible; natural surface drainage and existing stream channels shall be preserved whenever feasible.

4. Streets and buildings, including areas for sewage disposal, shall not be constructed within the 100-year floodplains.

5. All wetland disturbance shall comply with the Natural Resources Protection Act Rules.

C. Soil Suitability

All subsurface waste water disposal shall be in conformance with Maine Subsurface Waste Water Disposal Rules and as hereinafter amended.

D. Phosphorous Export

Subdivisions proposed within the direct watershed of pond listed below shall be designed to limit phosphorous runoff to the levels defined below. The Board shall keep an accurate record of permits issued by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments to the table at five year intervals, subject to a reasonable appropriation by the Town to conduct such a reassessment, or the availability of adequate State or regional grant programs or technical assistance programs.

1. Protection Level

	Protection Level	**Phosphorus Allocation (lbs/per/acre/year)**
Little Wilson Pond	High	0.038
Mud Pond	Medium	0.033
Taylor Pond	Medium	0.041
The Basin	Medium	0.043

2. Phosphorous export from a proposed subdivision shall be calculated according to the procedures defined in "Phosphorous Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et.al., September 1989 with revision in 1992 and as may be amended). Upon request,

copies of all worksheets and calculations shall be made available to the Planning Board.

3. Phosphorous control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Planning Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street lengths, and shall encourage the use of other non-structural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

E. Open Space Subdivisions

1. Policy

It is the policy of the Town of Minot to encourage open space subdivisions in order to preserve a sense of space, provide for open space, agriculture and forestry and blend new development with the traditional open and rural landscapes of Minot.

These incentives are designed to encourage greater flexibility and more innovative approaches to development and environmental design which will promote the most appropriate use of land, preservation of permanent open space, important natural features, agricultural and forest lands, wildlife habitat, and historic and scenic areas for the benefit of present and future residents.

An open space subdivision achieves the purposes of this performance standard by reducing the lot size, frontage and setback requirements. It locates structures and accompanying uses in those areas where they have the smallest impact on identified environmental, wildlife, agricultural, forest, and other open space resources.

These resources are then permanently preserved by the use of covenants and restrictions or conservation easements. This standard is intended to implement that policy by providing incentives that afford flexibility in street and lot layout and design and street frontage requirements to the landowner. It also allows the Board to waive or reduce certain otherwise applicable standards and provisions of this Chapter and Code if such landowners commit to the permanent preservation of important open space resources. Notwithstanding provisions of this Chapter and Code, the Board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. This shall not be construed as granting variances to relieve hardship, and action of the Zoning Board of Appeals shall not be required.

An applicant may apply for approval of an open space subdivision either after sketch plan review of a conventional subdivision or by initially filing an application for an open space subdivision.
In either case, the Board shall review the application in accordance with Title 30-A M.R.S.A. Section 4404 and this Chapter.

2. Pre-application Procedure

Any applicant for a subdivision with open space is encouraged, but not required, to submit at the pre-application stage a complete build out plan for the entire parcel.

3. Application Procedure

The submissions for a subdivision with open space shall include all plans and materials required for a conventional subdivision under this Chapter.

4. General Requirements

In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Chapter and Code.

a. Allowable density shall be based in the following manner: Determine the buildable acreage of the parcel by taking the total area of the parcel and subtracting in order the following:

1) area in proposed rights-of-way;
2) area of two or more contiguous acres with sustained slopes of 20% and greater;
3) area of the lot covered by surface waters.

Then divide the buildable area by the minimum lot size required. A minimum of 50% of the buildable area must be designated as open space.

b. The Planning Board may grant a density bonus of two (2) lots or dwelling units for each ten (10) lots or dwelling units when it makes a written finding that the open space subdivisions satisfies the policies of the comprehensive plan, achieves the applicable purposes contained in Section 4.b.(1)-(8) below and provides for adequate subsurface wastewater disposal.

1) Long-term protection and preservation of existing natural and other resources and landscapes identified in the Minot Comprehensive Plan, this Chapter and Code, including, but not limited to:

a) State-defined critical areas and unique features and areas identified in the Comprehensive Plan;

b) Historic land use patterns and historic structures;

c) Points of visual access to scenic vistas as identified in the Comprehensive Plan; and

d) Agricultural land.

2) Maintenance or establishment of compatibility with surrounding land uses and the overall character of the Town as defined by the Comprehensive Plan;

3) Provision of adequate buffers for adjoining properties where needed;

4) Contribution to town wide open space planning by creating a system of permanently preserved open spaces both within large parcels of land and among such parcels throughout the Town and by encouraging linkages between open space areas;

5) Preservation of land suitable for agriculture and forestry uses particularly where the open space subdivision borders active agricultural or forestry land or land suitable for the same;

6) Preservation of traditional land uses;

7) Provision of recreation facilities, including active and passive recreational space, in the most suitable locations for use consistent with the other purposes of this performance standard; and

8) Attainment of planned variety and coordination in the location of structures, architectural styles and building forms and relationships.

5. Layout and Siting Standards

In planning the location and siting of residential structures in a subdivision with open space, priority should be given to the preservation of the open space for its natural resource value. Human habitation activity should be located and sited such as it maximizes the valuable natural resource portion of a parcel, taking into account the contours of the land and the steepness of slopes.

The building lots on a parcel shall be laid out and the residential structures shall be sited according to the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site.

a. In the least suitable agricultural soils and in a manner which maximizes the useable area remaining for the designated open space use, where agricultural, forestry, or recreational, existing or future uses, are particularly sought to be preserved;

b. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland to reduce encroachment upon agricultural soils, to provide shade in the summer, and shelter as well as solar gain in the winter, and to enable new residential development to be visually absorbed by natural landscape features;

c. In such manner that the boundaries between residential lots and agricultural and forest land, and/or wildlife habitats are well-buffered by vegetation,

topography, streets or other barriers in order to minimize potential conflict between residential and agricultural and forestry uses.

d. In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development.

6. Space Standards

a. Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in Chapter 5, Shoreland Zoning.

b. Distances between residential structures shall be a minimum of the height of the tallest adjacent structure.

c. The required minimum land area per dwelling unit for the building envelope shall be 20,000 square feet. The building envelope shall contain a minimum of 20,000 square feet of land area which does not include 100 year floodplains, areas of two or more acres of sustained slopes greater than 20 percent, or wetlands as defined by the Natural Resource Protection Act

d. Minimum road frontage requirements may be waived or modified by the Board provided that:

1) Any applicable provisions regarding roads in Subsection 7 below are satisfied; and

2) No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

3) Adequate access and turnaround to and from all parcels and/or structures by fire trucks, ambulances, police cars and other emergency vehicles can be ensured by private roads and/or common driveways; and

e. A reduction of required setback distances may be allowed at the discretion of the Board, based upon the public benefits to be achieved from the design provided that the front and rear setbacks shall be no less than that required for the applicable Zoning District, For the perimeter of a subdivision with open space the overall development setback shall not be reduced below the minimum front, side and rear setbacks required in the Zoning District unless the Board determines a more effective design of the project can better accomplish the purposes of this performance standard. The reduction in required setbacks by the Board shall not be considered as a variance as provided for in Title 30-A section 4-C.

7. Roads

Roads in subdivisions with open space may be either public or private. Public roads shall comply with all the requirements of Chapter 8. The Board shall require

private roads and common driveways to comply with the design standards set forth in Chapter 8, except as provided in Subsection 7.a and b below.

a. Travelways and shoulders of privately-owned roads and common driveways within open space subdivisions shall meet the following minimums:

1) Common driveways serving 2 or fewer dwelling units: 12 foot travel way.
2) Roads serving 3 to 10 units: 16 foot travel way and 3 foot shoulders.
3) Roads serving 11 to 50 units: 20 foot travel way and 3 foot shoulders.

b. Cul-de-sacs

Any private road open at one end only shall have a special turning area at the closed end in accordance with Chapter 5 "Local Roads and Streets" of the latest edition of the "Policy on Geometric Design of Highways and Streets" by the American Association of State Highway and Transportation official, (AASHTO). The minimum turning radius to the inside edge of the travel way of any cul-de-sac shall accommodate the minimum turning radius of fire apparatus owned by the Town of Minot or 50 feet whichever is greater. Cul-de-sacs shall be circular only, with or without an island. Turn arounds that are L-type, T-type, Y-type, or branches shall not be used unless the street serves two or less dwellings."

8. Open Space Requirements

In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provision of this Chapter and Code.

Open space set aside in an open space subdivision shall be permanently preserved as required by this section except where open space is dedicated by a landowner under contract with the Town for a term of years as set forth below. Land set aside as permanent open space may, but need not be, a separate tax parcel.

Such land may be included as a portion of one or more large parcels on which dwellings are permitted provided that a conservation easement or a declaration of covenants and restrictions is placed on such land pursuant to Section 8.b. below and provided that the Planning Board approves such configuration of the open space.

a. Open Space Uses. On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to, forested land and wildlife habitat. Open space shall be preserved and maintained subject to the following, as applicable:

1) On parcels that contain significant portions of land suited to commercial forestry or agriculture, open space shall be preserved for

forestry or agriculture, other compatible open space uses such as wildlife habitat, recreation (active or passive), and resource conservation.

2) When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, steep slopes, wildlife habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.

3) Open space areas shall be contiguous, where possible, to allow linking of open space areas throughout the Town.

4) The use of any open space may be limited by the Planning Board at the time of final plan approval where the Board deems it necessary to protect adjacent properties or uses, or to protect sensitive natural features or resources. A proposed change in use of open space land, other than that specified at the time of plan approval, shall be reviewed by the Planning Board as an amendment to the approved plan.

5) Further subdivision of open space or its use for other than agriculture, forestry, recreation or conservation, except for easements for underground utilities and subsurface wastewater disposal systems, shall be prohibited and shall be so stated by deed restrictions except as provided in section 9.b. below. Structures and buildings accessory to recreation or conservation uses may be erected on open space, subject to Planning Board approval under the Site Plan Review provisions of Chapter 4-701 of this Code and this section.

b. Notations on Plan. Open space, common lands, roads or facilities must be clearly labeled on the final plan as to its use or uses with respect to the portions of the open space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof.

The plan shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations.

c. Ownership of Open Space Land. Open space land may be held in private ownership; or owned in common by a Homeowners' Association (HOA); transferred to a non-profit organization such as a conservation trust, or association, acceptable to the Board; or held in such other form of ownership as the Board finds adequate to achieve the purposes set forth in this section. The Board shall, in its review, require as a condition of approval provisions for the ongoing maintenance and associated costs for such maintenance of the open space.

9. Homeowners' Associations or Agreements

Where any portion of a subdivision is proposed or required to be held in common by owners of lots, or owned in common by a Homeowners' Association (HOA) or similar entity, covenants for mandatory membership in the association setting forth the owners' rights, interest, privileges, responsibilities for maintenance, and obligations in the association and the common land, road or open space shall be approved by the Board and included in the deed for each lot or dwelling unit.

10. Maintenance Standards

a. Ongoing maintenance standards, where appropriate, shall be established, enforceable by the Town against the owner(s) of common land, including open space land, roads and other facilities as a condition of subdivision approval. Such maintenance standards may include such conditions, obligations, or costs to maintain their use, facilities and/or scenic character.

b. The owner(s) of common land or facilities including open space lands shall have the responsibility of operation and maintenance of the respective neighborhood recreational facilities within such common land(s), unless such lands or facilities or portions thereof are deeded or transferred to the Town of Minot and accepted by the citizens of the Town at Town Meeting, or unless an approved conservation easement or declaration of covenants and restrictions is established which assigns maintenance responsibilities to another party.

c. If a HOA or an agreement of owners of the lots or units is to be used, until 51% of all lots and/or units have been sold, and a homeowners association has been formally organized, the applicant for such development shall be responsible for a maintenance of the common lands and facilities.

F. Vehicular and Pedestrian Traffic

When conflicts exist between this Section and a Driveway Permit or Entrance Permit onto Route 119, Route 121, Route 124, Center Minot Hill Road or Jackson Hill Road issued by the Maine Department of Transportation, the most stringent or restrictive shall apply.

1. Roads must be designed and constructed to meet the minimum standards for acceptance as town ways as provided for in Chapter 8.

2. In general, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:

a. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;

b. Avoid traffic congestion on any street;

c. Provide safe and convenient circulation on public streets and within the subdivision.

d. Discourage through traffic in residential subdivisions;

e. Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality, and shall be subject to the approval of the Board. The developer shall either install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation. Should street lighting be required by the Board it shall be installed by the developer as approved by the Board. The cost of installation shall be the responsibility of the developer and comply with municipal specifications.

3. Access Control.

a. Where a subdivision abuts Routes 119, 121, 124, Center Minot Hill Road or Jackson Hill Road, no lot may have vehicular access directly onto that street. These requirements shall be a condition of plan approval and in the deed of any lot with frontage on such streets.

b. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall a condition of plan approval and as a deed restriction to the affected lots.

c. The Planning Board may require, based upon site distances and volume of traffic, the use of shared or common driveways, where such lots will be accessed by off-site public streets.

d. Where new street intersections or driveway curb-cuts are proposed, site distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below.

Posted Speed Limit (MPH)	25	30	35	40	45	50	55
Sight Distance (feet)	200	250	305	360	425	495	570

e. The Board shall not grant approval to any plan that has any access to the subdivision by other than public roads. Except a subdivision may be accessed by a private road only if the private road is paved and otherwise complies with Chapter 8, Minimum Street Construction Requirements.

4. Sidewalks or pedestrian easements may be required by the Board to provide safe and convenient access to common areas, existing roads, schools, playgrounds, or other public facilities.

G. Fire Protection [Amended 3/4/17]

1. Residential Fire Protection Options

All subdivisions created on or after the effective date of this Ordinance Section shall implement one of the following options to provide residential fire protection within the subdivision.

a. Install within each dwelling unit as defined by this ordinance the appropriate 2016 NFPA 13 sprinkler system with fire department connection as approved by fire chief.

b. Install a 30,000 gallon cistern per 15 dwellings of development. If greater than 15 dwellings, developer needs agreement of Town Fire Chief on requirements. Install with appropriate hydrant as specified in subsection 6 below.

c. Other options to be accepted at the discretion of the Planning Board. A homeowner's association needs to be developed prior to the sale of any lots to cover maintenance of approved water supply.

2. Documentation of Approved Residential Fire Protection Option

Approved option, ownership and maintenance responsibility shall be identified on approved and recorded plan and deeds to lots. If homeowners association is developed it shall be documented with their papers as well.

3. Sprinkler Systems

A Fire Sprinkler Permit shall be obtained from the State Fire Marshall's Office. A copy of which, when obtained, shall be submitted to the Code Enforcement Officer prior to installation. A fire department connection needs to be installed and approved by the fire department prior to the issuance of an occupancy permit.

4. Location of Cisterns:

The location of cisterns shall not exceed the following.

a. Not more than 1,500 linear road feet and 300 feet vertically measured from hydrant head to the mid-point of the lot's road frontage on which lot the dwelling is located.

b. Roads used to determine the distances in Section 4.a above must meet the standards of Chapter 8-501.1.

5. Water Storage Facilities

a. Cisterns

i. Water storage cisterns shall be protected and maintained by owner or homeowners association, as applicable, from disturbance of frost and other natural soil actions and structural failure.

ii. Soils over cisterns shall be graded smooth with a maintained surface, by owner or homeowner's association, to be free of trees, shrubs, brush and grass fourteen (14) inches or higher.

H. Protection of Significant Fisheries and Wildlife Habitat

Applicants proposing to subdivide land in or within 75 feet to fish of wildlife resources identified in the Minot Comprehensive Plan or by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board. The Board may consult with the Maine Department of Inland Fisheries and Wildlife and may impose any recommendations by the Maine Department or consultant as conditions of approval.

I. Agricultural Protection Buffer Strips

The Board shall require buffer strips to separate residential uses and agricultural uses. The purpose of the buffer strips is to separate new residential development from active agricultural uses. In determining the width of the buffer strips and the uses allowed in the buffer strips, including wells, the Nutrient Management Law and Nutrient Management Rules shall be considered.

J. Building Envelopes

In the Rural Residential District the subdivision plan shall designate building envelops. The building envelop shall contain a minimum of 20,000 square feet of land area that is outside the 100-year floodplain, has slopes of 20% and less and no wetlands.

K. Impact on Community Services and Facilities

Any proposed subdivision of 20 or more lots or dwelling units over any five-year period shall be reviewed by the Board with respect to its effect upon existing community services and facilities. When the Board finds, based on the results of any municipal impact analysis, that municipal services do not have the capacity to provide services to the proposed subdivision, the Board will require one or more of the following.

1. A voluntary monetary payment or donation or goods or services to the Town of Minot that would mitigate the direct impact to municipal services that has been identified as the consequence of the proposed subdivision. Any such payment shall be subject to the following provisions.

   a. The Planning Board, with advice from the Selectmen, shall find that the money offered will be sufficient to mitigate the identified direct impact of the subdivision.

   b. The payment shall be held in a reserve account and may only be expended to fund capital improvements agreed to by the applicant and Board to mitigate the identified direct impacts.

   c. The payment in all cases shall be expended within five years of collection, unless otherwise agreed upon the Board and applicant.

d. Any payment not expended shall be refunded to the property owner(s) of record at the time of the refund with interest as earned by the Town of Minot for the period the payment was held by the Town.

2. The applicant will construct or pay to construct his proportional share, as determined by any municipal impact analysis of the required improvements necessitated by the subdivision

3. Require phasing of the subdivision or limiting the number of lots that can be developed at any one time to allow the expansion of municipal services over time.

4. Deny the Subdivision.

L. Pedestrian Access

The proposed subdivision shall provide safe pedestrian access within the subdivision.

M. Other Regulations

Any proposed subdivision shall comply with all applicable federal, state, and local rules, ordinances, statutes and regulations.

N. Mobile Home Parks

These standards shall apply to all development proposals for new mobile home parks and to any expansion of existing mobile home parks.

1. Lot Size, Width and Density

Lots in a mobile home park shall meet the following minimum lot size, width and density requirements. Minimum requirements shall be based on Title 30-A MRSA Section 4358.

a. Lots served by individual subsurface sewage disposal systems

- minimum lot area -- 20,000 square feet
- minimum lot width -- 100 feet

b. Lots served by central onsite subsurface wastewater disposal system

- minimum lot area -- 12,000 square feet
- minimum lot width -- 75 feet

c. The overall density of a mobile home park served by a central subsurface wastewater disposal system shall be no greater than one unit per 20,000 square feet of total park area. The overall density shall be computed using the combined area of its mobile home lots plus:

1) the area required for street rights-of-way; and
2) the area required for buffer strips, if any.

d. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.

e. Lots within the shoreland area shall meet the lot area, lot width, setback and shore frontage requirements for that district.

2. Lot Setbacks

a. The following lot setbacks shall apply to all manufactured housing units.

- front setback 20 feet
- side setback 15 feet
- rear setback 20 feet

If these requirements conflict with the requirements of lots within the shoreland area, the stricter standards shall apply. If a lot has frontage on a public road, the setback shall conform with the residential setback requirements applicable to other residential dwelling units in that District.

b. For aesthetic purposes, the Planning Board may allow the front or rear setbacks on a private street within a mobile home park to be varied provided that no home may be closer than 10 feet from the right-of-way or the rear of any lot and the average distance is at least 20 feet for all units.

3. Lot Coverage

All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area.

4. Buffer Strips

a. A 50 foot wide buffer strip shall be provided along all property boundaries that:

1) abut residential land which has a gross density of less than half of that proposed in the park, or

2) abut residential land that is zoned at a density of less than half of that proposed in the park.

No structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.

b. Within 25 feet of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or undisturbed natural existing vegetation and shall be maintained throughout the life of the project.

5. Parking

   For each mobile home lot, there shall be provided and maintained at least two off-street parking spaces.

6. Street Standards

   a. All streets in a mobile home park shall be privately owned and maintained and meet the standards contained in the Chapter 8, except as provided for in this section.

   b. No mobile home lot may have vehicular access directly onto a public street.

   c. Right-of-way and pavement width

      1) Two-way park streets shall have a minimum right-of-way of 23 feet and a minimum travel way surface of 20 feet. On-street parking shall be prohibited.

      2) One-way streets shall have a minimum right-of-way of 18 feet and a minimum travel way surface of 14 feet. On-street parking shall be prohibited.

      3) Parking lanes, if provided, shall be a minimum of 8 feet in width.

7. Utility Requirements

   All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.

8. Refuse Disposal

   The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

9. Skirting

   The area between the ground or stand and the bottom of the unit shall be fully enclosed by skirting. This skirting shall provide for access and adequate ventilation of the space under the unit. This skirting may consist of one of the following materials:

   a. Approved vinyl or metal mobile home skirting; or

   b. A poured concrete wall; or

   c. A mortared or loose laid masonry wall; or

d. Painted wood or similar materials.

10. No subdivision which has been approved as a mobile home park may be converted to another use without the approval of the Board, and shall meet the appropriate lot size, lot width, setback and other requirements.

The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.

a. The land within the park shall remain in the unified ownership and the fee to lots or portions of lots shall not be transferred.

b. No dwelling unit other than a manufactured housing unit shall be located within the park.

7-601 Application and Plan Content

7-601.1 Preliminary Plan Format and Content

A. Wherever possible, one or more standard sized sheets (24" x 36") shall be used for all plans. Where such a subdivision covers more than two sheets of paper, there shall also be an Index Sheet, drawn at a scale of not more than 1" x 500 feet.

B. Ten copies of the application and plan shall be submitted. The plan shall be drawn at a scale no smaller that 1"x100 feet, and shall show or be accompanied by information listed below. In order to make a positive finding on the review standards, the Board may require the submittal of additional information, which may include, but not be limited to, the information contained in the list in this subsection. Applicants should consider a preliminary meeting with the Board to determine the need for the additional submittal requirements; however, the Board may require the additional information during the review process based upon findings during the review.

1. Proposed name or identifying title of the subdivision;

2. Name and address of owner of record; subdivider or developer; and surveyor, planner or designer of the plan; and names and addresses of all persons owning lots within the subdivision, if any;

3. A written statement of the applicant's right, title or interest in the property to be subdivided;

4. A written statement indicating if the parcel to be subdivided has changed ownership within the past five years, if timber has been harvested within the past five years and if such harvesting resulted in a violation of the Liquidation Harvesting Rules adopted pursuant to Title 12 Section 8869, Subsection 14;

5. Deed description and map or survey of tract boundaries related to established reference points and showing magnetic north point and graphic scale;

6. Number of acres within proposed subdivision;

7. Existing easements;

8. Existing buildings;

9. Watercourses, freshwater wetlands, significant fish and wildlife habitats, rare and endangered species, and other natural features or site elements;

10. Names and mailing addresses of all abutting property owners;

11. Proposed lot lines with approximate dimensions and suggested location of buildings, if known;

12. Location of temporary markers established where necessary to enable ready location and appraisal of the basic layout in the field;

13. Parcels of land to be dedicated to public use or common use of subdivision occupants; the application shall contain a method to provide for sustained maintenance of the common land;

14. Location and size of any existing and/or proposed utilities above or below ground (water, electricity, telephone, cable and other);

15. Natural or man-made surface drainage facilities, fire ponds, and the like;

16. Dimensions of all proposed or existing streets and easements on the land or adjoining or serving the land proposed to be divided; plans, profiles, cross-sections, and names for all proposed streets;

17. Location, size, type and typical cross-sections of all storm drains and facilities, including ditches and profiles and cross-sections for all storm drain systems;

18. A soils report in map form identifying soils boundaries and designations in accordance with the USDA Soil Conservation Service classification for Androscoggin County, superimposed upon the plot plan;

19. For each lot, the location and results of tests pits made to ascertain sub-surface soil conditions are adequate for sewage disposal, including a written statement from the Department of Human Services Licensed Site Evaluator, that the land is considered suitable for subsurface sewage disposal systems in accordance with the Maine Subsurface Waste Water Disposal Rules. When the limiting factor is 24 inches and less, a second test pit shall be shown and an area reserved for a replacement system;

20. A written statement from a well driller or a hydrogeologist familiar with the area that adequate ground water supply and quality will be available for the subdivision;

21. Methods to mitigate any natural or man-made features that may be considered hazardous to health or safety;

22. A storm water/drainage management plan prepared by a licensed professional engineer in accordance with the most recent edition of *Stormwater Management for Maine: BMPS Technical Design manual*, published by the Maine Department of Environmental Protection.

23. An erosion and sedimentation control plan prepared in accordance with the most recent edition of the *Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices*, published by the Maine Department of Environmental Protection:

24. For subdivisions that will have more 20 lots or dwelling units over any five year period a municipal service impact analysis that includes a list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the Town of Minot. This list shall include but not be limited to: schools including busing; street reconstruction, maintenance, and snow removal; solid waste disposal; recreation facilities; police and fire protection. The applicant shall provide a cost estimate to the town for the above services and the net increase in taxable assessed valuation upon build out of the subdivision;

25. A transportation/traffic impact analysis;

26. A hydro-geologic analysis to determine potential for water supplies and the impact of subsurface disposal and other on-site features on ground water quantity and quality; and

27. A phosphorus control plan if the proposed subdivision is located in the direct watershed of the Basin, Little Wilson Pond, Mud Pond, or Taylor Pond.

28. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

29. A copy of a Driveway or Entrance Permit issued by the Maine Department of Transportation, if applicable.

30. Contour lines at two-foot intervals. The Board may allow other intervals depending on the subdivision site characteristics;

31. A written statement of the applicant's financial and technical capacity to develop the proposed subdivision;

32. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.

In addition, the Planning Board may cause to be undertaken by the developer such studies as it determines reasonable and necessary to protect and assure the health, safety, and welfare of the residents of Minot, and to provide information to allow the Board to make for positive finding on the standards.

7-601.2 Final Plan

The Final Plan submittal shall consist of an application form and any additional documentation with appropriate changes made as a result of the Preliminary Plan review process as well as Final Plan drawings. The Final Plan shall consist of two reproducible, stable-based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office. The reproducible transparencies shall be embossed with the seal of the individual responsible for preparation of the plan. Format shall be the same as for the Preliminary Plan with the following additional requirements.

A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot Numbers.

B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.

C. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.

D. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.

E. The signatures and embossed seals of the registered architect, engineer, surveyor and/or other professional person responsible for preparation of the appropriate element of the subdivision plan;

F. The location of any zoning boundaries effecting the subdivision;

G. The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included. The final plan showing a proposed street shall indicate by lines or dots in

the center of the proposed street intervals of every fifty (50) feet beginning at the intersection with the existing street;

H. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included;

I. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan. In addition a condition of approval shall be included on the plan that states, "All principal structure in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

J. The location and size of all freshwater wetlands;

K. Any amendments to the Preliminary Plan required by the Planning Board;

L. Location of all existing and proposed utilities; and

M. The type and amount of the performance guarantee as approved by the Planning Board and Board of Selectmen.

7-701 Performance Guarantees

With submittal of the final plan application the applicant shall provide the type of one of the following performance guarantees and the amount adequate to cover the total construction of required improvements taking into account the time-span of the construction schedule and the inflation rate for construction costs. The conditions and amount of performance guarantee shall be determined by the Board with the advice of the Board of Selectmen and Road Commissioner.

A. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner for the establishment of an escrow account;

B. A performance bond payable to the Town issued by a surety company approved by the Municipal Officers. The performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the project for which approval is sought;

C. An irrevocable letter of credit from a financial institution establishing funding for the construction from which the Town may draw if construction is inadequate approved by the Municipal Officers. The irrevocable letter of credit shall indicate that funds have been set aside for the construction of the street and may not be used for any other project or loan;

D. Escrow Account: A cash distribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant except for any portion of the interest earned which was needed in addition to the principal of the escrow account to pay for completion of the required improvements; or

E. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

F. Contents of Guarantee: The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default, and the Town shall have access to the funds to finish construction.

G. Release of Guarantee: Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

H. Default: If, upon inspection, it is found that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, the Inspecting Official shall so report in writing to the, the Code Enforcement Officer, Planning Board, Board of Selectmen and the subdivider or builder. The Board shall take any steps necessary to preserve the Town's rights.

I. Privately-Owned Streets: Where streets are to remain privately-owned roads, the following words shall appear on the final recorded plan.

> "All streets shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

7-801 Waivers

7-801.1 Submission Waivers

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in this Chapter, provided the applicant has demonstrated that the performance standards of this Chapter and the criteria of Title 30-A MRSA section 4404 have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan this Code.

7-801.2 Conditions

Waivers may only be granted in accordance with Sections 7-801.1. When granting waivers, the Board shall set conditions so that the purposes of this Code are met.

7-901 Appeals

Appeals shall be in accordance with Chapter 9.

7-110 Enforcement

Enforcement procedures will be in accordance with Chapter 10.

AMENDED: MARCH 3, 2007

Chapter 8: Minimum Street Construction Requirements [Adopted March 2, 2007; Amended March 7, 2026]

8-101 Purposes, Administration and Applicability

8-101.1 Statement of Purpose

The purpose of this Chapter is to promote the health, safety and public welfare of the residents of Minot through establishing minimum construction standards for streets.

8-101.2 Administration

The Planning Board, hereafter referred to as the Board, shall administer this Chapter. The Board may appoint an Inspector to act as its agent in undertaking inspection duties prescribed by this Chapter.

8-101.3 Applicability

A. This Chapter shall apply to all streets within the Town to be constructed, improved, or accepted as town ways.

B. Alterations, widening, and improvements shall be consistent with Chapter 8. The Town of Minot shall be exempt from the provisions of this Chapter when the Town undertakes alterations, widening and improvements.

C. Nothing in this Chapter shall be construed to prevent the design and construction of streets which meet higher standards, use improved methods, or higher quality materials. The determination of the acceptability of other standards, methods or materials shall be made by the Board with advice from the Town Road Commissioner and the Board of Selectmen.

8-201 Application Procedures

Prior to the construction of any new street or reconstruction or lengthening of an existing street, ten (10) copies of the application and plans shall be submitted to the Planning Board at least thirty (30) days prior to a scheduled meeting of the Board.

8-201.1 Submission Requirements

A. The name(s) of the applicant(s);

B. The name(s) of the owner(s) on record of the land upon which the proposed street is to be located;

C. A statement of any legal encumbrances on the land upon which the proposed street is to be located;

D. The anticipated starting and completion dates of each major phase of street construction;

8-201.2 Plans

Plans and illustrations submitted as part of the application shall be prepared in accordance with these standards by a Licensed Professional Engineer to include the following information.

A. The scale of the plan. (All streets and roadway plan and profile drawings shall be drawn to a scale 1”-50’ horizontal and 1”-5’ vertical);

B. The direction of magnetic north;

C. A plan profile and typical cross section views of all proposed streets;

D. The starting and ending point with relation to established roads, streets or ways and any planned or anticipated future extensions of the streets. (All terminal points and the center line alignment shall be identified by survey stationing);

E. The street limits with relation to existing buildings and established landmarks.

F. Dimensions, both linear and angular, necessary for locating boundaries, and necessary for locating subdivisions, lots, easements and building lines;

G. The lots, if any, as laid out and numbered on said street, showing the names of all owners of abutting property;

H. All natural waterways and watercourses in or on land contiguous to the said streets or ways;

I. The kind, size, location, profile and cross section of all existing and proposed drainage ways and structure and their relationship to existing, natural waterways;

J. The soil erosion and sedimentation control plan showing interim and final control provisions;

K. Curve date for all horizontal and vertical curves shall be the center line radius, arc length, beginning of curve and end of curve points;

L. All centerline gradients shall be shown and expressed as a percent;

M. All curve and property line radii of intersections;

N. The limits and location of any proposed sidewalk and curbing;

O. The location of all existing and proposed overhead and underground utilities, to include, but not limited to, the following: (NOTE: when a location, in the case of any underground utility, is an approximate location, it shall be noted on the plan as such.)

1. storm drains

2. telephone/cable line poles or underground service

3. electrical power line poles or underground service

4. street lights;

5. public water supply lines

6. sanitary sewer lines

P. The name(s) of each proposed new road or street.

Q. The location and type of street barriers (guardrails) where warranted.

8-201.3 Review by Board of Selectmen and Road Commissioner

Upon receipt of an application for a proposed street, the Board shall forward copies to the Board of Selectmen and the Road Commissioner for review and comment.

8-201.4 Streets within Proposed Subdivisions

Streets proposed as part of a subdivision as defined in Chapter 14 shall be submitted to the Planning Board and forwarded to the Board of Selectmen as an integral part of the Subdivision Application. Plans shall conform to the provisions of this Chapter as well as that required by Chapter 7, Subdivision Standards.

8-301 Public Acceptance of Streets

The approval by the Planning Board and Board of Selectmen of a proposed public street shall not be deemed to constitute or be evidence of any acceptance by the Municipality of the street. Final acceptance of a proposed public street shall be by an affirmative vote at an annual Town Meeting.

8-401 Application Review

8-401.1 Complete Application

Within thirty (30) calendar days from the date of receipt, the Planning Board shall notify the applicant in writing either that the application is complete, or if incomplete, the specific additional material needed to make them complete. Determination by the Board that the application is complete in no way commits or binds the Board as to the adequacy of the application to meet the requirements of this Chapter

8-401.2 Application Approval

The Planning Board shall, within thirty (30) calendar days of a public hearing or within sixty (60) days of having received the completed application or within such other time limit as may be mutually agreed to by the applicant and Board, deny or grant approval on such terms and conditions as it may deem advisable to satisfy this Chapter and to preserve the public health, safety, and general welfare. In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Board shall make a written finding of fact establishing that the application does or does not meet the provisions of this Chapter.

8-401.3 Public Hearing

The Planning Board may hold a public hearing on the application. Should a public hearing be held the Board shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to the applicant all abutters of the proposed street seven (7) days prior to the hearing by the Town.

8-501 General Requirements for all Street Construction

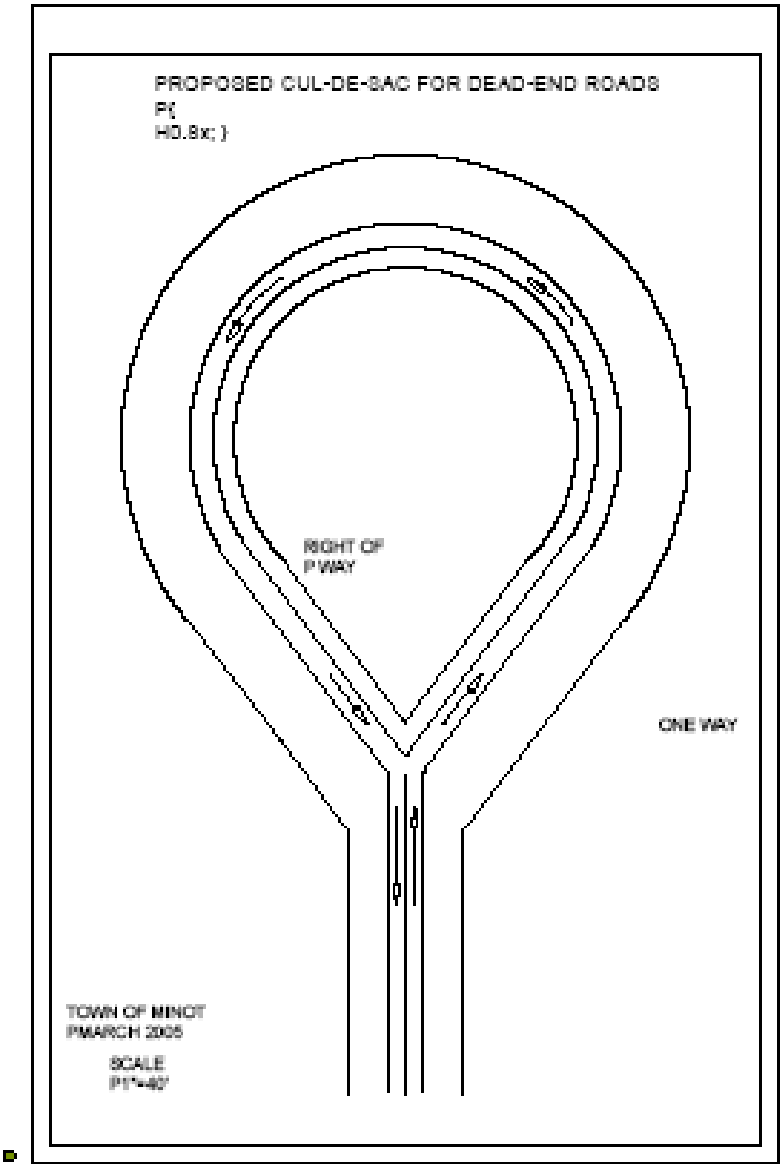
8-501.1 Minimum Design Standards

This Chapter incorporates by reference standards and specifications for street construction adopted by the State of Maine Department of Transportation then in effect to the extent that standards and specifications are not provided in this Chapter. Roads shall be built according to the most current version of the State of Maine, Department of Transportation, Highway Design Guide.

A. A minimum right-of-way of sixty-six (66) feet wide.

B. For streets to be accepted as town ways, the right-of-way shall be deeded to the Town in simple fee in accordance with Title 25 MRSA Section 3025.

C. If a street is to be dead-end (does not connect to an accepted town, county, or state way on each end, or does not connect to itself), it shall be provided with a cul-de-sac turnaround with a minimum radius seventy-five feet (75') to the inside edge of the travel way, centered a minimum of one hundred forth feet (140') beyond the end of the sixty-six foot (66') right-of-way. The right-of-way for the cul-de-sac shall be thirty-three feet (33') and the travel way shall have a width of between twelve feet (12') and fourteen feet (14'). Traffic circulation within the cul-de-sac shall be one way (counter clockwise). No building lots will be allowed within the cul-de-sac.



D. For design details, adhere to table 7-4, Geometric Design Criteria for Rural Local Roads, located in the state of Maine Department of Transportation Highway Design Guide.

E. Culverts shall be placed and sized to meet the drainage conditions. In no case, shall culverts be less than fifteen (15) inches in diameter or extend less than six (6) feet beyond the shoulders.

F. Culverts shall be reinforced concrete, corrosion protected corrugated metal pipe, or double-walled high density polyethylene pipe, and shall be property installed.

G. Vertical clearance to overhanging vegetation, structures, or utilities above the final surface must be a minimum of sixteen (16) feet.

H. No grade (slope along the center of the travel way) shall be greater than ten percent (10%), 10 vertical feet in 100 horizontal feet).

I. Street base shall be adequately compacted to insure that the structure of the street base or surface shall not deteriorate due to natural conditions or from expected traffic beyond normal deterioration. Base material shall meet Maine Department of Transportation (MDOT) standards specification number 703.04(B)-Type D for the entire fill thickness. Depth of fill material will be as measured after compaction. Compaction is required after each six (6) inch lift. All aggregate sub-base materials shall be free of rocks or rock particles which exceed six (6) inches in diameter. All aggregate base materials shall be free of rocks or rock particles which exceed two (2) inches in diameter.

J. Streets shall be designed to discourage through traffic within a residential subdivision.

K. Roadway crown: All streets shall be constructed with a roadway crown of ¼" per foot.

L. All street intersections at-grade shall be constructed according to Chapter 8 of the State of Maine Department of Transportation Highway Design Guide.

M. All street curves shall be constructed according to Chapter 5 of the State of Maine Department of Transportation Highway Design Guide.

N. Roadside barriers shall be warranted where an embankment is steeper than 3:1 and shall concur with Chapter 10 of the State of Maine Department of Transportation Highway Design Guide.

O. Wire Based Buried Utilities

All buried telephone, cable television and electrical lines to be located in a public right-of-way shall be encased in conduit according to applicable codes.

8-501.2 Pavements

The travel way of all streets shall be paved and meet the following standards.

A. Base Mix: A 2" depth of base mix (compacted) is required which meets MDOT specifications for plant mix grade B.

B. Surface Mix: A 1" layer of mix (compacted) is required which meets MDOT specifications for plant mix for grade C or grade D.

C. All existing pave surfaces to be newly paved shall be thoroughly cleaned and dry and shall be tack coated prior to placement at a minimum rate of 0.02 gallons/square yard. In addition, any manholes or catch basins will be adjusted at the direction of the Town Road Manager. All paving operations shall cease when the surface to repave is wet.

D. Pavement may be placed between the dates of April 15th and November 15th provided that the air temperature as determined by an approved thermometer (place in the shade at the paving location) is 40° or higher and the area to be paved is not frozen.

8-501.3 Grades, Intersections and Sight Distances

A. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.

B. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.

C. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measures along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below:

Posted Speed Limit	Sight Distance
25 mph	200 feet
35 mph	305 feet
45 mph	425 feet
55 mph	570 feet

Where necessary, corner lots shall be cleared of all growth and sight obstruction, including around excavation, to achieve the required visibility.

D. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of 200 feet shall be maintained between centerlines of side streets.

8-501.4 Street Construction Standards

A. Before any clearing has started on the traveled way, the centerline and sidelines of the new street shall be staked or flagged at 50-foot intervals.

B. Before grading is started, the entire right-of-way, width necessary for travelway, shoulders, sidewalks, drainageways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders, and tree stumps protruding above the natural profile of the land shall be removed from the travelway, shoulders, sidewalks, and drainageways.

C. All organic materials shall be removed to a depth of two (2) feet below the sub-base of the roadway. If rocks and boulders are protruding from the sub-base, they shall be removed to two feet below the sub-grade. On soils which have been identified as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two (2) feet below the sub-grade and replaced with material meeting the specifications for gravel aggregate sub-base below. In lieu of removal of all organic material, engineering fabric (geotextile) may be used to stabilize the street base.

8-501.5 Additional Improvements and Requirements

A. Erosion Control

The procedures outlined in the erosion and the size and location of all street signs, and may also specify and require the use of signs indicating the end of a dead-end street. Further, the Board may specify the requirement and installation of sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.

B. Clean Up

Following street construction, the developer or contractor shall conduct a thorough clean up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized and seeded.

C. Street Names, Signs and Lighting

Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to, the name of existing streets within the municipality. The developer shall reimburse the municipality for the costs of installing street-name traffic safety and control signs. Street lighting shall be installed as approved by the Board.

D. It shall be the responsibility of the applicant, developer and/or lot owners association to maintain the street and associated drainage facility until such time as they maybe accepted by the Town.

8-601 Certification of Construction

Upon completion of street construction and all street drainage and buried utilities and prior to a vote by the Selectmen to submit a proposed public way to the legislative body, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Board at the expense of the applicant, certifying that the proposed way and all associated drainage facilities [8.15.05] meets or exceeds the design and construction requirements of this Chapter and plans as approved [5.15.05]. "As built" plans, including but not limited to drainage facilities and underground utilities, shall be submitted to the Road Commissioner and the Board prior to any vote by the Board to recommended acceptance of the street.

8-701 Inspection/Enforcement

8-701.1 Notification of Construction

At least fourteen (14) days prior to commencing street construction or alteration of streets, the applicant shall notify the Board and Road Commissioner in writing of the time when it is proposed to commence construction so that the Board can cause inspections to be made to assure that all municipal specifications and requirements shall be met during the construction.

8-701.2 Underground Utilities Identified

Any underground utilities that have been previously installed shall be clearly marked prior to doing any type of work within the right-of-way

8-701.3 Town Inspection

The Town appointed inspecting official shall be responsible for observing all on-site and off-site construction of streets and all associated drainage facilities. The inspecting official will be on the

project site during all phases of construction. The inspecting official shall prepare periodic reports and provide the same to the Board, Planning Board and Road Commissioner. The inspecting official shall have no enforcement authority but is authorized to request the Code Enforcement Officer to take enforcement actions as necessary to ensure compliance including "Stop Work' orders. The Board shall notify the applicant, Road Commissioner and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the guarantee, security or bond.

8-701.4 Modification During Construction

If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the applicant, Board, Planning Board and Code Enforcement Officer. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the applicant shall obtain permission to modify the plans from the Board.

8-701.5 Inspection Fee

The applicant shall deposit with the Board a check in the amount of 5% of the estimated costs of construction and improvements to pay for the costs of inspection. If the inspection account shall be drawn down by 90%, the applicant shall deposit an additional 3% of the estimated costs of construction and improvements.

The Town at the request of the Board shall refund all the remaining monies in the inspection account upon the payment of all costs and services related to inspection. Such payment of remaining monies shall be made no later than 30 days after the submission of as built plans and final approval of the inspecting official. Such refund shall be accompanied by final accounting of expenditures from the fund. The monies in such fund shall not be used by the Planning Board for any enforcement purposes.

8-701.6 Performance Guarantee [8.15.05]

With submittal of the application for a street approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs taking into account the time-span of the construction schedule and the inflation rate for construction costs. The conditions and amount of performance guarantee shall be determined by the Board with the advice of the Road Commissioner.

A. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner for the establishment of an escrow account;

B. A performance bond payable to the Town issued by a surety company approved by the Board. The performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the project for which approval is sought;

C. An irrevocable letter of credit from a financial institution establishing funding for the construction from which the Town may draw if construction is inadequate approved by the Board. The irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the street and may not be used for any other project or loan; or

D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

E. Contents of Guarantee: The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default, and the Town shall have access to the funds to finish construction.

F. Escrow Account: A cash distribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant except for any portion of the interest earned which was needed in addition to the principal of the escrow account to pay for completion of the required improvements.

G. Release of Guarantee: Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

H. Default: If, upon inspection, it is found that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, the Inspecting Official shall so report in writing to the, Code Enforcement Officer, the Board, Planning Board and the subdivider or builder. The Board shall take any steps necessary to preserve the Town's rights.

I. Privately-Owned Roads: Where streets in open space subdivisions are to remain privately-owned roads, the following words shall appear on the recorded plan.

> "All roads shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

8-801 Waivers

Where the Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of this Chapter are strictly applied, it may waive the necessity for strict compliance with the requirements of this Chapter in order to provide relief from the hardship in question and to permit a more practical and economical development provided,

however, that the public health, safety and welfare will not be compromised and further provided that the waivers in question will not have the effect of nullifying the effect of this Chapter.

8-901 Appeals

Appeals shall be in accordance with Chapter 9.
AMENDED: MARCH 3, 2007

Chapter 9: Appeals

9-101 Location of Appeals

9-101.1 Superior Court

A decision of the Planning Board or the Board of Selectmen under Chapter 4-701, Site Plan Review, Chapter 7, Subdivision Standards, and Chapter 8, Minimum Street Construction Requirements, may be taken to Superior Court in accordance with Rule 80B by an aggrieved party within thirty (30) days from the date of the decision being appealed.

9-101.2 Board of Appeals

All appeals other than those identified in Section 9-101.1 may be taken by an aggrieved party to the Town of Minot Board of Appeals within thirty (30) days from the date of the decision being appealed.

9-101.3 Establishment

There is hereby established a board of appeals pursuant to 30-A M.R.S.A. § § 2691 and 3001.

9-101.4 Appointment

A. Members of the board of appeals shall be appointed by the municipal officers, who shall determine their compensation, and shall be sworn by the municipal clerk or other person authorized to administer oaths.

B. The board shall consist of five (5) regular members and two (2) alternate members.

C. Regular members shall serve three (3) year staggered terms, except that the initial appointments shall be (state number of members) for one year, (state number of members) for two years, and (state number of members) for three years. Alternate board members shall be appointed for three-year terms.

D. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse. The municipal officers may remove members of the board of appeals by majority vote, after providing notice and an opportunity for a hearing.

E. Neither a municipal officer nor their spouse may serve as a member or alternate member of the board of appeals.

9-101.5 Organization, Rules, and Procedures

A. The board shall elect a chairperson, vice chairperson, and a secretary from among its full voting members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for reelection.

B. When a member is unable to act because of interest, physical inability, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an alternate member to sit in their place.

C. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

D. An alternate member may attend all meetings of the board. They may ask questions or offer comments only when members of the public are allowed to do so, and may make and second motions and vote only when he or she has been designated by the chairperson to sit for a member.

E. The chairperson shall call one regular meeting each month, provided there is business to conduct. Special meetings can be called at any time by the chairperson or by a majority of the members. Notice of regular, special and emergency meetings shall be given in accordance with the Maine Freedom of Access Act.

F. No meeting of the board shall be held without a quorum consisting of three (3) members or alternate members authorized to vote. No action shall be taken by the board without at least three (3) concurring votes on the issue before the board.

9-101.6 Duties and Powers

A. The board of appeals shall adopt bylaws governing board functions.

B. The board of appeals may adopt rules and procedures for transaction of business, and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations.

C. The board of appeals shall file all bylaws, rules and procedures and subsequent revisions, and decisions with the municipal clerk.

D. The board of appeals shall perform such duties and exercise such powers as are provided by ordinance and the laws of the State of Maine.

E. The board of appeals may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose by the legislative body of the municipality.

9-101.7 Severability Clause

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.

9-201 Appeals

9-201.1 Powers and duties of the Board of Appeals

The Board of Appeals shall have the following powers:

A. Administrative Appeals: To hear and decide administrative appeals, on an appellate 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 Code; and to hear and decide administrative 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 Code Enforcement Officer in his or her review of and action on a permit application under this Code. Any order, requirement, decision or determination made, or failure to act, by the Code Enforcement Officer in the enforcement of this Code is not appealable to the Board of Appeals.

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Code or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written and oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

B. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Code.

9-201.2 Variance Appeals

Variances may be granted only under the following conditions:

A. Variances may be granted only from dimensional requirements including, but not limited to, lot width, setbacks and structure height.

B. Variances shall not be granted for establishment of any uses otherwise prohibited by this Code.

C. The Board shall not grant a variance unless it finds that:

1. The proposed structure or use would meet the applicable performance standards, except for the specific provision which has created the non-conformity and from which relief is sought; and

2. The strict application of the terms of this ordinance would result in undue hardship. The term “undue hardship” shall mean:

   a. that the land in question cannot yield a reasonable return unless a variance is granted;

   b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

   c. that the granting of a variance will not alter the essential character of the locality; and

   d. that the hardship is not the result of action taken by the applicant or a prior owner.

D. The Board of Appeals may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who is living in the dwelling or regularly uses the dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance including without limitation the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the property" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

E. The Board of Appeals shall limit any variances granted or strictly as possible in order to insure conformance with the purposes and provisions of this Code to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

F. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

9-201.3 Additional Criteria for Floodplain Management Standard Appeals

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:

1. a showing of good and sufficient cause; and,

2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats

to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,

3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,

4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:

   a. that the land in question cannot yield a reasonable return unless a variance is granted; and,

   b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,

   c. that the granting of a variance will not alter the essential character of the locality; and,

   d. that the hardship is not the result of action taken by the applicant or a prior owner.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

1. other criteria of Section 9-201.3 and 6-401.10 are met; and,

2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:

1. the development meets the criteria of Section 9-201.3.A-D above; and,

2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure’s continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Any applicant who meets the criteria of 9-201.3.A-E shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;

2. such construction below the base flood level increases risks to life and property; and,

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

G. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

9-301 Appeal Procedure

9-301.1 Making an Appeal

A. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in 9-201.1.A provided for in this Chapter. Such appeal shall be taken within thirty (30) days of the date of the official written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

B. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

1. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

2. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

C. Upon an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

D. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request. (*REFER TO SUBSECTION 9-301.3 FOR PUBLIC HEARING PROCEDURES AND NOTIFICATION REQUIREMENTS).*

9-301.2 Decision by Board of Appeals

A. A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

B. The concurring vote of the majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any mater on which it is required to decide under this ordinance, or to affect any variation in the application of this ordinance from its stated terms. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or

Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this ordinance.

C. The person filing the appeal shall have the burden of proof.

D. The Board shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

E. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. For appeals in the Shoreland Zone the Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

9-301.3 Public Hearing Procedures and Notification Requirements

The Board of Appeals shall have notice of the date, time and place of the hearing:

A. Give to the applicant;

B. Mailed to all property owners who are abutters;

C. Published, at least one (1) time, in a newspaper having general circulation in the town.

D. The date of the publication must be at least seven (7) days prior to the hearing.

9-301.4 Reconsideration

In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

9-401 Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

Chapter 10: Citation System of Code Enforcement

10-101 Enforcement Procedures

10-101.1 Application of Citation System

This chapter shall apply to enforcement proceedings under this Code, State Health Codes, Electrical Codes (2017 NFPA 70), Life Safety Code (2009 NFPA 101) The inspectors under various Chapters are hereinafter referred to singularly as the "Code Enforcement Officer'" and collectively as the "Code Enforcement Officers."

10-101.2 Nuisance

Any violation of this Ordinance or applicable Town adopted code shall be deemed a nuisance.

10-101.3 Investigation

Upon receipt of information indicating the likelihood of a violation, the Code Enforcement Officer or his duly authorized agent shall investigate the facts and may make an inspection of the premises when legally authorized to do so.

10-101.4 Notice of Violation

If the investigation reveals that a code violation has occurred, the Code Enforcement Officer shall give written notice of such violation to the person, firm or corporation having control of the land, building or structure involved in the violation (hereinafter called "the violation") and demand the violation be corrected. Such notice shall also describe the violation(s) including a reference to the appropriate ordinance/code and section(s) violated, specify necessary corrective measures to be taken, specify a reasonable period as to each violation within which corrective actions must be completed, and states the potential consequences if the violation(s) is not corrected. The notice shall advise the violator of his right to appeal to the appropriate authority pursuant to Section 10-101.8 of this Chapter if the violator disagrees with the Code Enforcement Officers' determination that he is violating an adopted ordinance.

10-101.5 Civil Proceedings

If appropriate action to correct the violation(s) has not been taken within the period established, the Code Enforcement Officer or the Town Attorney may initiate appropriate court proceedings to prevent, correct or abate the violation(s). Such court proceedings may include the initiation of a land use complaint pursuant to Rule 80k of the Maine Rules of Civil Procedure.

10-101.6 Penalty

Any person who continues to violate any provisions of this Ordinance, after receiving notice of such violation, shall be guilty of a misdemeanor subject to a fine pursuant to MRS Title 30-A §4552 and each day such a violation is continued is considered a separate offense.

10-101.7 Extension to Time to Correct Violations

In any case which the violator asserts that there is good cause for extending the period during which the violation can be corrected, he may request such an extension from the Code Enforcement Officer in writing setting forth the reasons for the request. The filing of such an application shall not suspend running of the time limit specified. The Code Enforcement Officer shall act upon the request within five (5) working days of its being presented. The decision of the Code Enforcement Officer shall be final.

10-101.8 Appeals

Appeals from determination of the Code Enforcement Officer that a violation of a rule, code, law or ordinance listed in Section 10-101.1 has occurred shall be in accordance with Chapter 9.

Amended March 2, 2019

Chapter 11: E911 Addressing Standards

11-101 Purpose

The purpose of this ordinance is to enhance the effective and rapid location of structures by law enforcement, fire, rescue, and emergency medical services personnel in the municipality of Town of Minot.

11-102 Authority

This ordinance is adopted pursuant to and consistent with Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

11-103 Administration

This ordinance shall be administered by the Board of Selectmen, Town Administrator and Code Enforcement Officer . The Code Enforcement Officer, or other person(s) as designated by the Board of Selectmen shall be the Addressing Officer and shall be authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 11-104 and 11-105. The Addressing Officer shall also be responsible for maintaining the following official records of this ordinance:

a. A municipal map(s) for official use showing road names and numbers.
b. An alphabetical list of all property owners as identified by current tax records, by last name, showing the assigned numbers.
c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

The Addressing Officer shall be responsible for and authorized to provide all required addressing and database information to the state agency responsible for the implementation of Enhanced 9-1-1 service.

11-103.1 Naming System

All roads that serve two or more structures shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. A road name assigned by the municipality shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:
a. No two roads shall be given the same name (ex. Pine Road and Pine Lane).
b. No two roads shall have similar-sounding names (ex. Beech Lane and Peach Lane).
c. Each road shall have the same name throughout its entire length.

There will be an attempt to maintain Minot significance when naming roadways.

11-103.2 Numbering System

The following criteria shall govern the numbering system:

a. Numbers shall be assigned every (fifty) 50 to two hundred (200) feet, depending on the density of the geographic location (e.g. 50 feet in the Village District and up to 200 feet in the Rural District) along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, as the numbers ascend. A 25-foot or less interval may be applied in more densely structured areas.

b. All number origins shall begin from Minot Avenue Post Office or that end of a road closest to the designated origin. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

c. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.

d. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy (e.g. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Road, Apt 2).

11-103.3 Addressing for structures

Applications for an address should be submitted under the following circumstances:
a. When a building permit is issued
b. When an occupancy permit is issued
c. When a business opens that is on an existing property to assess if a secondary address is needed

11-103.4 Addressing for Fire Lanes

Application for a new fire lane should be submitted under the following circumstances:
a. For a driveway that is longer than five hundred (500) feet
b. More than two homes using the same driveway

11-103.5 Special Circumstances

In some instances, there are special circumstances as to why an address may need to be changed or a road name created. This may be due to discontinuance of roads, to correct previous addressing errors, coordination with other towns for a driveway that cross boundary lines, or high hazard situations where a change is necessary. These special circumstances will be taken into consideration by those referenced in 11-103 and be approved on a case-by-case basis.

Addresses will not be approved for:
a. Empty lots without an active building permit

b. Empty lots without occupancy

11-104 Compliance

All owners of structures shall display and maintain in a conspicuous place on said structure, assigned numbers in the following manner:

a. NUMBER ON THE STRUCTURE OR THE RESIDENCE. Where the residence or structure is within fifty (50) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or entry.

b. NUMBER AT THE ROAD LINE. Where the residence or structure is over fifty (50) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box (when such mailbox is located on the same side of the road where the principal structure is located), or on some structure at the property line adjacent to the walk or access drive to the residence or structure.

c. SIZE, COLOR AND LOCATION OF NUMBER. Numbers shall be of a color that contrasts with their background color and shall be a minimum of four (4) inches in height. Numbers shall be located to be visible from the road at all times of the year.

d. PROPER NUMBER. Every person whose duty is to display an assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.

e. INTERIOR LOCATION. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

f. INTER-DEPARTMENT COMMUNICATIONS: The Fire/Rescue and Assessing departments shall receive notification from the Code Enforcement Officer whenever a Certificate of Occupancy is issued in the Town of Minot.

11.-105 New Construction and Subdivisions

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

a. NEW CONSTRUCTION. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from *Code Enforcement Officer*. This shall be done at the time of the issuance of the building permit.

b. NEW SUBDIVISIONS. Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the *Planning Board.* Approval by the Planning Board after consultation with the Code Enforcement Officer and approval

of the Board of Selectmen, shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every fifty (50) feet so as to aid in the assignment of numbers to structures subsequently constructed.

11-106 Effective Date

This ordinance shall become effective as of March 2, 2019. It shall be the duty of the Code Enforcement Officer to notify by mail each property owner and the U.S. Postal Service of their new address at least sixty (60) days prior to the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within sixty (60) days following notification. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

11-107 Enforcement

a. PENALTY FOR VIOLATION. Any person who continues to violate any provisions of this Ordinance, after receiving notice of such violation, shall be guilty of a misdemeanor subject to a fine pursuant to MRS Title 30-A §4552 and each day such a violation is continued is a separate offense.

b. ENFORCEMENT. This Ordinance shall be enforced by the Town of Minot Code Enforcement Officer. Fire/Rescue, Law Enforcement or Assessing Departments shall forward any known violation of the Ordinance to the Code Enforcement Officer for enforcement in accordance with the requirements in this Ordinance.

c. CERTIFICATE OF OCCUPANCY. The Code Enforcement Officer shall not issue a Certificate of Occupancy until numbering is installed in accordance with the requirements set forth in this Ordinance.

Chapter 12 Local Food Freedom (Sovereignty) Ordinance (Adopted 4/17/2021)

12-101 Short Title

This ordinance shall be known and may be cited as the “Local Food Freedom or Sovereignty Ordinance.”

12-102 Authority and Purpose.

This Ordinance is intended to provide residents increased access to local food, to support the ability of residents to produce, sell, purchase and consume locally produced foods, and to reduce governmental regulation of local foods to the extent permitted by and pursuant to 7 M.R.S. § 281- § 286.

12-103 Definitions

As used in this Ordinance, the following words have the meanings stated below:

Direct producer-to-consumer transaction. "Direct producer-to-consumer transaction" means a face-to-face transaction involving food or food products at the site of production of those food or food products.

Food or food products. "Food or food products" means food or food products intended for human consumption, including, but not limited to, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, fresh produce, cider or juice, acidified foods or canned fruits or vegetables. “Food or food products” does not include any alcohol or marijuana-based product governed by Title 28-A & B of Maine’s Revised Statutes.

State food law. “State food law” means any provision of Title 7 or Title 22 of the Maine Revised Statutes that regulates direct producer-to-consumer transactions.

Site of production. “Site of production” means the premises where a food or food product is grown, raised, processed or produced such as a farm, home kitchen, farm-based kitchen or similar location controlled by the producer, grower or processor. The term does not include a farmers’ market, community social event, or other venue unless the market, social event or venue is itself the site of production of the food or food product.

12-104 License and Inspection Exemptions

A. Notwithstanding any other provision of the Ordinances of this municipality to the contrary, producers, growers, and processors of food or food products in the municipality are exempt from State food law licensure and inspection requirements with respect to their direct producer-to- consumer transactions conducted exclusively at the site of production of those food products.

B. Pursuant to 7 M.R.S. § 285, the exemption provided in section 4(A) above does not apply to any transactions involving meat, meat products, poultry or poultry products, as those terms are defined in 22 M.R.S. § 2511. All such transactions remain subject to state inspection and licensing pursuant to Chapter 562-A of Title 22 of the Maine Revised Statutes and the rules adopted thereunder.

12-105 Severability.

Should any section or provision of this ordinance be declared to be invalid by a court of competent jurisdiction, such decision shall not invalidate any other section or provision of this ordinance.

12-106 Effective Date.

This ordinance shall become effective upon its adoption.

Chapter 13
Reserved

Chapter 14

14-101 Definitions

14-101.1 Construction of Language

In this Code, certain words shall be interpreted as follows: The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the word "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied," the word "building" includes the word "structure," and the word "dwelling" includes the word "residence," the word "lot" includes "plot" or "Parcel

Terms not defined shall have the customary dictionary meaning.

14-101.2 Definitions

In this Code, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed.

Accessory Dwelling Units: An accessory dwelling unit is either attached or shares a wall with a single-family dwelling unit is located within an existing single -family dwelling unit, or is a new structure on a lot containing a single-family dwelling unit for the primary purpose of creating an accessory dwelling unit, which is legally located on a lot, including a legally existing nonconforming lot of record, and is subordinate to the primary use and which is used for residential purposes as a complete separate housekeeping unit. An accessory dwelling can be no less than 190 square feet no more than 700 square feet [Amended March 5, 2022, March 07, 2026]

Accessory Structure or Use: A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Accessory Structure: A small detached structure that is incidental and subordinate to the principal structure**. [Floodplain Management]**

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

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Code; a person whose land abuts land for which a permit or variance has been granted; or any other permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture/Farmstead: The production, keeping, raising or maintenance, for sale or lease, of plants or animals including but not limited to: forage and sod crops; grains and seed crops; dairy animals; poultry; livestock; fruits and vegetables; and ornamental green house plants and the incidental processing of agricultural products primarily produced on the site. Agriculture does not

include forest management, timber harvesting activities or confined feeding operations. [Amended March 5, 2022]

Agriculture Products Processing and Storage: Establishments engaged in the manufacturing processing and/or packaging foods, dairy products, commercial composting and storage of such products. Such establishments shall be considered either Small Commerce or General Industrial depending on the size and other characteristics.

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Area of Special Flood Hazard: The land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Chapter 6-101.2 of this Code.

Automobiles: Any and all vehicles that are regulated and registered by the Bureau of Motor Vehicles, with the exception of vehicles with a small engine as regulated under 4-501.20 Small Engine Repair. [Adopted March 7, 2026]

Automobile Graveyard: A place where three or more unregistered, uninspected, unserviceable, discarded, worn-out and/or junked automotive vehicles, bodies, and/or engines thereof are gathered together. The use may include the sale of used vehicles.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of street. [Amended March 4, 2011]

Back Lot: A back lot is any lot without frontage on a road. [Adopted June 12, 2012]

Basal Area: The area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark. [Adopted March 1, 2008]

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

Basement: Any area of the building having its floor subgrade (below ground level) on all sides**.** [Floodplain Management] [Adopted March 1, 2008]

Basement: Any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.[Shoreland Zoning Only]

Boat Launching Facility*:* A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Building: A structure for the support, shelter or enclosure of persons, animals, goods or property of any kind.

Campground: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy: the more or less continuous cover formed by tree crowns in a wooded area. [Adopted March 1, 2008]

Certificate of Compliance: A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of Chapter 6 of this Code.

Combustible: A material that, in the form in which it is used and under the conditions anticipated, will aid combustion or add appreciable heat to an ambient fire. [Adopted March 7, 2026]

Commercial Use: The use of lands, buildings, or structures, other than a "home occupation", defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: racquet and tennis clubs, health facility, amusement parks, gymnasiums and swimming pools, and bowling alleys but not including Resource Based Recreation as herein defined.

Confined Feeding Operations: Specialized livestock production enterprises with confined beef cattle, hog feeding and/or poultry and egg farms and accessory structures. These operations have large animal populations restricted to small areas. For the purpose of this definition, dairy cattle operations and breeder and brooder barns are not considered confined feeding operations.

Congregate Housing: Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly or disabled occupants; the individuals are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing shall include only those facilities which have been certified by the State of Maine as meeting all certification standards and guidelines for congregate housing facilities as promulgated by the Department of Human Services pursuant to the provisions of Maine State Statutes. [Adopted March 1, 2008]

Construction: Includes building, erecting, moving upon or any physical operations on the premises which are required for construction. Excavation, fill, paving, drainage and the like shall be considered part of construction.

Development: Any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities. [Floodplain Management Standards] [Adopted March 1, 2008]

Development: A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring. [Adopted March 1, 2008]

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Direct Watershed of a Great Pond: Any land area that contributes stormwater runoff either by surface water or subsurface flow to a great pond without such runoff traveling through another great pond.

Disability: Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a psychologist as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Driveway: A vehicular access-way serving two single-family dwellings or one two-family dwelling, or less. In the Shoreland Zoning driveways shall be less than five hundred (500) feet in length. [Amended March 1, 2008, April 17, 2021]

Duplex: A multi-family home with two dwelling units that share a common wall (or ceiling/floor) and have separate entrances from each other. [Adopted March 5, 2022]

Dwelling Unit: A room or suite or rooms used for habitation and which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities: includes single-family houses, seasonal residences, manufactured housing, and units in a duplex, apartment house, multi-family dwellings and residential condominiums.

Elevated Building: A non-basement building

a. built, in the case of a building in Zones AE or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts"; and

b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones AE or A, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Chapter 6-401.11.

Elevation Certificate: An official form (FEMA Form 81-31, 07/00, as amended) that:

a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,

b. is required for purchasing flood insurance.

Emergency Operations: Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential Services: Gas, electrical or communication facilities; steam, fuel, electric power, or water transmission or distribution lines, towers, and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and policy call boxes, traffic

signals, hydrants, and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Event Venue: A building, or portion of a building, outdoor area, and related parking area generally open to the public which is made available to individuals or groups through a contract to accommodate private functions including, but not limited to, weddings, receptions, business meetings, and banquets. Use of private property for an event in which a contract is not made shall not qualify as an Event Venue. [Adopted March 7, 2026]

Expansion of a Structure: An increase in the footprint of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses, and construction of a basement. [Amended March 5, 2022]

Expansion of Use: The addition of one or more months to a use's operating season; additional hours of operation; or the use of more footprint of a structure or ground area devoted to a particular use. [Amended March 5, 2022]

Family: One or more persons occupying a premises and living as a single housekeeping unit.

Farm Enterprise: A use of land or structures intended to supplement the income of farm owners/operators that is compatible with agricultural uses. [Adopted March 1, 2008]

Flood or Flooding: means:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

   1. The overflow of inland or tidal waters.

   2. The unusual and rapid accumulation or runoff of surface waters from any source.

   b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

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

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

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

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

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

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

Floodway: see **Regulatory Floodway**.

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

Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls. [Amended March 5, 2022]

Footprint - the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks. [Adopted March 5, 2022]

Forest Management Activities: Timber cruising and other forest resource evaluation activities, pesticides or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of streets. [Amended March 4, 2011]

Forested Wetland: a freshwater wetland dominated by woody vegetation which is six (6) meters tall (approximately (20) twenty feet) or taller. [Amended March 5, 2022]

Foundation: The supporting structure of a building or other structure including but not limited to basements, slabs, sills, posts, or frostwalls.

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

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas which are: [Shoreland Zoning]

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

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

   Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

   For the purposes of shoreland zoning, the upland edge (the shoreline) of a freshwater wetland is defined as the boundary line at which the hydrological and biological characteristics in item 2 above no longer occur or where the wetland becomes a forested wetland.

   Although wetlands are shown on Land Use Control Map, the actual boundaries shall be determined by field investigation.

Freshwater Wetland: Fresh water swamps, marshes, bogs and similar areas which are:

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

2. Not considered part of great pond, river, stream or brook.

   These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

Functionally Water-Dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and which cannot be located away from these waters. The uses include but are not limited to recreational fishing and boating facilities, waterfront dock facilities, boatyards and boat building facilities, navigation aides, industrial uses requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site. [Amended March 5, 2022]

General Industrial: Produces, fabricates, or processes a product which adds value to the product or otherwise creates a product of higher value.

Golf Course: A developed land area, including associated buildings and maintenance and parking areas, for the purposes of playing golf.

Gravel and Mineral Extraction: Any operation within a 12 successive month period that removes more than 5,000 cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed, away from the extraction site.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great Pond Classified GPA: Any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465A. This classification includes some, but not all, impoundment of rivers that are defined as great ponds.

Ground cover: small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor. [Adopted March 1, 2008]

Hazard tree: a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger. [Adopted March 5, 2022]

Hazardous Waste: Any substance identified as hazardous under Chapter 850, Identification of Hazardous Wastes, of the rules of the State of Maine, Department of Environmental Protection, effective date July 1, 1980, including revisions or amendments thereof, and any radioactive waste material which means any solid, liquid or gas residue, including, but not limited to, spent fuel assemblies prior to processing, remaining after the primary usefulness of the radioactive material has been exhausted.

Height of a Structure: The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area. [Amended March 1, 2008]

Historic Structure: Any structure that is: **[Floodplain Management]**

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

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

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    1. By an approved state program as determined by the Secretary of the Interior, or

    2. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation: An occupation or profession which is: accessory to a residential use and is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling

unit; carried on by a member of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes. Accessory structures for home occupation may contain up to 800 sq. ft. floor area. Outside storage for home occupations shall be limited to 625 sq. ft.

Increase in Nonconformity of a Structure: Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of the nonconformance of the existing structure shall not be considered to increase the nonconformity. For example, there is no increase in nonconformity if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. [Amended March 4, 2023]

Individual Private Campsite: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include, but not be limited to, gravel pads, parking areas, fireplaces, or tent platforms.

Industrial: The assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals. [Amended March 4, 2023]

Inspecting Official: Inspecting Official: An individual or individuals appointed by the Board of Selectmen to oversee all aspects of street construction including drainage and stormwater management. The inspecting official shall possess such education and training that the Board of Selectmen deems necessary to carryout all aspects of inspection.

Institutional: a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes. [Amended March 4, 2023]

Junkyard: A yard field or other area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;

2. Discarded, scrap and junked lumber; and

3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

4. Used tires, discarded tires or worn-out tires which may or may not be usable now or in the future.

5. Town garbage dumps, waste dumps and sanitary fills will not be considered junkyards for the purpose of this Ordinance.

Large Commerce and Service: A business which provides goods or services to other businesses and/or the public. Uses include, by way of example, retail sales, wholesale sales, warehousing, storage, shipping, and on-site receiving, restaurants, and medical, financial and professional services, and having a size greater than Small Commerce/Service.

Level of Service: A measure of the quality of the operating conditions within a traffic stream as determined from a capacity analysis, using the methodology described by the Transportation Research Board (TRB), a service of the National Research Council, in its "Highway Capacity Manual," Special Report 209 (1194) and as may be amended by the TRB.

Locally Established Datum: An elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lot: A parcel of land in single ownership, described on deed, plot or similar legal document. A parcel divided by a street shall be considered as two separate lots.

Lot Area: The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath streets serving more than two lots. [Amended March 4, 2011]

Lot of Record: A parcel of land, a legal description of which, or the dimensions of which, are recorded on a document or map on file with the County Registry of Deeds.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Chapter 6-401.11. **[Floodplain Management]**

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

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. **[Floodplain Management]**

Marina: A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and equipment, boat and tackle shops, and fuel service facilities.

Market Value: The estimated price of property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

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

Minimum Lot Width: The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines. [Adopted March 4, 2023]

Mineral Exploration: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral Extraction: Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location, and to transport the product removed, away from the extraction site.

Minor Development: All development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Chapter 6-401.9, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers. [Floodplain Management]

Mixed Use: Residential and at least one other type of use such as commercial, manufacturing and institutional.

Mobile Home Park: A parcel of land under unified ownership on which there is located three or more mobile homes. Parks shall be approved by the Town of Minot Planning Board pursuant to the Town of Minot Subdivision Ordinance and Mobile Home Park Ordinance.

Multiplex Unit: A structure containing three or more dwelling units, not including accessory apartments. [Amended March 5, 2022]

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

Native: indigenous to the local forests. [Adopted March 1, 2008]

Neighborhood Convenience Store: A store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood primarily with the sale of merchandise including such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items. [Adopted March 1, 2008]

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

Nonconforming Lot: A lot shown on a plan or deed recorded in the Androscoggin County Registry of Deeds prior to the effective date of this Code or amendment thereto which was legal prior to the adoption of the Code or amendment but which became nonconforming with respect to area, frontage, width or depth requirements as a result of the adoption of this Code or amendment.

Nonconforming Condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect. [Adopted March 4, 2023]

Nonconforming Structure: A structure which does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Code or subsequent amendments took effect.

Nonconforming Use: Use of buildings, structures, promises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Code or subsequent amendments took effect.

Non-Native Invasive Species of Vegetation: Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems. [Adopted March 5, 2022]

Normal High-Water Line: That line, which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river during the period of normal high-water are considered part of the river. [Amended March 1, 2008]

Outlet Stream: Any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland. [Adopted March 5, 2022]

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

Person: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, Docks, Wharves, Bridges, and other structures and uses extending over or beyond the normal high-water line or within a wetland:

> Temporary: Structures which remain in or mover the water for less than seven (7) months in any period of twelve (12) consecutive months.
> Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Planned Unit Development: A planned unit development is a residential or mixed-use land development which is developed under unified management; is planned as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, open space and

preserved natural features, recreational facilities, and design principles for proposed buildings; is reviewed and approved as a subdivision by the Planning Board and in addition is subject to the requirements of this Section; may be developed in clearly identified stages; and provides for the operation and maintenance of common facilities. [Adopted March 1, 2008]

Principal Building/Structure: The building/structure in which the primary use of the lot is conducted. [Amended March 5, 2022]

Principal Structure (Shoreland Zoning, Chapter 5): A structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot. [Adopted March 5, 2022]

Principal Use: The primary use to which the premises are devoted, and the main purpose for which the premises exist. A use other than one which is wholly incidental or accessory to another use on the same lot. [Amended March 5, 2022]

Public Facility: Any facility including, but not limited to, buildings, property, recreation areas, and streets, which are owned, leased, or otherwise operated or funded by a governmental body or public entity. [Amended March 4, 2011]

Public Road: A state maintained highway or a town way. [Adopted March 4, 2011]

Public Utility: Any person, firm, corporation, or government entity which furnishes a public service such as electricity, gas, telecommunications, cable television, water supply or sewage disposal, generally transported through a fixed distribution or collection network.

Recent Floodplain Soils: The following soil series as described and identified by the National Cooperation Soil Survey:

Alluvial	Cornish	Charles	Fryeburg	Hadley
Limerick	Lovell	Medomak	Ondawa	Podunk
Rumney	Saco	Suncook	Sunday	Winooski

Recreational Facility: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat-launching facilities.

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Recreational Vehicle: means a vehicle which is: [Floodplain Management]

a. built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;

c. designed to be self-propelled or permanently towable by a motor vehicle; and

d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

a. The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and

b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Replacement System: A system intended to replace:

A. An existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or

B. any existing overboard wastewater discharge.

Residential dwelling unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units. [Shoreland Zoning] [Adopted March 1, 2008]

Residential Use/Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

Resource-Based Recreation: Activities that involve relatively small impact to the natural environment including but not limited to, nondeveloped swimming areas, picnic sites, and trails for nonmotorized vehicles (including cross-country skiing, biking, walking, nature observation and horse riding and operated as a commercial activity or a club.

Riprap: Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River: A free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Riverine: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road: State maintained highways, town ways, streets in an approved open space subdivisions meeting the standards contained in Chapter 7-501.E and any street constructed to the standards in the Minimum Street Requirements for Town Acceptance Ordinance and proposed to be accepted by the Town as part of a subdivision plan. [Amended March 4, 2011]

Road: A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles excluding a driveway as defined. [Shoreland Zoning] [Amended March 1, 2008]

Road Maintenance Agreement: A contract that outlines the responsibilities for maintaining a shared private road that contains the legal description of all properties that have the right to use the road, the method in which responsibility for repairs is to be shared by the parties who own or otherwise inhabit the private road, how the costs for repairs will be incurred by these parties, emergency repairs and the consequences for non-participation in the maintenance. [Adopted March 7, 2026]

Sapling - a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level. [Adopted March 5, 2022]

Seedling - a young tree species that is less than four and one half (4.5) feet in height above ground level. [Adopted March 5, 2022]

Sawmills: Establishments primarily engaged in sawing rough lumber and timber from logs and bolts, or re-sawing cants and flitches into lumber, including box lumber and softwood cut stock; planing mills combined with sawmills; and separately operated planed mills which are engaged primarily in producing surfaced lumber and standard workings or patterns of lumber. Such establishments shall be considered Small Commerce or General Industrial depending on size and other characteristics.

Service Drop: Any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. In the case of electric service

    a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way, and

    b. the total length of the extension is less than one thousand (1,000) feet.

2. In the case of telephone service

    a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: The nearest horizontal distance from the normal high-water line to the nearest part of a structure, street, parking space or other regulated object or area. [Amended March 4, 2011]

Shoreland Frontage: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline. [Amended March 1, 2008]

Shoreland Zone: the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any river; within 250 feet, horizontal distance, of the

upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream. [Amended March 1, 2008]

Shoreline: The normal high-water line, or upland edge of a freshwater wetland. [Adopted March 1, 2008]

Small Commerce and Service: May be either commercial, service or manufacturing activity, and shall meet the following criteria:

1. The floor area of all structures in aggregate shall be less than 2,500 sq. ft. in size and the combined area covered by all structures, outside storage areas, loading and parking areas shall be less than 6,000 sq. ft.

2. The business shall have five employees or fewer who use the facility or equipment stored at the facility on a regular basis whether working on site or not.

3. The volume and type of traffic shall be as would normally be expected in the surrounding neighborhood, and any need for parking shall be off-street.

4. The exterior including signs, storage of material, shall not vary from the character of the neighborhood.

5. Noise, odor, illumination, glare, smoke, vibration and other functions of the business will not detract from the character of the neighborhood.

Small Engine: Small-displacement, low-powered internal combustion engine used to power machines that require independent power sources, with the exception of automobiles, as defined and regulated by 4-501.21 Vehicle Repair. [Adopted March 7, 2026]

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

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

Storm-Damaged Tree: A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event. [Adopted March 5, 2022]

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent, highest resolution version of the national

hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream. (Shoreland Zoning) [Amended March 1, 2008, Amended March 5, 2022]

Stream, River or Brook: A channel between defined banks. A channel is created by the action of surface water and has two (2) or more of the following characteristics.

1. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.

2. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.

3. The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.

4. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present in the stream bed.

5. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

Street: Public and private ways which provide vehicular access to property for commercial, industrial, institutional, residential and recreational use, excluding public easements and driveways. [Amended March 4, 2011]

Structure: Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected with a fixed location on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface wastewater disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8. (Shoreland Zoning) [Amended March 5, 2022]

Structure: A walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure. [Floodplain Management]

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Subdivision: The division of a tract or parcel of land as defined in Title 30-A M.R.S.A. Section 4401, and is hereafter amended.

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

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

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

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

Substantial Start: Completion of thirty percent (30%) of a permitted structure or use measured as a percentage or estimated total cost.

Subsurface sewage disposal system: Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system. [Adopted March 1, 2008]

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area. [Adopted March 1, 2008]

Timber Harvesting: The cutting and removal of timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 5-601.15, *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.* [Adopted March 1, 2008, Amended March 5, 2022]

Tree - a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity. [Adopted March 5, 2022]

Tributary Stream: Means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and

which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. [Adopted March 1, 2008]

This definition does not include the term "stream" as defined elsewhere in this Code, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Two-Family Dwelling: See definition for "duplex." [Adopted March 5, 2022]

Upland Edge of a Wetland: The boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller. [Adopted March 1, 2008, Amended March 5, 2022]

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

As used in this Code, variance is authorized only for height, area and size of structures or size of yards and open spaces. Establishment of a use prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the Land Use District, or uses in adjoining Land Use District.

Vegetation: All live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level. [Adopted March 1, 2008]

Vertical Construction: The point at which concrete or other supports are to be placed to support a structure.

Volume of a Structure: The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof. [Adopted March 1, 2008]

Waste Disposal Facilities: Indoor or outdoor facilities designed and operated to dispose of liquid, viscous and/or solid wastes generated at another location. Disposal does not include land application where the application is used as a fertilizer or soil conditioner for agricultural or silvicultural purposes.

Waste Processing Facilities: Processes designed and operated to process or treat liquid, viscous and/or solid wastes generated at another location. Also, included are central collection facilities for such wastes. Town owned facilities for the collection or processing of recyclable wastes commonly found in the domestic waste stream are exempt.

Water body: Any great pond, river or stream.

Water Crossing: Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects

include but may not be limited to streets, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities. [Adopted March 1, 2008, Amended March 4, 2011]

Woody Vegetation: Live trees or woody, non-herbaceous shrubs. [Adopted March 1, 2008]