

ZONING

Chapter 125

ZONING

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(Reserved)

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(Reserved)

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GENERAL REFERENCES

- Planning Board — See Ch. 23.
- Building construction — See Ch. 48.
- Floodplain management — See Ch. 68.
- Mobile home parks — See Ch. 83.

Part 1²
(Reserved)

ARTICLE I
(Reserved)

§§ 125-1 through 125-5. (Reserved)

ARTICLE II
(Reserved)

§§ 125-6 through 125-11. (Reserved)

ARTICLE III
(Reserved)

¹ Editor's Note: This ordinance passed a referendum held 7-29-1992 and was deemed effective 7-30-1992. This ordinance also repealed former Part 1, Shoreland Zoning, adopted 7-21-1981 as Art. II of Ch. 15 of the Millinocket Code.

² Editor's Note: Former Part 1, Shoreland Zoning, adopted 7-21-1981 as Art. II of Ch. 15 of the Millinocket Code, was repealed 6-18-1992 by Ord. No. 4-92, which appears as Part 2 of this chapter.

§§ 125-12 through 125-15. (Reserved)

Part 2
Town Zoning
[Adopted 6-18-1992 as Ord. No. 4-92]

ARTICLE IV
General Provisions

§ 125-16. Title.

This Part 2 shall be known as and may be cited as the "Zoning Ordinance of the Town of Millinocket, Maine," and will be referred to herein as "this Part 2."

§ 125-17. Authority.

This Part 2 is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and 30-A M.R.S.A. § 4352 and 38 M.R.S.A. § 435 et seq.

§ 125-18. Purposes.

The purposes of this Part 2 are as follows:

- A. Comprehensive plan implementation: to implement the policies and recommendations of the Millinocket Comprehensive Plan.
- B. Protection of the general welfare: to assure the comfort, convenience, safety, health and welfare of the present and future inhabitants of the Town of Millinocket.
- C. Preservation of the town character: to preserve and protect the character of Millinocket by dividing the town into neighborhood zones according to the use of land and buildings and the intensity of such uses.

- D. Protection of the environment: to protect and enhance the natural, cultural and historic resources of the town from unacceptable adverse impacts and to integrate new development harmoniously into the town's natural environment.
- E. Promotion of community development: to promote the development of an economically sound and stable community.
- F. Reduction of traffic congestion: to lessen the danger and congestion of traffic on roads and highways, limit excessive numbers of intersections, driveways and other friction points, minimize hazards and ensure the continued usefulness of all elements of the existing transportation system for their planned function.
- G. Balancing of property rights: to protect property rights and values by balancing the rights of landowners to use their land with the corresponding rights of abutting and neighboring landowners to enjoy their property without undue disturbance from abutting or neighboring uses.
- H. Reduction of fiscal impact: to provide a means of evaluating development proposals to determine their fiscal impacts on the municipality's ability to provide and improve necessary public facilities and services.
- I. Establishment of procedures and standards: to establish procedures whereby the town officials may review the developments regulated by this Part 2 by providing fair and reasonable standards for evaluating such developments; to provide a public hearing process through which interested persons may raise questions and receive answers regarding how such developments may affect them; and to provide procedures whereby aggrieved parties may appeal decisions made under this Part 2.

§ 125-19. Applicability.

This Part 2 shall apply to all land and water areas within the Town of Millinocket. All buildings or structures thereafter constructed, reconstructed, altered, enlarged or moved and the uses of buildings and land, including the division of land, shall be in conformity with the provisions of this Part 2. No existing or future building, structure, land or water area shall be used for any purpose or in any manner except as provided for in this Part 2.

§ 125-20. Conflict with other provisions.

Whenever the requirements of this Part 2 are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, deed restriction or covenant, that imposing the most restrictive or higher standard shall govern.

§ 125-21. Severability.

In the event that any section, subsection or provision of this Part 2 shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or provision of this Part 2; to this end, the provisions of this Part 2 are hereby declared to be severable.

§ 125-22. Amendments.

The process for amending this Part 2 and the Official Zoning Map is as follows:

- A. Initiation. A proposal to amend this Part 2 or the Official Zoning Map may be initiated by:
- (1) The Planning Board, by majority vote.
 - (2) The Town Council, through a request to the Planning Board.

- (3) The public, through a written petition by registered voters as provided for in the Town Charter.

B. Process of adoption. The process to be followed in adopting an amendment to this Part 2 or the Official Zoning Map is as follows:

- (1) Proposed amendments must first be submitted to the Planning Board for its consideration.
- (2) The Planning Board shall, within thirty (30) days of receiving a proposed amendment, set a date to hold a public hearing on the proposed amendment.
- (3) Notice of the public hearing shall be given as required by state law.
- (4) The Planning Board shall make its official report at a Town Council meeting occurring within sixty (60) days after the public hearing.
- (5) Enactment of a proposed amendment shall require a majority vote of the members of the Town Council.

C. Criteria to be considered. [**Added 4-13-1995 by Ord. No. 1-95¹**]

- (1) In deciding whether to adopt a proposed amendment to this chapter or the Official Zoning Map, the central issue before the Town Council shall be whether the proposed amendment advances the public health, safety or welfare of the community and whether the proposed amendment:
 - (a) Is consistent with the purposes of this chapter as listed in § 125-18.
 - (b) Is consistent with the policies and recommendations of the town's adopted Comprehensive Plan.

¹ Editor's Note: This ordinance also provided for the renumbering of former Subsection C as Subsection D.

- (c) Will satisfy a demonstrated need in the community.
 - (d) Will not result in an undue adverse impact on existing uses or protected natural resources.
- (2) In addition, when the proposed rezoning is for lands currently classified as (CF) Commercial Forestland to be rezoned for development purposes, the Town Council shall determine whether such lands are proximate to existing compatibly developed areas.
- D. Notification of state. The Commissioner of the Department of Environmental Protection and the Director of the Land Use Regulation Commission shall be notified of amendments to this Part 2 or zone boundaries in shoreland areas as required by the Mandatory Shoreland Zoning Act, 38 M.R.S.A. § 438-A, Subsection 3, and by the Land Use Regulation Commission (LURC) Statute, 12 M.R.S.A. § 685-A, Subsection 4.

§ 125-23. Annual administrative review.

- A. The Code Enforcement Officer, Planning Board and Board of Appeals each shall report annually, in the month of November, to the Town Council on their respective experience with the administration of this Part 2 during the previous year. Their reports to the

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Town Council shall include any recommended amendments they may have that would:

- (1) Enhance their ability to more effectively meet their respective administrative responsibilities under this Part 2; and
- (2) Enhance the implementation of the purposes of this Part 2 contained in § 125-18A through I above.

B. Failure of any person or Board to comply with this provision shall not affect the validity or enforceability of this Part 2 in any way.

§ 125-24. Effective date.

The effective date of this Part 2 or any amendments thereto shall be the 30th day following its/their adoption at a Town Council meeting. A copy of this Part 2, certified by the Town Clerk, shall be on file at the town offices.

§ 125-25. Repealer.

The existing Zoning and Shoreland Zoning Ordinances of the Town of Millinocket, Maine, as amended, are repealed as of the effective date of this Part 2. The adoption of this Part 2, however, shall not affect or prevent any pending or future prosecution of, or action to abate, any violation of the ordinances repealed by this section, if the violation is also a violation of the provisions of this Part 2. It is further the intention and direction of this section that if this Part 2 is held to be invalid or void in its entirety, the ordinances repealed by this section shall be automatically revived.

ARTICLE V
Nonconformities

§ 125-26. Definitions.

For the purpose of this Article, the following terms shall have the meanings indicated:

NONCONFORMITY — A legally existing (grandfathered) nonconforming lot, structure, sign or use that lawfully existed immediately prior to the enactment of this Part 2, or any subsequent amendment hereto and which, as a result of the enactment or subsequent amendment, fails to comply with any of the requirements of this Part 2. Such requirements include but are not limited to the use restrictions and lot standards for the zone in which it is located or any land use standards set forth in Articles VIII and IX. An illegal nonconformity is any other lot, structure, sign or use that fails to comply with any of the requirements of this Part 2 or its amendments.

§ 125-27. General provisions.

The following provisions apply to nonconformities generally:

- A. Normal repair and maintenance. The normal upkeep and maintenance of nonconforming structures is permitted, 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 are permitted.
- B. Transfer of ownership. Any legal nonconformity may be transferred and the new owner may, subject strictly to the requirements of this section, continue such nonconformity; provided, however, that nothing contained herein shall be construed to permit any person or entity to occupy or use any lot or structure or to

continue any use in violation of any other federal, state or municipal statute, ordinance or regulation.

- C. Illegal nonconformity. Any illegal nonconformity shall cease or be corrected immediately. Any continuation of an illegal nonconformity is a violation of this Part 2.
- D. Burden of proof related to establishing legal nonconformity. The burden of establishing that any nonconformity is a legal nonconformity shall, in all cases, be upon the owner of such nonconformity and not upon the Town of Millinocket.
- E. Conversion to conformity encouraged. All nonconformities shall be encouraged to convert to conformity whenever possible and, when required by this Part 2, shall convert to conformity.
- F. Reversion to nonconformity prohibited. Once converted to conformity, no lot, structure or use shall revert to nonconformity.

§ 125-28. Nonconforming structures.

The following provision shall apply to nonconforming structures:

- A. Expansion of nonconforming structures. A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority identified in § 125-36, as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure. Such expansion is further limited as follows:
 - (1) After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by thirty percent (30%) or more, during the lifetime of the structure.

- (2) Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure, provided that:
 - (a) The structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Subsection B below;
 - (b) The completed foundation does not extend beyond the exterior dimensions of the structure; and
 - (c) The foundation does not cause the structure to be elevated by more than three (3) additional feet.
- (3) No structure which is less than the required setback from the normal high-water line of a water body, tributary stream or upland edge of a wetland shall be expanded toward the water body, tributary stream or wetland.

B. Relocation of nonconforming structures.

- (1) 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, 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 or that a new system can be installed in a manner that causes the system to be less nonconforming.
- (2) In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot,

the slope of the land, the potential for soil erosion, 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.

C. Reconstruction or replacement of nonconforming structures.

- (1) Any nonconforming structure which is located less than the required setback from the normal high-water line of a water body or upland edge of a wetland or from the property line, or which otherwise fails to meet the dimensional requirements of this Part 2, and which is removed, damaged or destroyed by more than fifty percent (50%) of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced within one (1) year of the date of said damage, destruction or removal, provided that such reconstruction or replacement is in compliance with the setback requirements to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Part 2. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.
- (2) Any structure which is damaged or destroyed by fifty percent (50%) or less of the market value of the structure, excluding normal maintenance and repair, may be repaired or reconstructed in place within one (1) year of such damage or destruction, with a permit from the Code Enforcement Officer.
- (3) In determining whether the building reconstruction or replacement meets setbacks to the greatest practical extent, the Planning Board shall consider, in addition to the criteria in Subsection C above, the type of foundation present, if any. It is not the intent of this section to require the destruction of

functional concrete or block foundations in order to meet setback requirements.

D. Change of use of a nonconforming structure within two hundred fifty (250) feet of the normal high-water line of any great pond or river, within two hundred fifty (250) feet of the upland edge of a freshwater wetland or within seventy-five (75) feet of the high-water line of a stream.

- (1) 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 not have a greater adverse impact on the water body or wetland or on the property on which it is located or on adjacent properties and resources than the existing use.
- (2) 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, floodplain management, archaeological and historic resources, commercial fishing and maritime activities and other functionally water-dependent uses.

§ 125-29. Existing nonconforming mobile homes.

A. Notwithstanding any other provision of this Part 2, the lawful use of a mobile home as a single-family dwelling, in any zone, which use legally existed on the date of the enactment of this Part 2, may be continued, except that the mobile home shall not be:

- (1) Rebuilt, altered or repaired after being damaged in excess of fifty percent (50%) of its replacement cost at the time of destruction as determined by the Code Enforcement Officer, except that such mobile home may be replaced as provided in the exception

contained in Subsection A(2) below, or may be rebuilt or repaired to its original condition if the mobile home had, before destruction, been certified or excluded as provided in said exception; or

- (2) Replaced with a different mobile home, unless the new mobile home is certified, pursuant to 42 U.S.C. § 5415, as amended, as conforming to all applicable federal manufactured home construction and safety standards or is excluded from the coverage of 42 U.S.C. § 5401 et seq.

- B. Any mobile home lawfully used as a single-family dwelling may be improved by the addition of a foundation or by other new construction, alteration or repair, subject to the requirements of any applicable building code or other law, and subject to the other provisions of Articles VIII and IX.

§ 125-30. Nonconforming uses.

The following provisions shall apply to nonconforming uses:

- A. Expansion. Expansions of nonconforming uses are prohibited.
- B. Resumption prohibited. A lot, building or structure in or on which a nonconforming use ceases to be actively pursued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use.
- C. Change of use. An existing nonconforming use may not be changed to another nonconforming use.

§ 125-31. Nonconforming lots.

A single, vacant parcel of land, the legal description or dimensions of which are recorded on a document or map on file at the Penobscot County Registry of Deeds, at the effective date

of this Part 2 or any amendment, and which, as a result of the enactment or restrictive amendment of this Part 2, does not meet the lot area, frontage and/or width requirements, or both, of the zone in which it is located, and which does not adjoin another vacant parcel in common ownership, may be built upon, subject to the following:

- A. Such building or construction shall, in all other respects, comply with the provisions of this Part 2.
- B. No construction shall commence until the owner demonstrates to the satisfaction of the Code Enforcement Officer that there is reasonable access to the site for emergency vehicles.
- C. Two (2) or more nonconforming adjacent vacant parcels of land in common ownership shall be consolidated to form one (1) or more lots conforming so far as possible to the lot standards of the district in which the parcels are located. If possible, the lots shall be consolidated so that no nonconforming lot or lots are formed. Lots so consolidated shall not be split thereafter.
- D. One (1) or more vacant parcels of land that adjoin a nonconforming lot in common ownership and containing a building or structure shall be consolidated with said improved lot to the extent necessary to bring the improved lot into conformity so far as possible. If the remaining portion of the vacant parcels constitutes a conforming lot, said remaining portion shall constitute a separate lot. Otherwise, the combined lots shall constitute one (1) lot.

ARTICLE VI Establishment of Zones

§ 125-32. Zones established. [Amended 4-13-1995 by Ord. No. 1-95]

For the purposes of this Part 2, the Town of Millinocket is hereby divided into the following zones:

- A. Downtown Residential Zone (R1).
- B. Medium Density Residential Zone (R2).
- C. Rural Development Zone (RD).
- D. Downtown Commercial Development Zone (DC).
- E. Neighborhood Commercial Development Zone (NC).
- F. Highway Commercial Development Zone (HC).
- G. Industrial Development Zone (ID).
- H. Airport Development Zone (AD).
- I. Open Space/Recreation Zone (OR).
- J. Wetland Protection Zone (WP).
- K. Shoreland Protection Zone (SP).
- L. Habitat Protection Overlay Zone (HP).
- M. Commercial Forestland Zone (CF).

§ 125-33. Standards for establishing zones.

- A. Downtown Residential Zone (R1).
 - (1) The purpose of the Downtown Residential Zone (R1) is to preserve the character of existing downtown residential neighborhoods and to provide high-density residential opportunities and neighborhood characteristics within the service area of existing public sewer and water.
 - (2) Areas designated as being the Downtown Residential Zone (R1) include all those areas designated as R1 within the property lines and street center lines shown on the Official Zoning Map and not otherwise designated.
- B. Medium Density Residential Zone (R2).
 - (1) The purpose of the Medium Density Residential Zone (R2) is to provide medium density residential

opportunities and neighborhood characteristics between the higher density Downtown Residential Zone (R1) and the lower density Rural Development Zone (RD).

- (2) Areas designated as being in the Medium Density Residential Zone (R2) include all those areas designated as R2 within the property lines and street center lines shown on the Official Zoning Map and not otherwise designated.

C. Rural Development Zone (RD).

- (1) The purpose of the Rural Development Zone (RD) is to conserve areas that are presently rural in character and use, provide opportunities for those who desire low-density residential living and to provide for the orderly development of this area to meet community needs.
- (2) Areas designated as being in the Rural Development Zone (RD) include all those areas designated as RD shown on the Official Zoning Map and not otherwise designated.

D. Downtown Commercial Development Zone (DC).

- (1) The purpose of the Downtown Commercial Development Zone (DC) is to preserve the character of the existing downtown central business district as the community focal point for cultural, business and service activities by providing a full range of public facilities within the service area of existing public sewer and water and to provide for reasonable expansion.
- (2) Areas designated as being in the Downtown Commercial Development Zone (DC) include all land designated as DC within the property lines and street center lines shown on the Official Zoning Map and which is not otherwise designated.

E. Neighborhood Commercial Development Zone (NC).

- (1) The Neighborhood Commercial Development Zone (NC) is intended to provide opportunities for a mixture of compatible commercial and residential activities in residential areas adjacent to the Downtown Commercial Development Zone (DC).
- (2) Areas designated as being in the Neighborhood Commercial Development Zone (NC) include all those areas designated as NC within the property lines and street center lines shown on the Official Zoning Map, plus:
 - (a) The land between the street center line of Bates Street and a parallel line two hundred (200) feet back from either side of the center line of Bates Street which is not otherwise designated; and
 - (b) The land between the street center line of Poplar Street and a parallel line two hundred (200) feet back from either side of the center line of Poplar Street which is not otherwise designated.

F. Highway Commercial Development Zone (HC).

- (1) The purpose of the Highway Commercial Development Zone (HC) is to provide for the orderly expansion of commercial development along Route 11 or 157.
- (2) Areas designated as being in the High Commercial Development Zone (HC) include all those areas designated as HC within the property lines shown on the Official Zoning Map, plus the land between the edge of the right-of-way of Route 11 or 157 and a parallel line one thousand (1,000) feet back from the edge of the right-of-way of Route 11 or 157 which is not designated otherwise.

G. Industrial Development Zone (ID).

- (1) The purpose of the Industrial Development Zone (ID) is to accommodate existing industrial development and to provide land which is conveniently located with respect to appropriate road and rail transportation corridors and other conditions favorable to the development of additional industry and which is located as to limit undesirable conflict between residential and industrial development.
- (2) Areas designated as being in the Industrial Development Zone (ID) include all those areas designated as ID within the property lines and street center lines shown on the Official Zoning Map, plus the land between the center line of Golden Road and a parallel line one thousand (1,000) feet back from the center line of Golden Road which is not designated otherwise.

H. Airport Development Zone (AD).

- (1) The purpose of the Airport Development Zone is to promote the harmonious arrangement and development of land uses surrounding the Millinocket Airport, to encourage the types of development having maximum compatibility with aircraft operations and which provide goods and services to passengers or aircraft and to support and promote the public utility of the airport.
- (2) The area designated as being in the Airport Development Zone (AD) include all those areas designated as AD on the Official Zoning Map and not otherwise designated.

I. Open Space/Recreation Zone (OR).

- (1) The purpose of the Open Space/Recreation Zone (OR) is to protect areas of significant natural, recreational or aesthetic value which are susceptible to significant degradation by man's activities and for

which protection cannot adequately be accomplished by inclusion in any of the other zones.

- (2) Areas designated as being in the Open Space/Recreation Zone (OR) include all those areas designated as OR within the property lines and street center lines shown on the Official Zoning Map, plus the land between the normal high-water line and a line one thousand (1,000) feet back from the normal high-water line of Jerry Pond which is not designated otherwise.

J. Wetland Protection Zone (WP). [Amended 4-13-1995 by Ord. No. 1-95]

- (1) The purpose of the Wetland Protection Zone (WP) is to conserve freshwater wetlands in essentially their natural state because of the indispensable biologic, hydrologic and environmental functions that they perform.
- (2) Areas designated as being in the Wetland Protection Zone (WP) include the land enclosed by the upland edge of nonforested areas ten (10) acres or more in size, identified as nonforested freshwater wetlands by the National Wetlands Inventory prepared by the Fish and Wildlife Service of the United States Department of Interior.

K. Shoreland Protection Zone (SP). [Amended 4-13-1995 by Ord. No. 1-95]

- (1) The purpose of the Shoreland Protection Zone (SP) is to protect water quality, productive habitat, biotic systems and the scenic and natural values on relatively undeveloped shorelands from adverse impact from development.
- (2) Areas designated as being in the Shoreland Protection Zone (SP) include:
 - (a) The land between the normal high-water line and a line one hundred (100) feet back from the

normal high-water line of the following water bodies:

- [1] Jerry Pond.
 - [2] Dolby Flowage.
 - [3] The West Branch of the Penobscot River.
- (b) The land between the normal high-water line and a line seventy-five (75) feet back from the normal high-water line of all tributary brooks and streams to the water bodies listed in Subsection K(2)(a) above, including Millinocket Stream, Ledge Cut Brook and Jerry Brook, which is not designated otherwise.
- (c) The land between the upland edge and a line seventy-five (75) feet back from the upland edge of all nonforested freshwater wetlands designated as (WP), which is not designated otherwise.
- (d) The land between the upland edge and a line two hundred fifty (250) feet back from the upland edge of all nonforested freshwater wetlands designated as (WP), and as high or moderate value for wildlife by the Maine Department of Inland Fisheries and Wildlife.
- (e) Floodplains along rivers and floodplains along artificially formed great ponds, along rivers defined by the one-hundred-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.

L. Habitat Protection Overlay Zone (HP). [Added 4-13-1995 by Ord. No. 1-95]

- (1) The purpose of the Habitat Protection Overlay Zone (HP) is to protect essential and significant wildlife

habitats in accordance with the requirements of the Comprehensive Planning and Land Use Regulation Act (30-A M.R.S.A. § 4301 et seq.) and the Mandatory Shoreland Zoning Act (38 M.R.S.A. § 435 et seq.).

- (2) Areas designated as being in the Habitat Protection Overlay Zone (HP) include all those lands identified and mapped by the Maine Department of Inland Fisheries and Wildlife, pursuant to the Natural Resources Protection Act (38 M.R.S.A. § 480 A-V).

M. Commercial Forestland Zone (CF). [Added 4-13-1995 by Ord. No. 1-95]

- (1) The purpose of the Commercial Forestland Zone (CF) is to safeguard the town's commercial forestland registered under the Tree Growth Tax Law (36 M.R.S.A. § 571 et seq.) from future growth and development except for those structures, uses and activities considered necessary or desirable for the growing, management, harvesting and processing of commercial forest products and those structures, uses and activities considered necessary or desirable for the well planned multiple-use of said lands.
- (2) Areas designated as being in the Commercial Forestland Zone (CF) include all those lands registered, as of April 1, 1994, under the Tree Growth Tax Law (36 M.R.S.A. § 571 et seq.), designated as (CF) on the Official Zoning Map and not otherwise designated.

§ 125-34. Official Zoning Map.

- A. Zones established by this Part 2 are defined and bounded as shown on the Official Land Use Zoning Map of Millinocket, Maine, which, together with its notations and amendments from time to time, is hereby made a part of this Part 2.

- B. The official copy of the map shall be that map which bears the certification that it is true and correct, signed by the Chairman of the Planning Board, attested by the Town Clerk and on file in the office of the Town Clerk.

§ 125-35. Interpretation of zone boundaries.

Where uncertainty exists as to boundary lines of zones as shown on the Official Zoning Map of Millinocket, Maine, the following rules of interpretation shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, public utilities or rights-of-ways shall be construed as following such center lines.
- B. Boundaries indicated as approximately following property lines shall be construed as following property lines.
- C. Boundaries indicated as approximately following shorelines of any lake or pond shall be construed as following the normal high water mark.
- D. Boundaries indicated as being the extension of center lines of streets shall be construed to be the extension of such center lines.
- E. Boundaries indicated as being the extension of property lines shall be construed to be extensions of such property lines.
- F. Boundaries indicated as approximately following the center lines of streams, rivers or other continuously flowing watercourses shall be construed as following the channel center line of such watercourses.
- G. Boundaries indicated as being parallel to or extension of features listed above shall be so construed. Distances not specifically indicated on the Official Map shall be determined by the scale of the map.

- H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Map, or in other circumstances where uncertainty exists with respect to the location of a boundary, the Planning Board shall interpret the zone boundaries.

ARTICLE VII
Schedule of Uses

§ 125-36. Activities described.

- A. A matrix listing the uses permitted in the various zones under this Part 2 appears at the end of this chapter.
- B. The various land uses contained in the matrix are organized according to the following eight (8) activity classifications:
1. Noncommercial Recreational Activities
 2. Resource Management Activities
 3. Resource Extraction Activities
 4. Residential Activities
 5. Institutional Activities
 6. Commercial Activities
 7. Industrial Activities
 8. Transportation and Utilities

§ 125-37. Symbols used in Schedule of Uses. [Amended 4-13-1995 by Ord. No. 1-95]

The following symbols contained in the Schedule of Uses have the following meanings:

- A. Zone symbols.

Symbol	Description
R1	Downtown Residential Zone
R2	Medium Density Residential Zone
RD	Rural Development Zone
DC	Downtown Commercial Development Zone

Symbol	Description
HC	Highway Commercial Development Zone
NC	Neighborhood Commercial Development Zone
ID	Industrial Development Zone
AD	Airport Development Zone
OR	Open Space/Recreation Zone
WP	Wetland Protection Zone
SP	Shoreland Protection Zone
HP	Habitat Protection Overlay Zone
CF	Commercial Forestland Zone

B. Permit symbols.

Symbol	Description
Y	Use allowed without a site plan review
S	Use requires site plan review and approval of either the Planning Board or the Code Enforcement Officer pursuant to Article XI or if a subdivision, subdivision approval from the Planning Board pursuant to the Subdivision Ordinance
N	Use prohibited within the zone

§ 125-38. Uses substantially similar to permitted uses.

Uses substantially similar to permitted uses may be permitted.

- A. Uses allowed without a permit. Uses substantially similar to those allowed without a permit, but which are not listed in the Schedule of Uses, may be permitted upon a ruling by the Planning Board that such use is substantially similar to such uses.
- B. Uses requiring the review and approval of the Planning Board. Uses substantially similar to those requiring the review and approval of the Planning Board, but which

are not listed in the Schedule of Uses, may be permitted by the Planning Board.

§ 125-39. Uses substantially similar to prohibited uses are prohibited.

Uses substantially similar to any uses listed as prohibited uses in the Schedule of Uses shall be prohibited.

§ 125-39.1. Uses permitted in Habitat Protection Overlay Zone. [Added 4-13-1995 by Ord. No. 1-95]

Uses permitted in the Habitat Protection Overlay Zone shall be those permitted in the underlying zone classification, provided that such use or activity has been reviewed by the Maine Department of Inland Fisheries and Wildlife and approved in writing and subject to such terms and conditions as the Department deems necessary to mitigate any potential adverse impacts on the habitat being protected.

§ 125-40. Compliance with land use standards required.

All uses permitted must occur and be maintained in compliance with the applicable requirements and land use standards contained in Article VIII.

§ 125-41. Schedule of Uses.²

² Editor's Note: The Schedule of Uses appears at the end of this chapter.

ARTICLE VIII
Land Use Standards

§ 125-42. Purpose.

The purpose of the regulations contained in this Article is to allow maximum utilization of land while assuring against adverse impacts on the environment, neighboring properties and the public interest. This assurance is provided by separating the area of the Town of Millinocket into zones and permitting specific land uses within each, provided that a use meets all the additional criteria specified in this Part 2.

§ 125-43. General standards.

- A. The following land use standards shall govern all permits and approvals issued by the Code Enforcement Officer and the Planning Board.
- B. Shoreland standards are included, beginning in Article IX of this Part 2, which apply to land uses within two hundred fifty (250) feet of the normal high-water line of any great pond or river, within two hundred fifty (250) feet of the upland edge of a freshwater wetland or within seventy-five (75) feet of the high-water line of a stream.
- C. In reviewing applications submitted pursuant to this Part 2, the Code Enforcement Officer or the Planning

(Cont'd on page 12531)

Board shall consider the following standards prior to issuing final approval.

§ 125-44. Airport special standards.

The following special requirements shall apply to each permitted use within the Airport Development Zone (AD):

A. Lighting.

- (1) Pulsating, flashing, rotating, oscillating or other type of lighting intended as an attention-getting device, except as approved by the Federal Aviation Administration (FAA), shall be expressly prohibited.
- (2) Floodlights, spotlights or other lighting devices shall be arranged or shielded so as not to cast illumination in an upward direction above an imaginary line extended from the light source parallel to the ground.
- (3) Any light which constitutes a misleading light within the meaning of TSO-N19, or such other regulations as may be thereafter duly adopted by the Civil Aeronautics Administration, is expressly prohibited.

B. Radio and electronic.

- (1) Any radio or electronic device shall be permitted only in conjunction with a valid license therefor or other authorization as may be issued by the Federal Communications Commission.
- (2) Any radio or electronic device, the operation of which would violate any rules or regulations of the Federal Communications Commission, is expressly prohibited.

- C. Smoke.** Any operation or use which emits smoke, dust or any visible fumes or vapors into the atmosphere shall be expressly prohibited.

§ 125-45. Access to site.**A. Capacity of off-site roads.**

- (1) Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. Intersections on major access routes to the site within one-half ($\frac{1}{2}$) mile of any entrance road which are functioning at a level of service of C or better prior to the development shall function at a minimum level of service of C after development. If any intersection is functioning at a level of service of D or lower prior to the development, the project shall not reduce the current level of service.
- (2) The Planning 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 bring the level of access to the required standard; or
 - (b) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to the required standard and will guaranty the completion of the improvements within one (1) year of approval of the project.

B. Vehicular access. The following standards apply to design and construction of vehicular access to properties:

- (1) Each property shall be provided with vehicular access to the property by abutting private or public ways. Private rights-of-way shall be protected by permanent easements.
- (2) The following criteria shall be followed for entrances and/or driveways to any use other than single- and two-family dwellings:

- (a) All entrance and exit driveways shall be located and designed in profile and grading to afford safety to traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic.
- (b) The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily.
- (c) Provision shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times.
- (d) For a distance of twenty (20) feet from the intersection of any two (2) streets along street lines, no wall, fence, sign or other structure and no hedges, trees or other growth shall be planted or erected in such a manner as to materially impede vision between a height of two and one-half (2¹/₂) and ten (10) feet above street level.
- (e) Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of ten (10) feet behind the curblin or edge of the shoulder.

Allowable Speed (miles per hour)	Required Sight Distance (feet)
25	160
35	240
40	275
45	325

Allowable Speed (miles per hour)	Required Sight Distance (feet)
50	350
55	425

- (f) Where a site occupies a corner of two (2) intersecting roads, no driveway entrance or exit shall be located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of that site. Access to the lot shall be provided across the frontage and to the street where there is less potential for traffic congestion and for hazards to traffic and pedestrians.
- (g) The intersection of any access drive or proposed street shall function at a level of service of C following development if the project will generate four hundred (400) or more vehicle trips per twenty-four-hour period or at a level which shall allow safe access into and out of the project if less than four hundred (400) trips are generated. Projects generating four hundred (400) or more vehicle trips per twenty-four-hour period shall provide two (2) or more separate points of vehicular access into and out of the site.
- (h) In all zones where two (2) or more driveways connect on a single site to any one (1) road, a minimum clear distance of one hundred (100) feet measured along the right-of-way shall separate the closest edges of any two (2) such driveways, unless the driveways are one (1) way only, then the minimum clear distance shall be no less than fifty (50) feet.
- (i) Angles. Driveways used for two-way operation shall intersect the road at an angle of or as near

to ninety degrees (90°) as site conditions will permit and in no case less than sixty degrees (60°). Driveways used by vehicles in one (1) direction of travel (right-turn only) shall not form an angle smaller than forty-five degrees (45°) with the road, unless acceleration and deceleration lanes are provided.

- (j) **Dimensions.** The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated. The required maximum and minimum dimensions for driveways are indicated below. Driveways serving large volumes of daily traffic or traffic of over fifteen percent (15%) truck traffic shall be required to utilize high to maximum dimensions.

Use	Driveway Width*	
	1-Way Operation (feet)	2-Way Operation (feet)
3 to 10 dwelling units	10 to 15	15 to 25
10 dwelling units or more	15 to 25	20 to 35
Commercial and industrial	15 to 30	25 to 35

NOTES:

*All driveways shall be five (5) feet wider at the curblines, and this additional width shall be maintained for a distance of twenty (20) feet into the site.

- (k) **Grades.** Driveways shall not have a grade in excess of ten percent (10%) over the entire length. On driveways entering onto Route 11 or 157, the grade shall not be more than three

percent (3%) for the first one hundred (100) feet from the road unless otherwise approved by the Planning Board. Driveways shall not be located where visibility is limited because of curves or topography.

- (1) Stacking or queuing space standards for drive-through businesses. Stacking or queuing spaces shall be located on site and shall not be located within the required setbacks. Stacking or queuing spaces shall not interfere with the stall and aisle space requirements as described in the off-street parking and loading requirements.⁴

[1] Banks or other commercial uses. There shall be a minimum of eight (8) spaces.

[2] Drive-up restaurant. There shall be eleven (11) spaces for the drive-up window, with a minimum of five (5) of these spaces for the ordering station.

C. Highway access. The following provisions shall apply to all properties which abut and/or have frontage on Route 11 or 157:

- (1) Buffer strip. Access to the highway shall be controlled in the interest of public safety. Each building or group of buildings and its parking or service areas shall be physically separated from the highway or street by a buffer strip as required by § 125-47 of this Article. Such buffer strips shall be landscaped as required in § 125-47B(4) of this Article.
- (2) Such property may be divided into lots, provided that all vehicular movements to and from the highway shall be via a single paved driveway or entrance serving all lots or premises.

⁴ Editor's Note: See §§ 125-63 and 125-64.

- (3) All lots of record legally existing at the time of the adoption of this Part 2 shall be allowed one (1) direct access to Route 11 or 157, provided that the minimum sight distance specified in Subsection B(2)(e) of this section is met.
 - (4) A second driveway entrance or exit for large parking areas serving two (2) or more permitted uses may be permitted, provided that the two (2) access points are not closer than eight hundred (800) feet, and they both can meet the minimum sight distances specified in Subsection B(2)(e) of this section.
- D. Emergency vehicle access. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

§ 125-46. Bed-and-breakfast.

Bed-and-breakfast accommodations shall be permitted in the private, year-round residence of the host family who lives on the premises, provided that:

- A. The maximum number of guests at any time is six (6) persons, not including children under the age of twelve (12).
- B. The maximum number of guest rooms is three (3).
- C. Breakfast is the only meal provided by the host family.
- D. One (1) sign not to exceed four (4) square feet is permitted on the premises.
- E. The bed-and-breakfast operation shall not have any adverse effect on the neighbors.

§ 125-47. Buffering and screening.

All projects requiring site plan review under this Part 2 shall provide buffer strips and/or screening in accordance with the following standards:

A. Buffer strips. Buffer strips may be required of the following specified widths for the following areas and/or purposes:

- (1) Along any water body within or adjacent to the project, where the Board determines it desirable and necessary, to protect such water bodies from sedimentation and surface runoff. Such buffer strips shall be a minimum of seventy-five (75) feet in width.
- (2) Along any property line of any lot located in the Highway Commercial (HC) and Industrial Development (ID) Zones which abuts a Downtown Residential (R1), Medium Density Residential (R2) or Rural Development (RD) Zone. Such buffer strips shall be a minimum of twenty-five (25) feet in width if the adjacent lot is undeveloped, and fifty (50) feet if the adjacent lot is developed and there is no buffer strip on the adjacent lot. If there is a buffer strip on the adjacent lot and the applicant for site plan approval provides the Board with some form of guaranty that the adjoining buffer strip will remain undeveloped, the Board may reduce the required buffer strip by the width of the encumbered adjoining buffer strip.
- (3) Along on-site roads running parallel to an off-site road, where the Board determines it desirable and necessary, to prevent driver confusion particularly at night. Such buffer strips shall be a minimum of fifty (50) feet in width.
- (4) Along any property line which abuts Route 11 or 157, where the Board determines it desirable and necessary, to protect and enhance scenic character

and provide visual separation between the highway and adjacent uses. Such buffer strips shall be a minimum of fifty (50) feet in width.

- (5) Along any property line, where the Board determines it desirable and necessary, to shield incompatible uses from one another. Such buffer strips shall be a minimum of twenty-five (25) feet in width.
- (6) Along any property line, where the Board determines it desirable and necessary, to block prevailing winds to stop wind-borne debris from leaving the site. Such buffer strips shall be a minimum of twenty-five (25) feet in width.
- (7) Along any property line, where the Board determines it desirable and necessary, to prevent any proposed lighting from interfering with residential properties or with safe driving. Such buffer strips shall be a minimum of twenty-five (25) feet in width.
- (8) Along any property line, where the Board determines it desirable and necessary, of all exposed storage and service areas, sand and gravel extraction operations, utility buildings and structures, automobile salvage and junkyards, parking areas, garbage collection areas and loading and unloading areas, to minimize their visual impact on adjoining traveled ways and properties. Such buffer strips shall be a minimum of twenty-five (25) feet in width.
- (9) Where a potential safety hazard to children would be likely to arise, and physical screening sufficient to deter small children from entering the premises is determined by the Board to be desirable and necessary, a buffer strip shall be required.
- (10) In areas between important wildlife habitats to provide adequate space for the movement of wildlife

from one area to another. Such buffer strips shall be as recommended by the Maine Department of Inland Fisheries and Wildlife.

B. Screening. Screening, within the required buffer strips, in the form of natural or man-made barriers, existing vegetation or new plantings, if suitable existing vegetation and natural features do not exist, is required as follows:

- (1) Retention of natural features in buffer strips. Natural features in buffer strips shall be maintained wherever possible. When natural features, such as topography, gullies, stands of trees, shrubbery or rock outcrops, do not exist or are insufficient to provide the required screening, other kinds of screening shall be considered.
- (2) Classification of screens. Screening shall be classified as follows:
 - (a) Screening with an opaque screen: a visual screen that is opaque, from the ground to a height of at least six (6) feet with semiopaque visual barrier from above the opaque barrier to a height of at least twenty (20) feet. The purpose of this screen is to exclude all visual contact between uses and create a strong impression of spatial separation. Such screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation or appropriate combinations thereof.
 - (b) Screening with a semiopaque screen: a visual screen that is opaque, from the ground to a height of three (3) feet with semiopaque visual barrier from above the opaque barrier to a height of at least twenty (20) feet. The purpose of this screen is to partially block visual contact between uses and to create a strong separation of spaces. Such screen may be composed of a wall, fence, landscaped earth berm, planted

vegetation, existing vegetation or appropriate combinations hereof.

- (c) Screening with a broken screen: an intermittent visual screen from above the ground to a height of at least twenty (20) feet. The purpose of this screen is to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. Such screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation or appropriate combinations thereof.
- (3) Suggested screening combinations. The following suggested screening combinations are considered a minimum to achieve the above screen classifications:
- (a) Screening with an opaque screen:
 - [1] Small trees planted twenty (20) feet on center in combination with a six-foot-high evergreen hedge planted four (4) feet on center;
 - [2] Large trees planted thirty-five (35) feet on center in combination with a six-foot-high wooden fence; or
 - [3] Tall evergreen trees, stagger planted, with branches touching the ground.
 - (b) Screening with a semiopaque screen:
 - [1] Small trees planted twenty (20) feet on center in combination with a three-foot-high stone wall or wood fence;
 - [2] Small trees planted twenty (20) feet on center on top of a three-foot-high seeded earth berm; or
 - [3] Large trees planted thirty-five (35) feet on center in combination with a three-foot-

high evergreen hedge planted three (3) feet on center.

- (c) Screening with a broken screen. Small trees planted twenty (20) feet on center, small trees planted thirty (30) feet on center in combination with a split rail fence or large trees planted thirty-five (35) feet on center in combination with assorted shrubbery.
- (4) Screening required. The screening required for various areas and purpose are as follows:
- (a) In any buffer strip established between lots located in any of the commercial or industrial zones designated as HC or ID which abuts any residential zone designated as R1, R2 or RD: semiopaque screening.
 - (b) In any buffer strip established for the purpose of preventing driver confusion between on-site roads running parallel to an off-site road: semiopaque screening.
 - (c) In any buffer strip established for the purpose of protecting or enhancing the scenic character along Route 11 or 157: broken screening.
 - (d) In any buffer strip established for the purpose of shielding incompatible uses from one another: opaque or semiopaque screening.
 - (e) In any buffer strip established for the purpose of blocking prevailing winds to stop wind-borne debris from leaving the site: opaque or semiopaque screening.
 - (f) In any buffer strip established for the purpose of preventing any proposed lighting from interfering with residential properties or with safe driving: opaque or semiopaque screening.
 - (g) In any buffer strip established for the purpose of deterring small children from entering areas

with potential safety hazards: opaque screening.

- (h) In any buffer strip established for the purpose of screening exposed storage and service areas, sand and gravel extracting operations, utility buildings and structures, automobile salvage and junkyards, parking areas, garbage collection areas and loading and unloading areas, to minimize their visual impact on adjoining traveled ways and properties: opaque screening.
 - (i) Between lots located in any commercial zone designated as NC or DC which abut any residential zone designated as R1, R2 or RD, when, in the judgment of the Planning Board or Code Enforcement Officer, such screening is desirable and/or necessary to separate incompatible activities, minimize visual impact, protect property values and protect the public health, safety and general welfare: a wooden fence of appropriate design, height and construction.
- (5) Plant material specifications. Unless otherwise specifically indicated by the Planning Board, all plant material used for any screening required under this Part 2 shall meet the following minimum requirements:
- (a) All planting shall be of a type and species appropriate for the soil types, site conditions and climatic conditions of the Town of Millinocket.
 - (b) Plant material used for screening shall meet the following minimum size standards:

Plant Type	Size
Canopy tree, single stem	2.5-inch caliper
Understory tree	1.5-inch caliper

Plant Type	Size
Evergreen tree	5 to 7 feet high
Deciduous shrub	24 inches high
Evergreen shrub	18 inches high

- (c) Evergreen trees can be used as screening, provided that they are planted properly. An evergreen screen requires two (2) or three (3) rows of staggered plantings. The rows should be five (5) feet apart and the evergreens planted four (4) feet on center.
- (6) Maintenance of buffers and screening. Buffers and screening shall be located and maintained as follows:
 - (a) Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.
 - (b) Fencing and screening shall be durable and properly maintained at all times by the owner.
 - (c) All buffer strips shall be maintained in a neat and sanitary condition by the owner.
- (7) Plant material maintenance required. The owner of any premises approved by the Board under any section of this Part 2 shall have a continuing obligation to maintain required plantings in accordance with the terms of the Board's approval and in a good and healthy condition.

§ 125-48. Campgrounds.

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

- A. Each tent or shelter site shall contain a minimum of five thousand (5,000) square feet of suitable land in

shoreland areas [i.e., within two hundred fifty (250) feet, horizontal distance, of the normal high-water mark of any pond or river], and two thousand five hundred (2,500) square feet of suitable land in inland areas, not including driveways and roads, for each site.

- B. A minimum of two hundred (200) square feet of off-street parking plus maneuvering space shall be provided for each tent or shelter site.
- C. The area intended for placement of the tent or shelter site and utility and service buildings shall be set back a minimum of fifty (50) feet from the exterior lot lines of the camping area and one hundred (100) feet from the normal high-water elevation of any body of water.
- D. Screening shall be required to shield the campground from abutting areas.

§ 125-49. Conversions.

Conversion of existing structures into multifamily dwelling units, in zones permitting multifamily dwellings, may be permitted, provided that:

- A. Off-street parking for two (2) vehicles per dwelling unit plus maneuvering space will be provided.
- B. Approval of conversion plans by the fire, electrical and plumbing inspector(s) is required prior to issuance of a building permit.
- C. Each dwelling unit shall be at least four hundred (400) square feet in area for one-bedroom units plus one hundred twenty (120) square feet for each additional bedroom.
- D. Each dwelling unit shall have its own toilet and kitchen facilities, and no dwelling unit will share these facilities with any other dwelling unit.

§ 125-50. Dimensional requirements. [Amended 1-20-1994 by Ord. No. 1-94; 4-13-1995 by Ord. No. 1-95]

All structures and uses shall meet or exceed the following dimensional requirements:

A. Residential zone dimensional requirements.¹

Residential Zone Dimensional Requirements	R1 Downtown Residential Zone	R2 Medium Density Residential Zone	RD Rural Development Zone
Minimum lot size (square feet)	5,000	10,000	40,000
Minimum road/shore frontage (feet)	50	100	150
Minimum front yard setback from edge of right-of-way (feet)	10	25	50
Minimum side yard setback			
Principal structures (feet)	5	5/10 ²	20
Accessory structures (feet)	5	5	10
Minimum rear yard setback			
Principal structures (feet)	10	10	20
Accessory structures (feet)	5	5	10
Maximum lot coverage	60%	25%	20%
Maximum building height			
Principal structures (feet)	40	30	30
Accessory structures (feet)	<u>20</u>	16	16

NOTES:

¹ These dimensional requirements do not prohibit the change of a permitted use to another permitted use where the property or structure on or in which the use is located is a legal nonconformity.

² On all built-upon lots, one (1) side yard setback may be reduced to five (5) feet, provided that the remaining side yard setback is ten (10) feet. On all lots not built upon prior to January 1, 1994, both side yard setbacks shall be ten (10) feet or greater.

B. Commercial zone dimensional requirements.¹

Commercial Zone Dimensional Requirements	DC Downtown Commercial Zone	HC Highway Commercial Zone	NC Neighborhood Commercial Zone
Minimum lot size (square feet)	5,000	1 acre	7,500
Minimum road/shore frontage (feet)	50	200	75
Minimum front yard setback from edge of right-of-way (feet)	0	50	20
Minimum side yard setback			
Principal structures (feet)	N/A	25	10
Accessory structures (feet)	N/A	10	5
Minimum rear yard setback			
Principal structures (feet)	10	25	10
Accessory structures (feet)	5	10	5
Maximum lot coverage	90%	80%	60%
Maximum building height			
Principal structures (feet)	40	40	30
Accessory structures (feet)	20	20	16

NOTES:

¹ These dimensional requirements do not prohibit the change of a permitted use to another permitted use where the property or structure on or in which the use is located is a legal nonconformity.

C. Industrial zone dimensional requirements.¹

Industrial Zone Dimensional Requirements	ID Industrial Zone
Minimum lot size	2 acres
Minimum road/shore frontage	200/300 feet
Minimum front yard setback from edge of right-of-way	100 feet
Minimum side yard setback	
Principal structures	25 feet
Accessory structures	25 feet

Industrial Zone Dimensional Requirements

ID Industrial Zone

Minimum rear yard setback	
Principal structures	25 feet
Accessory structures	25 feet
Maximum lot coverage	30%
Maximum building height	
Principal structures	100 feet
Accessory structures	100 feet

NOTES:

¹ These dimensional requirements do not prohibit the change of a permitted use to another permitted use where the property or structure on or in which the use is located is a legal nonconformity.

D. Commercial forestland zone dimensional requirements.¹

Commercial Forestland Zone Dimensional Requirements

CF Commercial Forestland Zone

Minimum lot size	10 acres
Minimum road/shore frontage	200/300 feet
Minimum front yard setback from edge of right-of-way	100 feet
Minimum side yard setback	
Principal structures	25 feet
Accessory structures	25 feet
Minimum rear yard setback	
Principle structures	25 feet
Accessory structures	25 feet
Maximum lot coverage	30%

**Commercial
Forestland Zone
Dimensional Requirements**

**CF Commercial
Forestland Zone**

Maximum building height

Principal structures

100 feet

Accessory structures

100 feet

NOTES:

¹ These dimensional requirements do not prohibit the change of a permitted use to another permitted use where the property or structure on or in which the use is located is a legal nonconformity.

§ 125-51. Dust, fumes, vapors, gases, odors, glare and explosive materials.

- A. Emission of dust, dirt, fly ash, fumes, vapors or gases which pose an unreasonable risk of harm to human health or the environment shall be prohibited.
- B. No land use or establishment shall be permitted to produce unreasonable, offensive or harmful odors perceptible beyond its lot lines, measured either at ground or habitable elevations.
- C. No land use or establishment shall be permitted to produce unreasonable glare or brightness beyond its lot lines.
- D. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA), Sections 30, 58 and 59-A.

§ 125-52. Erosion and sedimentation control.

The following measures relating to conservation, erosion and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Part 2:

- A. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction and cleanup stages.
- B. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices:
 - (1) Stripping of vegetation, soil removal and regrading or other development shall be done in such a way as to minimize erosion.
 - (2) Development shall preserve outstanding natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
 - (3) The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site.
 - (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
 - (5) The disturbed area and the duration of exposure shall be kept to a practical minimum.
 - (6) Disturbed soils shall be stabilized as quickly as practicable.
 - (7) Temporary vegetation or mulching shall be used to protect disturbed areas during development.
 - (8) Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the County Soil and Water

Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends.

- (9) Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
- (10) The top of a cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjoining property, unless otherwise specified by the Planning Board. Extraction operations (gravel pits, etc.) shall not be permitted within one hundred (100) feet of any property line in absence of the prior written agreement of the owner of such adjoining property.
- (11) During grading operations, methods of dust control shall be employed wherever practicable.
- (12) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
- (13) Any activity on a stream, watercourse or swale or upon a floodway or right-of-way shall comply with the Natural Resource Protection Act, 38 M.R.S.A. §§ 480-A and 480-S. Any such activity shall also be conducted in such a manner so as to maintain as nearly as possible the present state of the stream, watercourse, swale, floodway or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such activity is completed.
- (14) Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open

discharge at the property line or at a communal watercourse within the property.

§ 125-52.1. Fences and retaining walls. [Added 1-12-1995 by Ord. No. 7-94]

A. Height standards.

- (1) Maximum fence heights. The maximum height of fences shall be as follows:
 - (a) Rear lines. The maximum height of any fence erected along the rear property line shall be eight (8) feet, except as further limited in Subsection A(2) below.
 - (b) Side lines. The maximum height of any fence erected along the side property lines, not fronting on the right-of-way of any public or private road, from the rear property line to the building front line shall be six (6) feet, except as further limited in Subsection A(2) below.
 - (c) Front yards. The maximum height of any fence erected between any side of a building facing a street and the street right-of-way shall be thirty-six (36) inches. In the case of double-frontage lots, this provision applies to both front lot lines.
- (2) Height exceptions. The Code Enforcement Officer may permit fence heights greater than those required in Subsection A(1):
 - (a) Upon a determination that such additional height is necessary to protect the public health, safety and general welfare.
 - (b) Upon a determination that such additional height is required by a more restrictive provision of a state law, rule or regulation or local ordinance, rule or regulation.

- (c) In front yards, when the higher fence is of a design that it will not create a safety problem or obstruct the visibility of vehicles or pedestrians entering or exiting adjoining or neighboring properties.
 - (d) When a special exception has been granted by the Board of Appeals as provided below.
- (3) Special exceptions. The Board of Appeals may authorize, as a special exception, the Code Enforcement Officer to permit fence heights greater than in Subsection A(1) above, after holding a public hearing and preparing written findings, that such additional height:
- (a) Will not result in an adverse impact on the public health, safety or general welfare.
 - (b) Will relate harmoniously to the terrain so as to have a minimum adverse affect on the environment and aesthetic qualities of the neighborhood.
 - (c) Will relate harmoniously to existing buildings in the vicinity that have a visual relationship with the proposed fence so as to have a minimum adverse affect on the view, air circulation, solar gain, light or the aesthetic qualities of the neighboring buildings.
 - (d) Will not be injurious to the comfort and happiness of individuals and the public or injurious to property rights and property values. The favorable testimony and written statements of affected abutting property owners shall be prima facie evidence that criteria in Subsection A(3)(c) and (d) have been met.
- (4) Retaining wall heights. The height of retaining walls shall be the minimum necessary to complete the retaining task.

B. Location standards.

- (1) Location. All parts, including the footings, of any fence or retaining wall shall be located on the property in which the person constructing the fence or retaining wall has a legal right or title.
- (2) Burden of proof. In all instances, the burden of proof as to where the property line is located shall be upon the person proposing to erect the fence or retaining wall.
- (3) Requiring a survey authorized. In situations where there is a dispute or where there is uncertainty on the part of the applicant as to exactly where the property line is located, the Code Enforcement Officer is authorized to require the submission of a line survey prepared and attested to by a registered land surveyor. If a survey is ordered, such a survey shall be submitted prior to the issuance of any fence permit.

C. Design and construction standards.

- (1) Design and construction. All fences and retaining walls shall be designed and erected or constructed so as not to pose a threat to the safety of the general public or abutting properties and to meet applicable local and state construction standards.
- (2) Dress side to face public ways and spaces. The dress side or the side showing the least amount of the post and rail structure of any fence shall face all public ways and publicly owned areas.
- (3) Dress side to face neighboring properties. The dress side or the side showing the least amount of the post and rail structure of any fence shall face all private properties abutting the property upon which the fence is being erected, unless the abutting landowner agrees otherwise in writing and a notarized copy of said agreement is provided to the Code Enforcement Officer.

D. Maintenance of fences and walls.

- (1) Proper maintenance required. All fences and retaining walls shall be maintained in such a manner as to be durable, safe, neat in appearance and structurally sound at all times.
- (2) Maintenance responsibility. Proper maintenance shall be the responsibility of the owner of record of the property on which the fence or retaining wall is located.
- (3) Order to repair authorized. Upon a determination that an existing fence or retaining wall constitutes a risk to the health and safety of the general public or to abutting properties, the Code Enforcement Officer is authorized to issue an order to repair to the owner of such fence or retaining wall.

E. Special situations.

- (1) Swimming pools. All swimming pools shall be enclosed with fences which meet the requirements of 30-A M.R.S.A. § 1631.
- (2) Junkyards and automobile graveyards. All junkyards and automobile graveyards shall be enclosed with fences or screening which meet the requirements of 30-A M.R.S.A. § 3755 and the provisions of § 125-55 of this chapter.

§ 125-53. Flood hazard areas.

When any part of a development is located in a flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the development shall be constructed with their lowest floor, including the basement, at least one (1) foot above the one hundred-year-flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

§ 125-54. Home occupations. [Amended 8-4-1994 by Ord. No. 4-94]

A. Purposes. The purposes of these home occupation provisions are in recognition of:

- (1) The need to protect market value of existing residential properties;
- (2) The need to guarantee existing residential property owners freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible adverse effects from commercial-type activities being conducted in residential areas;
- (3) The need of some citizens to use their place of residence for limited commercial type activities to produce or supplement personal or family income;
- (4) The fact that certain limited home occupational uses can be useful to both the community as well as the residential-proprietor;
- (5) The fact that the nature of the investment or operation of some activities have a pronounced tendency once started to rapidly increase beyond the limits permitted and thereby impair the use and value of residentially zoned areas for residential purposes; and
- (6) The town's obligation to protect the integrity of its residential areas from activities which detract from the residential character of a neighborhood and infringe upon the rights of neighborhood residents.

B. General limitations. Uses permitted as home occupations shall be limited as follows:

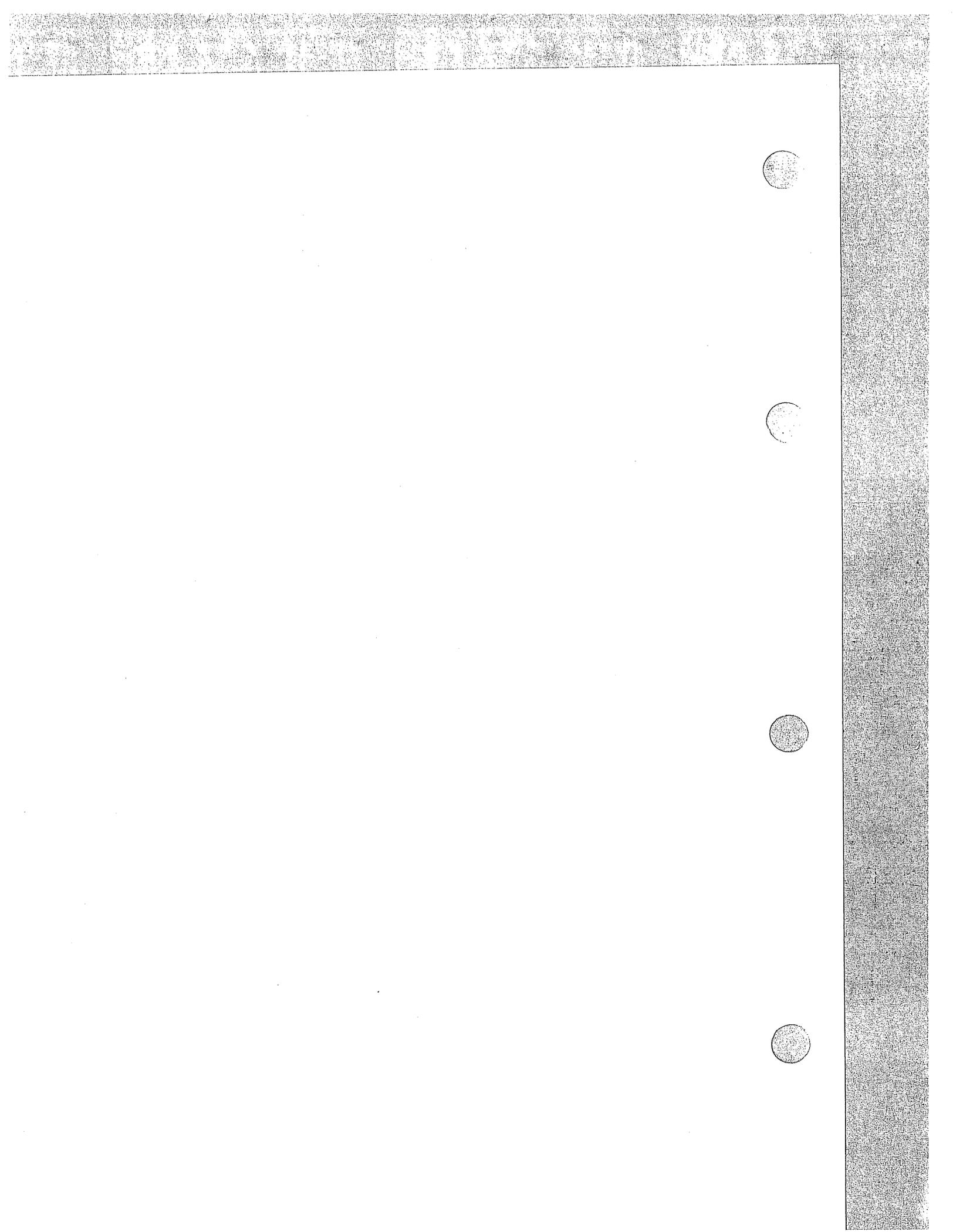
- (1) Uses that are limited in extent;
- (2) Uses that are clearly incidental and subordinate to the use of the premises for residential purposes;

- (3) Uses that do not substantially change the appearance or condition of the residence or accessory structure;
- (4) Uses that are compatible with neighboring residential uses; and
- (5) Do not detract from the residential character of the neighborhood.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

HOME OCCUPATION — Any use of a legally existing residential property which is consistent with the limitations established in Subsection B above and which is in compliance with the performance standards established in Subsection D below. Uses which are not consistent with the limitations established in Subsection B above and/or which are not in compliance with the

(Cont'd on page 12553)



performance standards established in Subsection D below shall not be registered as a home occupation or be issued a permit as a home occupation. Such activities shall be considered by definition either a conforming or a nonconforming commercial activity.

- D. Performance standards. In any legally existing dwelling unit or accessory structure, home occupations may be conducted, provided that they are in compliance with the applicable requirements of Article VIII and the following performance standards:
- (1) Number allowed per residential unit. The total number of home occupations conducted within a dwelling unit is not limited, except that the cumulative impact of all home occupations conducted within the dwelling unit or on the premises thereof shall not be greater than the impact of one (1) home occupation.
 - (2) Appearance. In no way shall the appearance of the residential structure or the premises be altered by a home occupation, and in no way shall the home occupation be conducted such that the structure or premises differs from its residential character by the use of colors, materials, premises layout, construction or lighting.
 - (3) Garage sales and yard sales. Home occupations do not include garage sales and yard sales.
 - (4) Home occupations involving classes or instruction. If the home occupation is the type in which classes or instruction is given, there shall be no more than four (4) students or pupils in the dwelling unit or on the premises at any one (1) time, provided that the Planning Board may grant specific conditional approval of a reasonable number of additional students if it is found that the additional students will not generate additional motor vehicle traffic. This requirement limiting class size shall not be construed to prohibit occasional exceptions for

events such as recitals, demonstrations and other similar gatherings.

- (5) Retail sales limited. Retail sales, on premises, shall be prohibited except for the retail sales of merchandise, products, supplies or goods produced or fabricated on the premises as a result of the home occupation, provided that incidental retail sales may be made in connection with other permitted home occupations. (Examples: a single-chair beauty parlor would be allowed to sell combs, hair spray and other miscellaneous items to customers. A dressmaker would be permitted to sell only clothing produced or fabricated on site and would not be allowed to purchase stocks of dresses for sale to the general public on-site.)
- (6) Number of employees.
 - (a) Not more than one (1) person other than members of the immediate family permanently residing on the premises shall be employed, on a full-time or part-time basis, in the home occupation, except that the Planning Board may grant specific conditional approval of up to two (2) additional persons to be employed on a part-time basis for periods not to exceed three (3) months if it is found that the additional persons will not generate additional motor vehicle traffic.
 - (b) Persons engaged in building trades or similar fields, using their dwelling units or residential premises as an office for business activities carried on off the premises, may have more employees if they are not employed on the premises.
- (7) Space/floor area devoted to home occupation. A home occupation shall be conducted only within the dwelling unit or an accessory building and shall not occupy more than fifty percent (50%) of the

combined total floor area of the dwelling unit and accessory buildings on the premises, excluding any unenclosed areas such as decks and open porches, etc.

- (8) Outdoor display and storage. There shall be no outside operations, storage or display of products, materials, goods, supplies or equipment associated with the home occupation without the specific conditional approval of the Planning Board based upon a determination that such out-of-doors operation can be accomplished without adverse impact to adjoining properties and the traveling public, except that samples of goods sold or job-related materials may be carried in vehicles used for business purposes.
- (9) Off-street parking. The home occupation shall not require more than two (2) on-street parking spaces, for clients or customers, in addition to the off-street parking spaces available to the residence. The two (2) on-street spaces shall be limited to parking within the street frontage of the residence.
- (10) Home deliveries.
 - (a) Home occupations shall not involve the use or storage of tractor trailers, semi-trucks or heavy equipment such as fuel trucks, logging or construction trucks or equipment.
 - (b) Deliveries shall not exceed those normally and reasonably occurring from a residence and shall not include more than an average of four (4) deliveries of products or materials per day.
 - (c) At any one (1) time only one (1) commercial vehicle associated with the activities of the home occupation may be parked on-street near the premises for more than one (1) consecutive hour.
- (11) Signs.

- (a) There shall be no signs related to the home occupation present on the property, except one (1) flush-mounted wall sign, not over three (3) square feet in area, indicating only the address and occupant's name and occupation.
- (b) The Planning Board may grant specific conditional approval of larger signs and non-flush-mounted signs upon a determination that a sign would not detract from the essential residential appearance of the particular dwelling and is consistent with the character of the zone in which it is located.
- (c) Flush-mounted wall signs in existence prior to January 1, 1993, shall be considered as a legally existing nonconforming sign and shall not be used as a basis for not registering a use as a home occupation.

(12) Adverse impacts.

- (a) A home occupation shall not be permitted to produce any offensive noise, vibration, smoke, electrical interference, dust, odors or heat. Any noise, vibration, smoke, electrical interference, dust, odors or heat detectable beyond the property lines shall constitute a violation of the terms of this provision.
- (b) Home occupations which will constitute a fire hazard to neighboring residences, will adversely affect neighboring property values or will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, excessive noise, odors or other circumstances shall not be approved.

(13) Hours of operation. In no case shall a home occupation be open to the public at times earlier than 8:00 a.m. nor later than 9:00 p.m.

E. Administrative procedures.

- (1) Registration required. All home occupations established, operated or maintained in the Town of Millinocket are required to register with the Code Enforcement Officer, as follows:
 - (a) Existing home occupations. Within six (6) months of the effective date of this provision all existing home occupations are required to register.
 - (b) Registration forms. Applications to register a home occupation shall be on forms provided by the Code Enforcement Officer.
 - (c) Registration limited. Uses which do not meet the definition of a home occupation, as provided in Subsection C above, shall not be registered as a home occupation.
 - (d) Failure to register. A failure to register as required in Subsection E(1)(a) above shall be deemed abandonment of any right to operate a nonconforming home occupation regardless of actual intent. Thereafter, that home occupation will be required to obtain a permit and treated as though it were a new home occupation.
- (2) Permits required. Prior to the establishment of a new home occupation after the effective date of this provision, the owner of the residential property shall apply for a permit from the Code Enforcement Officer pursuant to § 125-93F.
 - (a) Application forms. Applications for a home occupation permit shall be on forms provided by the Code Enforcement Officer.
 - (b) Permits limited. Permits for home occupations are limited as follows:
 - [1] Permits for home occupations shall be granted to a designated person who resides at the residential address.

- [2] Permits for home occupations are not transferable from person to person or from address to address.
 - [3] Should a home occupation permit holder die or move to a new location, the existing permit shall be automatically terminated, except that, in the case of death, the surviving spouse or child residing at the same address may continue the permit upon notice to and written authorization from the Code Enforcement Officer.
 - [4] In cases where an application is considered not to be in compliance with the home occupation performance standards, the application will be denied.
- (c) Revocation of a permit. The Code Enforcement Officer may revoke any home occupation permit for noncompliance with the criteria set forth in this Part 2. If the permit is revoked, such home occupation use shall be terminated.
- (d) Compliance with other applicable statutes and standards. Home occupations shall comply with all local, state or federal regulations pertinent to the activity pursued, and the requirements of or permission granted by this section shall not be construed as an exemption from such regulations.
- (e) Inspections.
- [1] Initial inspection. The premises to be used for a home occupation shall be inspected by the Code Enforcement Officer prior to any approval or registration of a home occupation permit.
 - [2] Compliance inspections. Home occupation applicants shall permit a reasonable inspection of the premises by the Code En-

forcement Officer or designee to determine compliance with this Part 2.

§ 125-55. Junkyards. [Amended 8-4-1994 by Ord. No. 4-94]

A. No junkyard as defined in this Part 2 shall be established, operated or maintained without first obtaining site plan approval by the Planning Board, a nontransferable land use permit issued by the Town Council in accordance with state licensing and local requirements, and complying with the following provisions:

- (1) Junkyards shall be located a minimum of two hundred (200) feet from the edge of the right-of-ways and shall be set back one hundred (100) feet from all side and rear lot lines.
- (2) Junkyards shall be located a minimum of three hundred (300) feet from any public park, facility or grounds.
- (3) Junkyards shall be entirely screened from view by earth berms, plantings or fences, which shall be well constructed and properly maintained at a minimum height of six (6) feet and sufficient to accomplish the complete screening from ordinary view.

B. In addition, the following provisions apply to the operation of all junkyards, as defined, in the Town of Millinocket:

- (1) Upon arrival at the junkyard, all fuel, engine oil and radiator, battery and transmission fluids, etc., shall be drained from all vehicles, and appropriate safety precautions, such as the removal of door and trunk locks, shall be taken to avoid injury and accidents.
- (2) No vehicles may remain intact in the yard for more than thirty (30) days, and complete processing of vehicles into salvage materials shall be accomplished within four (4) months.

- (3) All junk and salvage materials shall be stored within the screened/fenced areas and the operation shall be conducted in such a manner as to prevent unsightliness to the adjacent area.
- (4) No open burning of salvage material or junk shall be permitted on the premises. Waste fluids and unusable materials shall be disposed of in an environmentally sound manner.

§ 125-56. Land not suitable for development.

A. The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size requirements of this Part 2:

- (1) Land which is situated below the normal high-water mark of any water body.
- (2) Land which is located within the one-hundred-year frequency floodplain as identified by the Federal Emergency Management Agency or the Department of Housing and Urban Development, Flood Insurance Administration, unless the developer shows proof through the submittal of materials prepared by a registered land surveyor that the property in question lies at least one (1) foot above the one-hundred-year flood level. The elevation of filled or made land shall not be considered.
- (3) Land which is part of a right-of-way or easement, including utility easements.
- (4) Land which, on or after the date of the adoption of this Part 2, is created by filling or draining a pond or wetland.
- (5) Land that has been determined to be a freshwater wetland, as defined in 38 M.R.S.A. § 480-B.

- B. This section does not apply to existing single lots of record proposed to be utilized for single-family residences only.

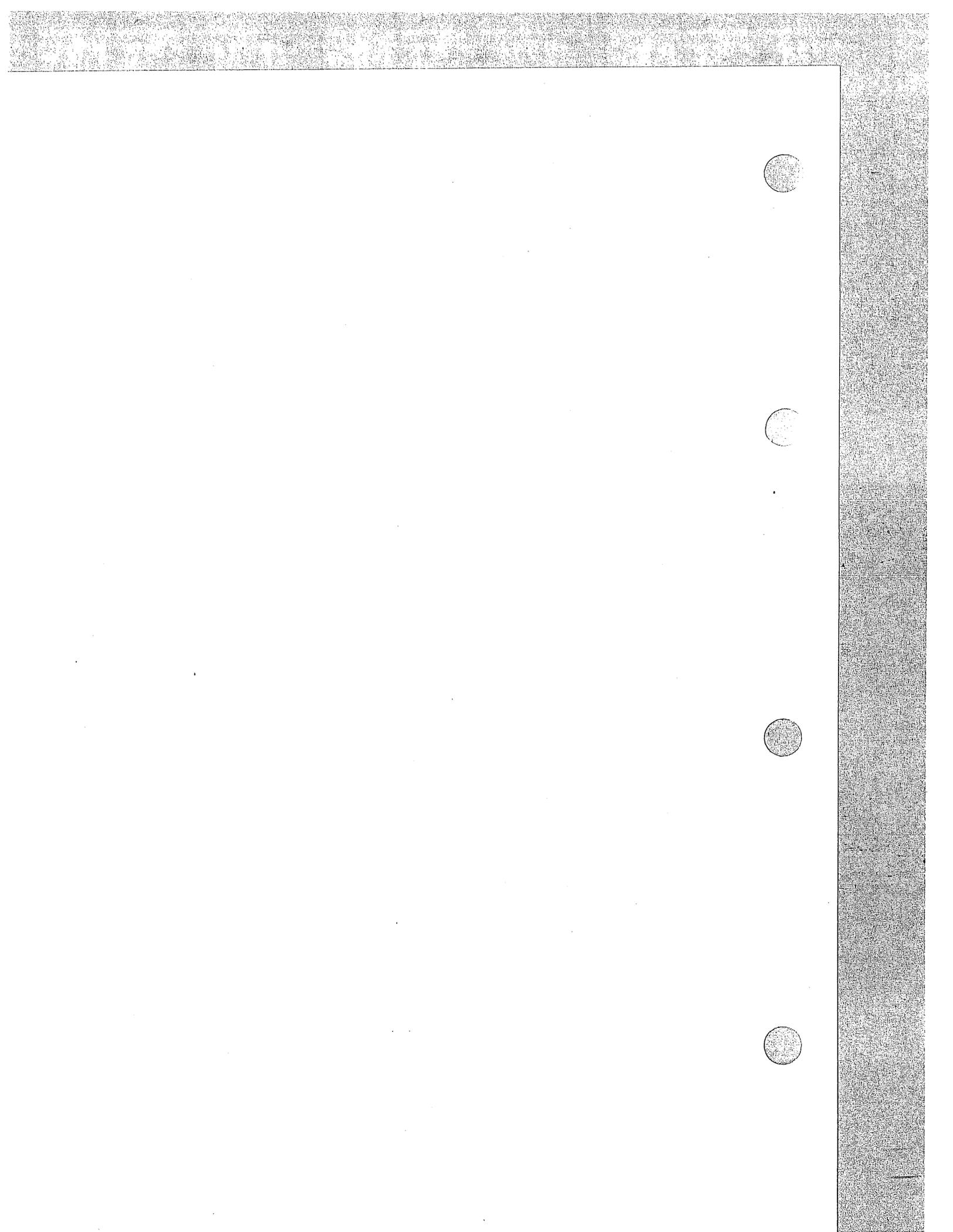
§ 125-57. Lighting.

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 vehicular 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.

§ 125-58. Mineral exploration and extraction.

The following requirements for mineral exploration and extraction activities shall apply in all zones, except as otherwise hereinafter provided:

- A. The following requirements shall apply to mineral exploration activities:
- (1) All excavations, including test pits and holes, shall be promptly capped, refilled or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety.
 - (2) Filter strip.
 - (a) Mineral exploration activities or associated accessways, where the operation of machinery used in such activities results in the exposure of mineral soils, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed



mineral soil and the normal high-water mark of surface water areas:

Average Slope of Land Between Exposed Mineral Soil and Normal High-Water Mark (percent)	Width of Strip Between Exposed Mineral Soil and Normal High-Mark (feet along surface of the ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

- (b) The provisions of this Subsection A(2) apply only on a face sloping toward the water; provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet. The provisions of this subsection do not apply where accessways cross such waters.
- (3) Except when surface waters are frozen, accessways for mineral exploration activities shall not utilize stream channels bordered by protection zones except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with this Part 2, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surfaces which would not be eroded or otherwise damaged.
- (4) Accessway approaches to stream channels shall be located and designed so as to divert water runoff from the way in order to prevent such runoff from directly entering the stream.

- (5) In addition to the foregoing minimum requirements, when conducting mineral exploration activities and creating and maintaining associated accessways, provision shall be made to effectively stabilize all areas of disturbed soil so as to reasonably avoid soil erosion and sedimentation of surface waters. These measures shall include seeding and mulching if necessary to ensure effective stabilization.

B. The following requirements shall apply to mineral extraction activities in all zones:

- (1) No portion of any ground area disturbed by the extraction activity on a face sloping toward the water shall be closer to the normal high-water mark of a flowing or standing body of water than is indicated by the following table; provided, however, that no portion of such ground area on a back face shall be closer than fifty (50) feet.
- (2) No portion of any ground area disturbed by the extraction activity shall be closer than fifty (50) feet to any public roadway or one hundred (100) feet to any property line in the absence of the prior written agreement of the owner of such adjoining property.

Average Slope of Land Between Exposed Mineral Soil and Normal High-Water Mark (percent)	Width of Strip Between Exposed Mineral Soil and Normal High-Mark (feet along surface of the ground)
0	50
10	90
20	130
30	170
40	210
50	250
60	290
70	330

- (3) Within two hundred fifty (250) feet of any water body, the extraction area shall be protected from soil erosion by ditches, sedimentation basins, dikes,

dams or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body. Any such control device shall be deemed part of the extraction area for the purposes of Subsection B(2) above.

- (4) A natural vegetative screen of not less than fifty (50) feet in width shall be retained between any facility intended primarily for public use, excluding privately owned roads, and the mineral exploration or extraction activity.
- (5) Within twelve (12) months following the completion of extraction operations at any extraction site, or when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve-month period, ground levels and grades shall be established in accordance with the following:
 - (a) All debris, stumps and similar material shall be removed for disposal in an approved location or shall be buried on-site. Only materials originating on site may be buried or covered on site.
 - (b) The final graded slope shall be two to one (2:1) slope or flatter.
 - (c) Topsoil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the areas. Additional topsoil or loam shall be obtained from off-site sources, if necessary, to complete the stabilization project.
- (6) In keeping with the purposes of this Part 2, 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, including but not limited to any reasonable form of performance guaranty such as a performance bond.

C. The following requirements shall apply to topsoil, sand and gravel extraction in all zones:

- (1) Topsoil shall be considered part of all developments, except mineral extraction, and shall not be removed from the site except for surplus topsoil from roads, parking areas and building excavations.
- (2) Extraction shall not be allowed below three (3) feet above the average seasonal high-water table. No ditches, trenches, pumping or other methods shall be used to lower the water table or permit more gravel extraction than could occur under normal conditions.
- (3) Access roads into and around the pit shall not be oiled, salted or paved.
- (4) The pit shall not be used for storage or dumping of any substances that could produce a harmful leachate, both during operation of the pit and following its permanent closure.
- (5) Storage of hazardous materials and petroleum products in the pit is prohibited.
- (6) Refueling and oil changes in the pit are prohibited, unless adequate protection and containment is provided.

§ 125-59. Mobile home parks.

Mobile home parks shall conform to the regulations of Chapter 83, Article I, Mobile Home Parks, of the Millinocket Code.

§ 125-60. Mobile homes and recreation vehicles.

- A. Any mobile home not intended to be a permanent fixture on the land shall be parked only in a duly authorized mobile home park, except that a mobile home may be

permitted on the site of a construction project for not more than two (2) consecutive six-month periods, provided that a special permit is issued by the Code Enforcement Officer for each six-month period. Such permit may only be issued if the Code Enforcement Officer is satisfied that:

- (1) The mobile home is a necessary convenience for the construction project and is clearly subordinate to such project.
 - (2) No health hazards or problems of sanitation will be caused by improper disposal of sewage from the mobile home.
- B. The Code Enforcement Officer may issue a special permit for use of a mobile home for a temporary construction office for up to six (6) months in zones where offices are permitted or on construction sites anywhere in the Town of Millinocket.
- C. Recreation vehicles shall in no case be used as a permanent dwelling, and any recreation vehicles in use as a temporary dwelling shall be stationed only in an authorized campground or trailer park or on the premises of a consenting private property owner for use only by members of the property owner's family or social guests.
- D. Except as specifically permitted by this Article, no mobile home shall be used for any purpose nor placed on any lot, except in the R1, RD, DC, HC and NC Zones or in an authorized mobile home park.
- E. Notwithstanding the other provisions of this Article, unoccupied mobile homes may be placed on a lot for sale by a dealer where permitted by this Part 2.

§ 125-61. Multiple uses on a single lot.

- A. No structure shall hereinafter be erected, altered or utilized if the effect of such erection, alteration or

utilization is to create more than one (1) use on a single lot unless multiple uses are permitted in the zone in which such lot is located.

- B. More than one (1) use may be permitted in the same structure in the Neighborhood Commercial (NC), Downtown Commercial (DC), Highway Commercial (HC) and Industrial (ID) Development Zones on any lot that is not a nonconformity.

§ 125-62. Municipal services.

The proposed development shall not have an unreasonable adverse impact on the municipal services, including municipal road systems, Fire Department, Police Department, solid waste program, sewage treatment plant, schools, open spaces, recreational programs and facilities and other municipal services and facilities.

§ 125-63. Off-street loading and unloading requirements.

On every lot on which a commercial or industrial use is hereafter established, space with access to a public street shall be provided as indicated below for the loading and unloading of vehicles:

- A. Retail business: one (1) space twelve by fifty-five (12 x 55) feet with a minimum overhead clearance of fifteen (15) feet for the first five thousand (5,000) square feet or fraction thereof of floor space, plus one (1) space for any floor space in excess of five thousand (5,000) square feet.
- B. Wholesale business and industrial: one (1) space twelve by fifty-five (12 x 55) feet with a minimum overhead clearance of fifteen (15) feet for each eight thousand (8,000) square feet of floor space or fraction thereof.
- C. Truck and bus terminals: sufficient space to accommodate the maximum number of buses or trucks

that would be stored, loaded and unloaded at the terminal at any one (1) time.

D. Applicability limited.

- (1) The above off-street loading and unloading requirements do not apply to the conversion of any existing residential building to a commercial use or any existing commercial building from one commercial use to another commercial use or a permitted industrial use, in the Neighborhood Commercial Development Zone (NC), Downtown Commercial Development Zone (DC), Highway Commercial Development Zone (HC) or Industrial Development Zone (ID).
- (2) The above off-street loading and unloading requirements do apply to the conversion of any existing residential building from a residential use to a permitted commercial use in the Downtown Residential Zone (R1) and Rural Development Zone (RD). **[Amended 11-19-1992 by Ord. No. 7-92]**

§ 125-64. Off-street parking.

A. Parking space shall be provided as follows:

- (1) No structure shall be erected nor shall any of the following uses be established unless at least the minimum number of off-street parking spaces as specified below is provided. Where a fractional number of spaces would be called for, at least the next higher whole number of spaces shall be required. Each parking space shall measure at least nine (9) feet in width by eighteen (18) feet in length and shall have access for vehicles to a public street. Parking lots for more than five (5) vehicles shall be so arranged that vehicles can be turned around within such lots without entering the street. Private roads, separated from public rights-of-way, but not

allowing for turnaround space, are deemed adequate for these requirements.

- (a) Automobile repair and filling stations: one (1) space for each regular employee, plus one (1) space for each fifty (50) square feet of floor area used for service work.
- (b) Boarding- and rooming houses: one (1) space for each guest room.
- (c) Drive-in restaurants and dairy stands: ten (10) spaces, plus one (1) additional space for each person serving or preparing food on the largest shift employed at least once a week on a regularly scheduled basis during the peak season of operations.
- (d) Funeral parlors: twenty (20) spaces.
- (e) Hospitals and nursing homes: one (1) space for each five (5) beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees.
- (f) Hotels: one (1) space for each guest bedroom, plus one (1) space for each four (4) employees.
- (g) Industrial establishments: one (1) space for each one (1) or two (2) employees, at the maximum employment level, on the two (2) shifts of highest employment combined, plus one (1) space for each company vehicle operating from the premises.
- (h) Fraternal organizations and clubs: one (1) space for each five (5) members.
- (i) Business and professional offices: one (1) space for each two hundred (200) square feet of working space.

- (j) Places of amusement or public assembly: one (1) space for each fifty (50) square feet of floor area devoted to patron use.
 - (k) Residential: two (2) spaces for each dwelling unit.
 - (l) Restaurants, cocktail lounges and bottle clubs: one (1) space for each four (4) customer seats, plus one (1) space for each two (2) employees.
 - (m) Retail business: four (4) spaces for each one thousand (1,000) square feet of sales area.
 - (n) Roadside farm stands: four (4) spaces.
 - (o) Elementary schools: two (2) spaces per classroom, plus one (1) space for every four (4) seats of public assembly or ten (10) spaces for every one thousand (1,000) square feet of assembly space if there are no fixed seats.
 - (p) High schools: five (5) spaces per classroom, plus one (1) space for every four (4) seats of public assembly or ten (10) spaces for every one thousand (1,000) square feet of assembly space if there are no fixed seats.
 - (q) Banks: one (1) space per one hundred fifty (150) square feet of floor area.
 - (r) Tourist courts and motels: one (1) space for each accommodation.
 - (s) Wholesale business: one (1) space for each three hundred (300) square feet of floor space.
 - (t) Churches: one (1) space for each five (5) persons' seating capacity.
- (2) For uses not specifically listed in this section, the Code Enforcement Officer shall prescribe the number which in no case will be less than an adequate number to provide for employees, customers and visitors anticipated on the site.

B. Location on other property. If the required automobile parking spaces cannot be provided on the same lot where the principal use is conducted, the Planning Board can permit that such spaces may be provided on other off-street property, provided that such property lies within four hundred (400) feet of the main entrance to such principal use and is in the same zone. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner; provided, however, that it may serve different principal uses at different times of day.

C. Parking area shading.

- (1) Parking areas shall be shaded by deciduous trees, either retained or planted by the developer, that have or will have when fully mature a trunk at least twelve (12) inches in diameter. When trees are planted by the developer to satisfy the requirements of this subsection, the developer shall choose trees that are suitable to the site, soils and climate.
- (2) Each tree of the type to be used shall be presumed to shade a circular area having a radius of fifteen (15) feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, twenty percent (20%) of the parking area will be shaded.
- (3) No paving may be placed within twelve and one half (12^{1/2}) feet, measured from the center of the trunk, of any existing tree to be retained, and new trees planted shall be located so that they are surrounded by at least two hundred (200) square feet of unpaved area.
- (4) Parking areas shall be laid out and provisions made to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhang of three (3) feet six (6) inches.

- (5) If space that would otherwise be devoted to parking cannot be so used because of the planting requirements above and, as a result, the parking requirements of this § 125-64 cannot be satisfied, the number of required spaces may be reduced by the number of spaces lost, up to a maximum of fifteen percent (15%) of the required spaces.

D. Applicability limited.

- (1) The above off-street parking requirements do not apply to the conversion of any existing residential building to a commercial use or any existing commercial building from one commercial use to another commercial use or a permitted industrial use, in the Neighborhood Commercial Development Zone (NC), Downtown Commercial Development Zone (DC), Highway Commercial Development Zone (HC) or Industrial Development Zone (ID).
- (2) The above off-street parking requirements do apply to the conversion of the existing residential building from a residential use to a permitted commercial use, in the Downtown Residential Zone (R1) and Rural Development Zone (RD). **[Amended 11-19-1992 by Ord. No. 7-92]**

§ 125-65. Oil and chemical storage.

- A. All storage of petroleum or liquid petroleum products shall be in conformance with the provisions of 38 M.R.S.A. § 541 et seq., which, among other things, establishes a ten-year compliance schedule for the discontinuance and removal of nonconforming underground oil storage facilities and requires qualified personnel to oversee the removal of certain underground facilities.
- B. Such storage shall be in conformance with the NFPA codes applicable to the stored substance.

- C. When applicable, the applicant shall have the burden of proof to assure the Planning Board or Code Enforcement Officer that all provisions of the above statutes have been met before the issuance of any permits may take place.

§ 125-66. On-site circulation.

- A. Vehicular circulation. The layout of the site shall provide for the safe movement of passenger, service and emergency vehicles through the site.
- (1) Nonresidential projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for all vehicles, including tractor trailers.
 - (2) Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate language.
 - (3) The layout and design of parking areas shall provide for safe and convenient circulation of vehicles and prevent their backing out onto a street.
 - (4) All streets and accessways shall be designed to harmonize with the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage and delivery and collection services.
- B. Pedestrian circulation. The development plan shall provide for a system of pedestrian circulation within the development. This system shall connect with existing sidewalks if they exist in the vicinity of the project. The pedestrian network may be located within the street right-of-way or outside of the right-of-way in open space or recreation areas. The system shall be designed to link residential units with recreational and commercial

facilities, other common facilities, school bus stops and existing sidewalks in the neighborhood.

C. Applicability limited.

- (1) The above on-site circulation requirements do not apply to the conversion of any existing residential building to a commercial use or any existing commercial building from one commercial use to another commercial use or a permitted industrial use, in the Neighborhood Commercial Development Zone (NC), Downtown Commercial Development Zone (DC), Highway Commercial Development Zone (HC) or Industrial Development Zone (ID).
- (2) The above on-site circulation requirements do apply to the conversion of any existing residential building from a residential use to a permitted commercial use, in the Downtown Residential Zone (R1) and Rural Development Zone (RD).

§ 125-67. Pollution levels.

Any pollutant introduced into soil on the site shall not exceed a concentration in the groundwater that is greater than the guideline established for it in the Safe Drinking Water Standard, Environmental Protection Agency (EPA) Health Advisory or National Academy of Science (NAS) Health Advisory. Any violation of this standard shall be cause to order the immediate cessation of the use or activity responsible for the contamination. The land owner, contractor, occupant or any other person with authority over the land, structure or activity responsible for the contamination shall be jointly responsible for the cost of all remedial actions and damages resulting therefrom.

§ 125-68. Preservation and enhancement of the landscape.

- A. The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal and disturbance of soil and retaining existing vegetation during construction. After construction is completed, landscaping shall be completed that will define, soften or screen the appearance of off-street parking areas, buildings and other structures from the public right-of-way and abutting properties in order to enhance the physical design of the proposed development and to minimize the encroachment of the proposed uses on neighboring land uses.
- B. 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 minimum adverse affect on the environment and aesthetic qualities of the developed and neighboring areas.
- C. Environmentally sensitive areas, such as wetlands, steep slopes, floodplains and unique natural features shall be maintained and preserved to the maximum extent possible. Natural drainage areas shall be preserved to the maximum extent possible.

§ 125-69. Private rights-of-way.

- A. No private right-of-way shall be created to satisfy the frontage requirements for any lot, any portion of which abuts a public way.
- B. Any new private right-of-way shall be at least fifty (50) feet in width. No such right-of-way shall be created over any existing lot or lots so that the balance of any such existing lot, exclusive of the area occupied by the right-of-way, would fail to meet any of the requirements of this Part 2 for lot size, frontage, lot coverage or yard sizes.

§ 125-70. Signs.

- A. Conformance of signs. No sign shall hereafter be erected, altered or maintained within the limits of the Town of Millinocket, Maine, except in conformance with the provisions of this section.
- B. Signs prohibited. No sign, whether new or existing, shall be permitted within the Town of Millinocket, Maine, which causes a sight, traffic, health or welfare hazard or results in a nuisance, due to illumination, placement, display or obstruction of existing signs.
- C. On-premise signs. Owners or occupants of real property may erect and maintain on-premise signs which advertise the sale or lease thereof or activities being conducted thereon, provided that said signs are in conformance with the regulations set forth below:
- (1) The maximum size for each individual sign in a residential zone (R2) shall not exceed four square feet. **[Amended 8-26-1999 by Ord. No. 5-99; 3-11-2004 by Ord. No. 1-2004]**
 - (2) The maximum aggregate area of all signs for an individual use in the R2 Zone shall not exceed six square feet. **[Amended 3-11-2004 by Ord. No. 1-2004]**
 - (3) The maximum size for each individual sign in the Downtown Commercial Development Zone (DC) shall be determined by the Planning Board on the basis of the existing character of the area.
 - (4) The maximum size for each individual sign in the Highway Commercial Development Zone (HC) shall be 110 square feet.
 - (5) The maximum size for each individual sign located in all other zones, unless otherwise limited or prohibited, shall not exceed 40 square feet.

- (6) On-premise signs, other than wall or projecting signs, shall not extend more than 20 feet above ground level and shall not have a supporting structure which extends more than two feet above such sign.
 - (7) Projecting signs must be at least nine feet above pedestrian level and may project no more than three feet from the building.
 - (8) No sign shall be permitted which is erected or maintained on any tree or painted or drawn upon any rock or other natural feature or any utility pole.
 - (9) One sign identifying the name, address and profession or occupation of a permitted home occupation or a lawfully existing nonconforming home occupation is permitted, provided that such sign does not exceed four square feet in area and is not internally illuminated.
 - (10) Directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material or display area, not exceeding two square feet and not extending higher than four feet above ground level are permitted.
- D. Temporary signs. The following temporary signs are permitted, provided that said signs conform to all standards of this section and all other municipal, federal and state ordinances, statutes and/or regulations:
- (1) Temporary signs giving notice. Signs of a temporary nature, such as political posters, advertisements of charitable functions, notices of meetings or other noncommercial signs of a similar nature, are permitted for a period not to exceed 30 days, provided that the persons who posted the signs shall be responsible for their removal.
 - (2) Temporary yard sale signs. Temporary yard sale signs are permitted, provided that they do not exceed the size standards of Subsection C of this

§ 125-71. Site conditions.

- A. During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Code Enforcement Officer or other authorized personnel. The developer shall make provision for disposal of oil and grease from equipment, and the site area should be regularly treated to control dust from construction activity.
- B. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris. Excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the Code Enforcement Officer prior to issuing a certificate of occupancy.

§ 125-72. Utilities; sewage disposal; waste disposal; water supply.**A. Utilities.**

- (1) Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site.
- (2) Underground utilities shall be installed prior to the installation of the final gravel base of the road.
- (3) The size, type and location of streetlights and utilities shall be shown on the plan and approved by the Planning Board.

B. Sewage disposal.

- (1) Subsurface sewage disposal. No permit shall be issued for a project with subsurface sewage disposal unless:

section and provided that they are removed within 24 hours of the completion of the sale. Yard sales which extend for more than three consecutive days are considered a commercial use.

- E. Sign requirements. All signs within the limits of the Town of Millinocket shall meet the following requirements:
- (1) No sign shall project over a walkway or interfere in any way with the normal flow of foot or vehicular traffic. All freestanding signs shall be set back a minimum of five feet from property lines in all zones, except in the Downtown Commercial Development Zone (DC).
 - (2) No sign shall contain, include or be illuminated by flashing, blinking, intermittent or moving lights.
 - (3) Signs may be illuminated only by shielded nonflashing lights so as to effectively prevent beams or rays of light from being directed at neighboring residential properties or any portion of the main traveled way of a roadway, or if the illumination is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof.
- F. Exempt signs. The following signs are exempt from the provisions of this section except as otherwise provided for herein:
- (1) Signs erected by a government body.
 - (2) Traffic control signs, signals and/or devices.
 - (3) Signs legally in existence prior to the adoption of this Part 2, or subsequent amendment hereto.

- (a) There is an area of sufficient size of suitable soils, under the Maine State Plumbing Code, to accommodate the proposed system.
 - (b) An acceptable plan to construct the absorption area is prepared in accordance with the Maine State Plumbing Code.
- (2) In lieu of Subsection B(1)(a) and/or (b) above, the applicant shall demonstrate that any deficiencies of the soil for purposes of sewage disposal can and will be overcome by a suitable engineering solution.
- C. Waste disposal. The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes.
- (1) All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
 - (2) All hazardous wastes shall be disposed of at a licensed hazardous waste disposal facility, and evidence of a contractual arrangement with the facility shall be submitted.
- D. Water supply. The development shall be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

ARTICLE IX
Shoreland Standards

§ 125-73. Applicability. [Amended 12-9-2004 by Ord. No. 2-2004]

All land use activities within 250 feet of the normal high-water line of any great pond or river, within 250 feet of the upland edge of a freshwater wetland or within 75 feet of the high-water line of a stream shall conform to the following

provisions, if applicable, except as noted for areas developed prior to the adoption of this Part 2.

§ 125-74. Agriculture.

- A. All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the United States Department of Agriculture (USDA), Water Conservation Commission, in July 1972.
- B. Manure shall not be stored or stockpiled within 100 feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA or within 75 feet, horizontal distance, of other water bodies, tributary streams or wetlands. Within five years of the effective date of this Part 2, all manure storage areas within the Shoreland Protection Zone (SP) must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater. Existing facilities which do not meet the setback requirement may remain but must meet the no-discharge provision within the above five-year period.
- C. Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area or the spreading, disposal or storage of manure within the Shoreland Protection Zone (SP) shall require a USDA Soil and Water Conservation Plan to be filed with and approved by the Planning Board. Nonconformance with the provisions of said plan shall be considered to be a violation of this Part 2.
- D. There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within 75 feet, horizontal distance, from other water bodies; nor within 25 feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of this

Part 2 and not in conformance with this provision may be maintained.

- E. After the effective date of this Part 2, newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within 75 feet, horizontal distance, of other water bodies; nor within 25 feet, horizontal distance, of tributary streams and 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 Soil and Water Conservation Plan.

§ 125-75. Archaeological sites.

The application for 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 Planning 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 Planning Board. The Planning Board shall consider comments received from the Commission prior to rendering a decision on the application.

§ 125-76. Clearing of vegetation for development.

- A. Within a shoreland area zoned as a Resource Protection Subzone abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, including the removal of safety hazards, without a permit from the Code Enforcement Officer. Elsewhere in any Resource Protection Subzone, the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

- (1) Areas developed prior to adoption of this Part 2 shall maintain a twenty-five-foot setback from the normal high-water mark or the average setback of the adjoining properties, whichever is greater. **[Added 12-9-2004 by Ord. No. 2-2004]**
- B. Buffer strip within 100 feet of great ponds or 75 feet of other waters.
- (1) Except in areas as described in Subsection A above, and except to allow for the development of permitted uses, within a strip of land extending 100 feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA and 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:
 - (a) There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed 10 feet in width as measured between tree trunks is permitted, provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond classified GPA or stream or river flowing to a great pond classified GPA, the width of the footpath shall be limited to six feet.
 - (b) Selective cutting.
 - [1] Selective cutting of trees within the buffer strip is permitted, provided that a well distributed stand of trees and other vegetation is maintained. For the purposes of this section, a "well-distributed stand of trees and other vegetation" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified

§ 125-76

ZONING

§ 125-76

GPA shall be defined as maintaining a rating score of 12 or more in any twenty-five-foot by twenty-five-foot (625 square feet) square area as determined by the following rating system:

(Cont'd on page 12577)



**Diameter of Tree at
4¹/₂ Feet Above
Ground Level
(inches)**

Points

2 to 4	1
Greater than 4 to 12	2
Greater than 12	4

- [2] Adjacent to other water bodies, tributary streams and wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of eight (8) per twenty-five-foot square area.
- [3] Notwithstanding the above provisions, no more than forty percent (40%) of the total volume of trees four (4) inches or more in diameter, measured at four and one-half (4¹/₂) feet above ground level, may be removed in any ten-year period.
- (c) In order to protect water quality and wildlife habitat adjacent to great ponds classified GPA and streams and rivers which flow to great ponds classified GPA, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in Subsection B(1)(a) above.
- (d) Pruning of tree branches on the bottom one-third (¹/₃) of a tree is permitted.
- (e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

- (2) The provisions contained in this Subsection B shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.
- C. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or river flowing to a great pond classified GPA and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten-year period, selective cutting of not more than forty percent (40%) of the volume of trees four (4) inches or more in diameter, measured four and one-half (4¹/₂) feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty-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 development, including but not limited to principal and accessory structures, driveways and sewage disposal areas, exceed, in the aggregate, twenty-five percent (25%) of the lot area or ten thousand (10,000) square feet, whichever is greater, including land previously developed.
- D. Cleared openings legally in existence on the effective date of this Part 2 may be maintained but shall not be enlarged, except as permitted by this Part 2.
- E. Fields which have reverted to primarily shrubs, trees or other woody vegetation shall be regulated under the provisions of this section.

§ 125-77. Commercial and industrial uses.

The following new commercial and industrial uses are prohibited within the Shoreland Protection Zone (SP) adjacent

to great ponds classified GPA and rivers and streams which flow to great ponds classified GPA:

- A. Auto washing facilities.
- B. Auto or other vehicle service and/or repair operations, including body shops.
- C. Chemical and bacteriological laboratories.
- D. Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms.
- E. Commercial painting, wood preserving and furniture stripping.
- F. Dry-cleaning establishments.
- G. Electronic circuit assembly.
- H. Laundromats, unless connected to a sanitary sewer.
- I. Metal plating, finishing or polishing.
- J. Petroleum or petroleum product storage and/or sale, except storage on the same property as the use occurs and except for storage and sales associated with marinas.
- K. Photographic processing.
- L. Printing.

§ 125-78. 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 under this Part 2 shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Code Enforcement Officer or Planning Board for approval, as required, 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 man-made drainageways 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-year storm or greater and shall be stabilized with vegetation or lined with riprap.

§ 125-79. 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 is not permitted in a Resource Protection Subzone, except to provide services to a permitted use within said district or except where the applicant demonstrates that a clear necessity exists and that there is a lack of a reasonable alternative. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

§ 125-80. Individual private campsites.

Individual, private campsites not associated with campgrounds are permitted, provided that the following conditions are met:

- A. One (1) campsite per lot of record existing on the effective date of this Part 2, or per thirty thousand (30,000) square feet of lot area within the Shoreland Protection Zone (SP), whichever is less dense, may be permitted.
- B. Campsite placement on any lot, including the area intended for a tent platform, shall be set back one hundred (100) feet from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA and seventy-five (75) feet from the normal

high-water line of other water bodies, tributary streams or the upland edge of a wetland.

- C. Campsites shall not be located on any type of permanent foundation except for a gravel pad.
- D. The clearing of vegetation for the siting of a tent or similar shelter in a Resource Protection Subzone shall be limited to one thousand (1,000) 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.

§ 125-81. Mineral exploration and extraction.

- 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 so as to restore disturbed areas and to protect the public health and safety.
- B. Mineral extraction may be permitted under the following conditions:
 - (1) 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 Subsection B(3) below.
 - (2) Unless authorized pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480-C, no

part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA and within seventy-five (75) feet 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 seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.

- (3) 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-month period, ground levels and grades shall be established in accordance with the following:
 - (a) 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.
 - (b) The final graded slope shall be two to one (2:1) slope or flatter.
 - (c) Topsoil 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.
- (4) In keeping with the purposes of this Part 2, 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, including but not

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limited to any reasonable form of performance guaranty such as a performance bond.

§ 125-82. Minimum lot standards.

- A. All lots in the shoreland area shall contain a minimum of one (1) acre [forty-three thousand five hundred sixty (43,560) square feet] and have a minimum shore frontage of two hundred (200) feet.
- B. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
- C. Lots located on opposite sides of a public or private road 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.
- D. 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.
- E. If more than one (1) residential dwelling unit or more than one (1) principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.

§ 125-83. Parking areas.

- A. Parking areas shall meet the shoreline setback requirements for structures for the zone in which such areas are located.
- 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 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 nine feet wide and 18 feet long, except that parking spaces for a vehicle and boat trailer shall be 40 feet long.
 - (2) Internal travel aisles: approximately 20 feet wide.

§ 125-84. Piers, docks, wharfs and bridges.

Regulations for piers, docks, wharfs, bridges and other structures and uses extending over or beyond the normal high-water line of a water body or within a wetland are as follows:

- A. Access to the shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- B. The location shall not interfere with existing developed or natural beach areas.
- C. The facility shall be not larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use and character of the area.
- D. 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 as an operational necessity.
- E. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

§ 125-85. Principal and accessory structures. [Amended 4-13-1995 by Ord. No. 1-95]

- A. All new principal and accessory single- and two-family residential structures shall be set back at least 100 feet from the normal high-water line of great ponds classified GPA and rivers that flow into great ponds classified GPA, and 75 feet from the normal high-water line of other water bodies, tributary streams or the upland edge of a wetland. All new principal and accessory multiple-family housing, commercial, industrial and other nonresidential structures shall be set back at least 150 feet from the normal high-water line of great ponds classified GPA and rivers that flow into great ponds classified GPA, and 100 feet from the normal high-water line of other water bodies, tributary streams or the upland edge of a wetland. In addition, the water body or wetland setback provision shall not apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, or to other functionally water-dependent uses.
- (1) Principal and accessory single- and two-family residential structures in existence prior to adoption of this Part 2 shall maintain a twenty-five-foot setback from the normal high-water mark or the average setback of the adjoining properties, whichever is greater. **[Added 12-9-2004 by Ord. No. 2-2004]**
- B. Principal or accessory structures and expansions of existing structures which are permitted in the shoreland area shall not exceed 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 first floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the one-hundred-year flood, the flood of record or, in the absence of these,

the flood as defined by soil types identified as recent floodplain soils.

- D. The total area of all structures, parking lots and other nonvegetated surfaces within the shoreland area shall not exceed 20% of the lot, or a portion thereof, located within the shoreland area, including land area previously developed.
- E. 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 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

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Board of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

§ 125-86. Roads and driveways.

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

A. Setback.

- (1) Roads and driveways shall be set back at least one hundred (100) feet from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams or the upland edge of a wetland unless a clear necessity exists and there is a lack of a reasonable alternative as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. 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.
- (2) On slopes of greater than twenty percent (20%), the road and/or driveway setback shall be increased by ten (10) feet for each five percent (5%), or fraction thereof, increase in slope above twenty percent (20%).
- (3) This subsection shall neither apply to approaches to water crossings nor to roads or driveways that

provide access to permitted structures and facilities located nearer to the shoreline due to an operational necessity.

- B. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.
- C. New roads and driveways are prohibited in a Resource Protection Subzone, except to provide access to permitted uses within the district or as approved by the Planning Board upon a finding that a clear necessity exists and there is a lack of a reasonable alternative route or that a location is available outside the district, in which case the road 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. Road 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 § 125-90 of this Article.
- E. Road grades shall be no greater than ten percent (10%) except for short segments of less than two hundred (200) feet.
- F. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed and maintained to empty onto an unscarified buffer strip at least fifty (50) feet, plus two (2) 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. Road 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 in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

- (1) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade (percent)	Spacing (feet)
0 - 2	250
3 - 5	200 - 135
6 - 10	100 - 80
11 - 15	80 - 65
16 - 20	60 - 45
21 +	40

- (2) Drainage dips may be used in place of ditch relief culverts only where the road grade is ten percent (10%) or less.
- (3) On road sections having slopes greater than ten percent (10%), ditch relief culverts shall be placed across the road at approximately a thirty-degree angle downslope from a line perpendicular to the center line of the road.
- (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, as recommended by the Penobscot County Soil and Water Conservation District.

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

§ 125-87. Septic waste disposal.

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

§ 125-88. Signs.

All signs in the shoreland area shall conform to the provisions of § 125-70 of this Part 2.

§ 125-89. 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 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, prepared by a state-certified soil scientist or geologist based on an on-site investigation. Suitability considerations shall be based primarily on criteria employed in the National Cooperative Soil Survey as modified by on-site factors such as depth to water table and depth to refusal.

§ 125-90. Stormwater runoff.

- A. All new construction and development shall be designed to minimize stormwater 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 stormwater.
- B. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

§ 125-91. Timber harvesting.

- A. Within the strip of land extending seventy-five (75) feet inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond, there shall be no timber harvesting, except to remove safety hazards.
- B. Except in areas as described in Subsection A above, timber harvesting shall conform with the following provisions:
 - (1) Selective cutting of no more than forty percent (40%) of the total volume of trees four (4) inches or more in diameter measured at four and one-half (4½) feet above ground level on any lot in any ten-year period is permitted. In addition:
 - (a) Within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams or the upland edge of a wetland, there shall be no clear cut openings, and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - (b) At distances greater than one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear cut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet, they shall be at least one hundred (100) feet apart.

Such clear cut openings shall be included in the calculation of total volume removal. For the purposes of these standards, volume may be considered to be equivalent to basal area.

- (2) Timber harvesting in excess of forty percent (40%) of the volume may be permitted by the Planning Board upon a showing, including a forest management plan signed by a Maine licensed professional forester, that such exception is necessary for sound forest management and will be carried out in accordance with the purposes of 38 M.R.S.A. § 435 et seq.
- (3) No accumulation of slash shall be left within fifty (50) feet of the normal high-water line of a water body. In all other areas, slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body shall be removed.
- (4) Timber harvesting equipment shall not use stream channels as travel routes, except when:
 - (a) Surface waters are frozen; and
 - (b) The activity will not result in any ground disturbance.
- (5) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- (6) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

- (7) Except for water crossings, skid trails and other sites, where the operation of machinery used in timber harvesting results in the exposure of mineral soil, the operation shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten percent (10%) shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten percent (10%), or fraction thereof, increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this subsection apply only to a face sloping toward the water body or wetland; provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet from the normal high-water line of a water body or upland edge of a wetland.

§ 125-92. 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.

ARTICLE X

Code Enforcement Officer Permits

**§ 125-93. Code Enforcement Officer permit required.
[Amended 8-4-1994 by Ord. No. 4-94]**

A permit issued by the Code Enforcement Officer shall be required before beginning or undertaking any of the following activities:

- A. Flood hazard areas: All construction or earthmoving activities or other improvements within the one-hundred-year floodplain designated on the Flood

Insurance Rate Maps published by the Federal Emergency Management Agency.

- B. New construction: New construction of buildings and structures, including the erection of fences and walls, the construction of retaining walls and the creation of roads or driveways and parking areas.
- C. Alteration: Alteration of buildings, structures or land, or parts thereof, including interior renovations for change in use and the enclosing of unenclosed porches and decks, for the creation of additional sleeping space or any activity which increases the existing amount of water used daily, but not including normal maintenance and repair activities.
- D. Placement of signs: Placement of signs except temporary signs.
- E. Moving or demolition: All buildings or structures, including mobile homes, which are removed from or moved onto or moved around within a lot, or demolished.
- F. Change of use: The change of any premises from one category of land use to any other land use under Chapter 125, Part 2, of this Town Code; the change of any building or structure or part thereof from one use group classification to any other use group classification listed in Article III of the BOCA Building Code, including the reoccupancy of any building, structure or part thereof being unoccupied for more than twelve (12) calendar months by one (1) of said use group classifications; or the change in any building occupancy classification to a different occupancy classification under the NFPA 101 Life Safety Code. **[Amended 11-30-1995 by Ord. No. 5-95]**
- G. Home occupation: The establishment, operation or maintenance of a home occupation.
- H. Article VII activities: Any activity as requiring Planning Board site plan review in Article VII, which meets the definition of a "minor development" under § 125-100A(2).

§ 125-94. Procedure. [Amended 8-4-1994 by Ord. No. 4-94]

- A. Application. All applications for a Code Enforcement Officer permit shall be submitted in writing in duplicate to the Code Enforcement Officer on forms provided for the purpose, together with such fees as established in Article XIII.
- B. Submissions.
- (1) All applications for a Code Enforcement Officer permit shall be accompanied by a plan, accurately drawn to scale or showing actual dimensions or distances, and showing:
 - (a) The actual shape and dimensions of the lot for which a permit is sought.
 - (b) The location and size of all buildings, structures and other significant features currently existing on the lot, as well as all water bodies and wetlands within two hundred fifty (250) feet of the property boundaries.
 - (c) The location and building plans of new buildings, structures or portions thereof to be constructed.
 - (d) The existing and intended use of each building or structure.
 - (e) Where applicable, the location of soils test pits, subsurface sewage disposal system, parking lots and driveways, signs buffer strips and private wells.
 - (f) Such other information as may be reasonably required by the Code Enforcement Officer to provide for the administration and enforcement of this chapter.
 - (2) Any application for minor site plan review of a minor development shall include the information required by § 125-102A through G.

- C. To whom issued. No permit shall be issued except to the owner of record or his authorized agent. Written proof of authorization shall be required.
- D. Compliance. All activities undertaken pursuant to a permit issued under this section shall comply with all applicable standards set forth or adopted by reference in this Town Code. **[Amended 11-30-1995 by Ord. No. 5-95]**
- E. Deadline for decision. The Code Enforcement Officer shall, within thirty (30) days of receipt of an application, issue the permit if all proposed construction and uses meet the provisions of this Part 2, refer the applicant to the Planning Board for site plan review or deny the application. All decisions of the Code Enforcement Officer shall be in writing.
- F. Conditions of approval. The Code Enforcement Officer, upon determination of compliance with applicable standards of this Part 2, shall issue a permit granting approval subject to such terms and conditions as are considered advisable to ensure conformity with such standards and to protect the public health, safety or general welfare.
- G. Copies. One (1) copy of the application, with the permit or other written decision of the Code Enforcement Officer, shall be returned to the applicant, and one (1) copy, with a copy of the permit or written decision, shall be retained by the Code Enforcement Officer as a permanent public record.
- H. Posting. The applicant shall cause any permit issued to be conspicuously posted on the lot where the activity will occur at a location clearly visible from the street.
- I. Commencement and completion of work.
- (1) Construction and alteration activities on projects for which a permit has been granted under this section shall commence within twelve (12) months of the date of issuance of the permit and shall be

substantially completed within twenty-four (24) months of that date.

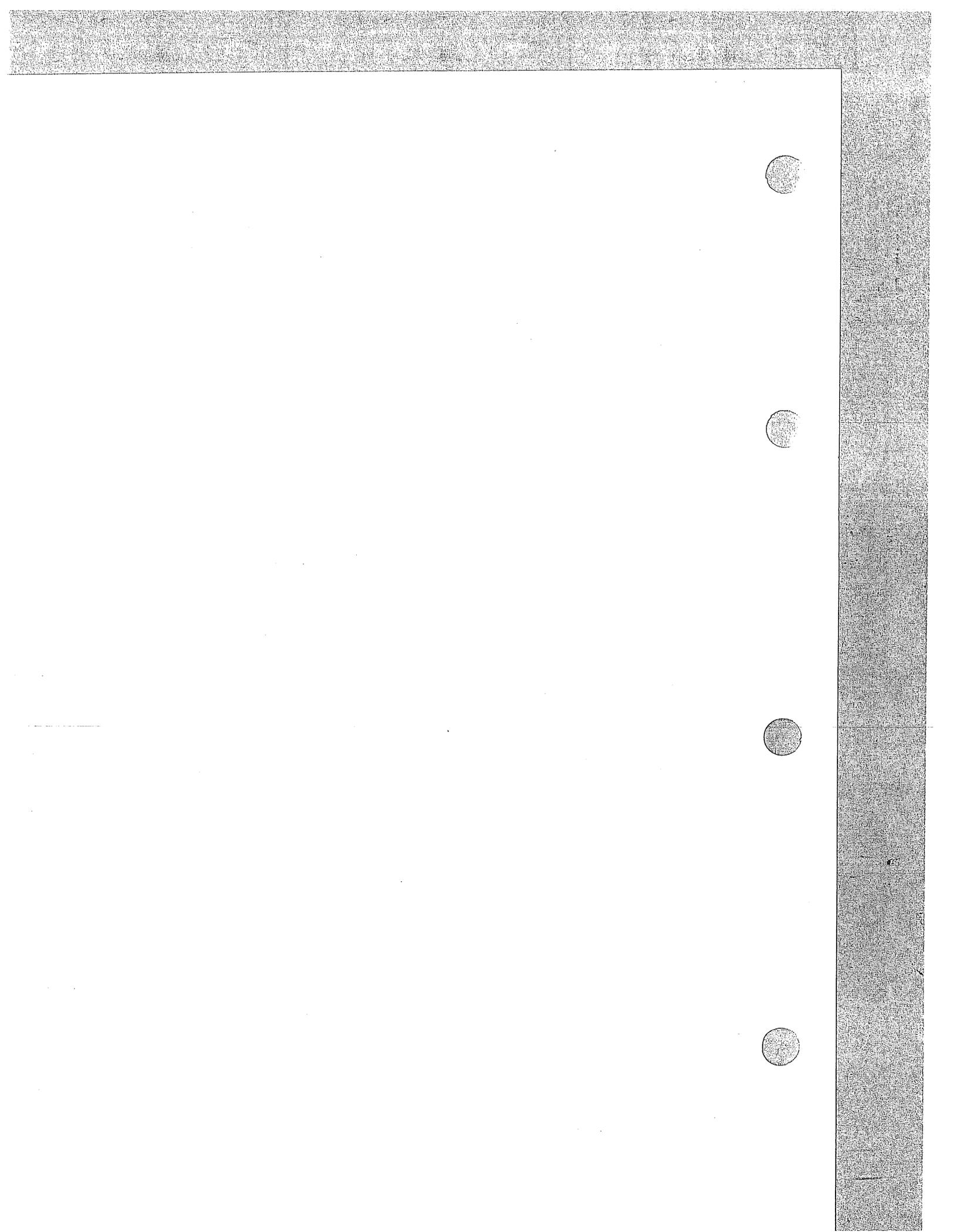
- (2) Activities which are not commenced or substantially completed within the time limits provided above shall be subject to new application and the permit issued under this section shall be considered void.
- (3) Activities may be extended for up to twelve (12) months by the Code Enforcement Officer, for good cause, if an application for an extension is submitted not later than thirty (30) days prior to expiration of the prior permit.

J. Appeals. Appeals from decisions of the Code Enforcement Officer may be taken pursuant to Article XV of this Part 2.

§ 125-95. Procedural exceptions to activities requiring site plan review.

Activities requiring site plan review which are classified as a minor development shall be reviewed by the Code Enforcement Officer, except as follows:

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A. If, within seven (7) calendar days of receipt of a completed application for a minor development, the Code Enforcement Officer determines that said application warrants the review of the Planning Board, the Code Enforcement Officer shall forward such application to the Planning Board for its review. The Planning Board, at its next regularly scheduled monthly meeting, shall review the application and either approve, deny or schedule a public hearing on the application.

B. Notice.

- (1) The Code Enforcement Officer, within seven (7) calendar days of receipt of a completed application which involves a change of use from one land use classification to another land use classification, shall notify the Planning Board and all owners of property located within seventy five (75) feet of the property involved.
- (2) Any abutter may request, within seven (7) calendar days of receipt of such notice, that the Planning Board review such application.
- (3) The Planning Board, within thirty (30) calendar days of the receipt of a request from an abutter, shall review the application and either approve, deny or schedule a public hearing on the application.

§ 125-96. Annual report on shoreland activities.

The Code Enforcement Officer shall provide the Commissioner of the Department of Environmental Protection a report on shoreland zoning activities, including the number and type of permits issued, variances granted, violations noticed and enforcement actions taken. Such reports shall be made by the Code Enforcement Officer once every two (2) years, with the first report to be submitted no later than May 1994.

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ARTICLE XI
Planning Board Site Plan Review

§ 125-97. Purpose.

The purpose of site plan review by the Planning Board is to promote the public health, safety and general welfare by requiring Planning Board review of plans for certain uses or structures which have a significant potential impact on the neighborhood or the environment but which, when properly designed with respect to their surroundings, can become uses or structures that are compatible with the neighborhood and environment.

§ 125-98. Activities requiring site plan review.

Except as provided in § 125-99 below, site plan review and approval by the Planning Board shall be required for:

- A. Any proposed activity designated in Article VII as requiring site plan approval from the Planning Board, not classified as a minor development pursuant to § 125-100A(2).
- B. The construction of a new building or structure or the external enlargement of any existing building or structure devoted to a use not classified as a minor development pursuant to § 125-100A(2).
- C. Any activity referred to the Planning Board by the Code Enforcement Officer pursuant to § 125-95.

§ 125-99. Activities not requiring site plan review.

Unless specifically required by Article VII, site plan review by the Planning Board shall not be required for:

- A. Uses designated in § 125-93G as requiring only a permit from the Code Enforcement Officer.

- (2) Any hazardous activity identified by the Maine Department of Environmental Protection as exempt from the definition of hazardous activity in 38 M.R.S.A. § 482, Subsection 2-C, including domestic and other uses of substances in quantities too small to present a significant risk of groundwater contamination.

§ 125-100. Classification of projects.

A. Projects subject to site plan review shall be classified by the Code Enforcement Officer into one (1) of the following classes:

- (1) Major developments. Projects involving any of the following shall be classified by the Code Enforcement Officer as a major development:
 - (a) Any project which contemplates drilling for or excavating natural resources, including mineral extraction, on land, or under water where the area affected is in excess of thirty thousand (30,000) square feet.
 - (b) Hazardous activities involving the consumption, generation or handling of:
 - [1] Hazardous wastes as defined in 38 M.R.S.A. § 1303.
 - [2] Hazardous materials as defined in 38 M.R.S.A. § 1317.
 - [3] Oil as defined in 38 M.R.S.A. § 542.
 - [4] Low-level radioactive wastes as defined in 38 M.R.S.A. § 1451.
 - (c) Any building or buildings on a single parcel constructed or erected with a fixed location on or in the ground or attached to something on or in the ground which occupies a ground area in excess of twenty thousand (20,000) square feet.

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(d) Any project where parking lots, roads, paved areas or other areas to be stripped or graded and not to be revegetated causes the total project, including any buildings, to occupy a ground area in excess of sixty thousand (60,000) square feet.

✓ (e) Any project which is a conversion of an existing project meeting the description in Subsection A(1)(c) and (d) above.

(f) Any multiunit housing development involving a building or buildings built for the purpose of providing ten (10) or more housing units located on a single parcel of land.

(2) Minor developments. Projects not classified by the Code Enforcement Officer as a major development shall be considered a minor development under this section.

B. Projects classified as minor developments have to submit the information specified in § 125-102A through G below. Projects classified as major developments, in addition to submitting the information required of minor developments, are required to submit the additional information specified in § 125-103A through M.

§ 125-101. Prohibition.

No activity or use described in § 125-98 shall commence until the property owner has received site plan approval from the Planning Board and has received any necessary permits from the Code Enforcement Officer.

§ 125-102. Site plan review application.

Applications for site plan review shall be submitted on application forms provided by the town. The complete application form, required fees, and the required plans and

related information shall be submitted to the Code Enforcement Officer who shall forward it to the Planning Board. The submission shall contain at least the following exhibits and information:

- A. Application form: a fully executed and signed copy of the application form.
- B. Fees: site plan review fees in the amounts established in § 125-117.
- C. Originals: one (1) original of all maps and drawings on durable, permanent transparency material.
- D. Copies: ten (10) copies of written materials, plus ten (10) sets of maps or drawings containing the information listed below. The written materials shall be contained in a bound report or a three-ring notebook. The maps or drawings shall be at a scale sufficient to allow review of the items listed under the criteria for approval.
- E. General information: The following general information is required:
 - (1) Name of owner of record and address.
 - (2) Applicant's name and address if different.
 - (3) The name of the proposed development.
 - (4) Names and addresses of all property owners within three hundred (300) feet of the edge of the property line.
 - (5) Sketch map showing general location of the site within the town.
 - (6) Location map showing the 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.
 - (7) The tax map(s) and lot number(s) of the parcel or parcels.

- (8) 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.
- (9) The names and addresses and registration numbers, if registered, of the land surveyor, architect, engineer and/or similar professionals assisting with the preparation of the plan.

F. Information regarding existing conditions: The following information regarding existing conditions is required:

- (1) Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in more than one (1) zoning district 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, prepared by a registered land surveyor as a standard boundary survey.
- (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) The location, dimensions and ground floor elevations of all existing buildings on the site.
- (6) The location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site.
- (7) Location of intersecting roads or driveways within two hundred (200) feet of the site.
- (8) Topography of the site at an appropriate contour interval [one (1) foot, two (2) feet or five (5) feet],

depending on the nature of the use and character of the site.

- (9) Major natural features on the site and including, within two hundred fifty (250) feet of the boundaries of the site, wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats or other important natural features.
 - (10) Soils information if on-site sewage disposal is proposed. This information should be detailed enough to allow those portions of the site not suitable for on-site disposal systems to be identified.
 - (11) The location of open drainage courses, wetlands, significant stands of trees and other important natural features, with a description of such features to be retained.
 - (12) The direction of existing surface water drainage flow across the site.
 - (13) The location and dimensions of existing signs.
 - (14) The location and type of all existing exterior lighting.
 - (15) A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan.
- G. Information regarding proposed development activity: The following information regarding the proposed development activity is required:
- (1) The location of all building setbacks, yards and buffers required by this Part 2.
 - (2) The location, dimensions, including heights and ground floor elevations, of all proposed buildings on the site.
 - (3) The location and dimensions of proposed driveways, parking and loading areas and walkways.

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- (4) The location and dimensions of all proposed water supply and wastewater disposal systems.
- (5) The direction of proposed surface water drainage flow across the site.
- (6) Location, front view and dimensions of proposed signs.
- (7) Location and type of proposed exterior lighting.
- (8) Proposed landscaping and buffering.
- (9) A schedule of construction, including anticipated beginning and completion dates.

§ 125-103. Additional information required of major developments.

Applications for major developments shall include the following additional information:

- A. Existing and proposed topography of the site at one-, two- or five-foot contour intervals, or such closer interval as the Planning Board may determine.
- B. A stormwater drainage and erosion control program showing:
 - (1) The existing and proposed method of handling stormwater runoffs.
 - (2) The direction flow of the runoff through the use of arrows.
 - (3) The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.
 - (4) Engineering calculations used to determine drainage requirements based upon the twenty-five-year twenty-four-hour storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new

impervious surfaces (such as paving and building area) being proposed.

- (5) Methods of controlling erosion and sedimentation during and after construction.
- C. A groundwater impact analysis prepared by a groundwater hydrologist for projects involving common on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons or more per day.
- D. A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site.
- E. A planting plan and schedule keyed to the site plan and indicating the general species and sizes of trees, shrubs and other plants to be planted on the site.
- F. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.
- G. A written statement from the Millinocket Water Company as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows, if public water supply is to be utilized.
- H. The location, width, typical cross section, grades and profiles of all proposed streets and sidewalks.
- I. Construction drawings for streets, sanitary sewers and water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine or a person who has demonstrated competence in the eyes of the Planning Board.
- J. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon

approval of the development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year round until such time as they may be accepted by the town.

- K. Written offers of dedication or conveyance to the municipality, in a form satisfactory to the Town Attorney, of all land included in the streets, highways, easements, parks or other open space dedicated for public use, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the developer, are to be maintained.
- L. If the development is a condominium or a clustered development, evidence that all requirements relative to establishment of a homeowners' association or condominium owners' association have been met. If the development is a clustered development, evidence shall be presented that all other requirements of this Part 2 pertaining to clustered development have been met. The submission shall include copies of the bylaws of any homeowners' or condominium association charged with maintaining common spaces and lands. Homeowners' associations or condominium documents shall clearly state that the association or condominium shall properly maintain private roadways serving the development after the developer has legally relinquished that responsibility and until such time as the town may accept them as public ways.
- M. 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 its interest in financing the project.

§ 125-104. Review procedures.

The procedures for site plan review are as follows:

- A. Step 1: submission of completed application to the Code Enforcement Officer. The applicant shall submit the requisite number of copies of his/her application and supporting information required by § 125-102.
- B. Step 2: Code Enforcement Officer classification and review.
 - (1) Dated receipt. The Code Enforcement Officer shall issue the applicant a dated receipt.
 - (2) Classification. The Code Enforcement Officer shall review the application and classify it as either a major or minor development in accordance with the provisions of § 125-100. If the proposal is classified as a major development, the applicant shall be required to submit the additional information required in § 125-103 of this Article.
 - (3) Fees submitted. After classification, the applicant shall provide the Code Enforcement Officer with the applicable fees established in § 125-117.
 - (4) Review for completeness. The Code Enforcement Officer shall initially review the application and determine whether or not it is complete.
 - (5) Notice of incomplete application. If the application is found to be incomplete, the Code Enforcement Officer shall, within ten (10) days, notify the applicant in writing of the information needed to complete the application. Upon the applicant's submission of such additional information, Steps 1 and 2 shall be repeated.
 - (6) Application forwarded. The Code Enforcement Officer shall forward copies of the application and supporting documents to the Town Planner, if the town has retained the services of a Town Planner, and the members of the Planning Board and place

the project on the agenda of the next regular Planning Board meeting occurring not less than fourteen (14) days later.

- (7) Incomplete applications will not be acted upon. Applications forwarded to the Planning Board which are incomplete shall not be acted upon by the Board until the meeting following the determination by the Code Enforcement Officer that the application is complete.
- (8) Notice to abutters. Abutting property owners shall be notified by mail by the town of all pending applications for site plan review. This notice shall indicate the time, date and place of Planning Board consideration of the application.

C. Step 3: Town Planner review. If the town has retained the services of a Town Planner, upon receipt of the application and supporting documents, the Town Planner shall review the material and determine whether or not the application is complete with regard to:

- (1) Complete application: whether or not the information has been submitted required by § 125-102 and, if applicable, § 125-103.
- (2) Compliance with land use standards: whether or not the proposed development meets the requirements of the applicable land use standards contained in Article VIII of this Part 2.
- (3) Criteria of approval: whether or not the applicant has adequately addressed the site plan review criteria contained in § 125-111 of this Article.

D. Step 4: Planning Board review. At the meeting of the Planning Board at which the proposed development is scheduled to be reviewed, the Planning Board shall perform the following:

- (1) Code Enforcement Officer (CEO) and Town Planner reports. The Planning Board shall hear any reports of the Code Enforcement Officer and, if the town has retained the services of a Town Planner, the report of the Town Planner regarding the proposed development.
- (2) Applicant's response. The Planning Board shall hear any comments of the applicant regarding the Code Enforcement Officer's and Town Planner's report.
- (3) Request for waivers. The Planning Board shall hear any requests from the applicant for waivers pursuant to §§ 125-112 and 125-113.
- (4) Determination of completeness. The Planning Board shall determine whether or not the application is complete.
- (5) Notice of incompleteness. If the application is determined to be incomplete, the Board shall inform the Code Enforcement Officer of the information required to make the application complete. The Code Enforcement Officer shall, within ten (10) days, inform the applicant, in writing, of the additional information required by the Planning Board. Upon the applicant's submission of such additional material, Steps 1, 2, 3 and 4 shall be repeated.
- (6) Deciding on public hearing.
 - (a) If the application is determined to be complete, the Board shall deem the application pending and shall determine whether or not to set the matter to public hearing. If a public hearing is set, such hearing shall take place within forty-five (45) days of the Planning Board's determination that the application is complete. This deadline may be extended by mutual agreement of the Board and the applicant,

either in writing or orally, on the record at a public meeting.

- (b) If the proposed development has been classified as a major development, such public hearing shall be mandatory. If the proposed development has been classified as a minor development, such public hearing shall be held at the discretion of the Planning Board.
- (c) Public hearings held for the purpose of hearing testimony regarding proposals requiring site plan approval under this Part 2, and notice thereof, shall be governed by § 125-105.

E. Step 5: Planning Board deliberation and decision.

- (1) Deliberation. Within thirty (30) days after the public hearing on an application, or within thirty (30) days of a determination of completeness by the Board, if no hearing is held, the Planning Board shall deliberate to determine whether the proposed site plan complies with all applicable land use standards set forth in Article VIII and meets the site plan review criteria set forth in § 125-111. This deadline may be extended by mutual agreement of the Board and the applicant, either in writing or orally, on the record at a public meeting.
- (2) Decision. If the Planning Board finds that the proposed site plan complies with all such standards, it shall issue an order granting site plan approval subject to such terms and conditions as the Board considers advisable to ensure conformity with site plan review standards and criteria of this Part 2 or to protect the public's health, safety or general welfare. If the Planning Board finds that the proposed site plan does not comply with all applicable review standards, it shall issue an order denying site plan approval. In either case, the Planning Board shall, within ten (10) working days after the completion of its deliberations, issue

specific written findings of fact supporting its decision.

- F. Step 6: CEO building permit. If the Board shall vote to approve the site plan application, the Code Enforcement Officer shall issue a building permit, provided that, in his/her opinion, all other requirements of this Part 2 have been met.

§ 125-105. Public hearing procedures.

Site plan review public hearings and notice thereof shall comply with the following procedures:

- A. Published notice. Notice of said hearing shall be published in a newspaper of general circulation in the Town of Millinocket at least ten (10) days prior to the hearing date.
- B. Mailed notice. At least ten (10) days prior to the hearing date, written notice of said hearing shall also be mailed to the applicant, to the owners of all property within three hundred (300) feet of the property in question and to the Chairperson of the Millinocket Town Council. The owners of property shall be considered to be those shown on the town's tax list as the persons against whom taxes are assessed. The Planning Board shall, in each case, maintain a list of property owners so notified. Notice shall be deemed received if mailed to an owner's last known address according to the town tax records. Failure of any property owner to actually receive notice shall not necessitate another hearing or invalidate any actions of the Planning Board.
- C. Content of notice. Notice of said hearing shall identify the applicant and the property involved, describe the specific nature of the proposal, state the date, time and place of the hearing and explain how the recipient of the notice may attend and present evidence.

- D. Rules. Said hearings shall be conducted according to rules adopted by the Planning Board.
- E. Representation. At any hearing a party may be represented by an agent or attorney; provided, however, that, if any party is not present, any person acting as that party's agent or attorney shall provide written evidence of such authority.
- F. Continuation. Any hearing may be continued or recessed to another time for good cause shown or upon written or recorded agreement of the Board and the applicant.

§ 125-106. Professional review.

- A. Additional studies. The Planning Board may require the applicant to undertake any additional studies which it deems reasonable and necessary to ensure that the requirements of this Part 2 are met. The cost of all such studies shall be borne by the applicant.
- B. Independent technical review.
 - (1) The Planning Board may require that an independent consultant(s) review one (1) or more submissions of an application. The independent consultant(s) shall report to the Planning Board as to the project's compliance or noncompliance with the applicable provisions of this Part 2 and recommend, if appropriate, those actions which will result in compliance. Such consultants shall be fully qualified to provide the required information and shall be mutually acceptable to the town and the applicant and may include:
 - (a) An attorney;
 - (b) A registered professional engineer;
 - (c) A registered architect;
 - (d) A registered landscape architect;

- (e) A registered geologist;
 - (f) A licensed soil scientist;
 - (g) A registered land surveyor; or
 - (h) Any other registered/licensed professional or independent expert witness deemed fully qualified and mutually acceptable to the town and the applicant.
- (2) The consultant(s) selected shall estimate the cost of such review, and the applicant shall deposit with the town the full estimated cost which the town shall place in an escrow account in accordance with § 125-117.

§ 125-107. Failure to act.

- A. Failure of the Planning Board to act within two (2) weeks after any of the time requirements set forth herein shall constitute a denial of the application, unless a time extension has been mutually agreed to, in writing, by the applicant and the Planning Board.
- B. Failure of the Code Enforcement Officer to act within thirty (30) days from receipt of a complete application shall constitute a denial of the application, unless a time extension has been mutually agreed to, in writing, by the applicant and the Code Enforcement Officer.

§ 125-108. Expiration of approvals.

All site plan approvals shall expire within eighteen (18) months of the date of issuance unless work thereunder is commenced within eighteen (18) months from the date of issuance. If work is not completed within two (2) years from the date of issuance, a new application may be required. The expiration date may be extended upon request.

§ 125-109. Other permits.

The granting of site plan approval does not relieve the applicant from the need to obtain any other permits or approvals required prior to the commencement of any activity or use. Such other required permits or approvals may include but are not limited to subdivision approval, building, plumbing and electrical permits, licenses granted pursuant to 38 M.R.S.A., Subsection 1022, Maine Department of Environmental Protection and United States Army Corps of Engineer's approvals, subsurface wastewater disposal permits, sewer connection permits, Maine Department of Transportation approvals and the like. The fact that the applicant may have obtained or may have been granted such permits or approvals prior to site plan review may be considered by the Planning Board as evidence as to the plan's compliance with applicable review standards but shall not be deemed conclusive evidence as to compliance.

§ 125-110. Access to site and records.

The town shall have access to the site at all times to review the progress of the work and shall have the authority to review all records and documents related to the project. The applicant, by accepting a building permit, waives any objection to the town having access to the site to review the progress of the work or to review all records and documents related to the project.

§ 125-111. Site plan review criteria.

The Planning Board, in reviewing projects requiring site plan approval under this Part 2, shall make positive written findings that the applicant has submitted clear and convincing evidence that:

- A. Adequate provision has been made for off-street parking and loading.
- B. Adequate provision has been made for traffic movement of all types, including pedestrian, into, out of and within

the proposed project. The Board shall consider traffic movement both on site and off site in making its determination under this criteria.

- C. Any traffic increase attributable to the proposed project will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.
- D. The proposed project will be built on soil types which are suitable to the nature of the project and that adequate provision has been made to avoid erosion, contamination of ground- or surface waters, interference with adjacent land, overburdening of natural or artificial drainage systems and/or any other adverse effects of inadequate drainage.
- E. Adequate provision has been made to locate and design proposed outdoor display and/or storage areas so as to avoid any safety hazard to vehicular and pedestrian traffic on and off the site.
- F. Adequate provision has been made to avoid any hazard to travel on public or private ways or any glare or other nuisance to the use of adjoining public or private property.
- G. Adequate provision has been made with regard to buffers, screening, landscaping and the preservation and enhancement of significant natural features.
- H. Adequate provision has been made to avoid unreasonable adverse effects on the scenic or natural beauty of the area, aesthetics, historic sites, rare and irreplaceable natural areas, existing uses, air quality, water quality or other natural resources within the town or in neighboring towns.
- I. Whenever a project is situated, in whole or in part, within two hundred fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river or within two hundred fifty (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, adequate provision has been made to conserve shoreland vegetation, visual points of access to waters as viewed from public facilities and actual points of public access to waters.

- J. Adequate provision has been made to prevent any significant adverse effect upon the public health, safety or general welfare of the neighborhood or community.
- K. Adequate provision has been made to prevent any undue adverse effect upon the property values of adjacent or nearby properties.
- L. Adequate provision has been made to avoid any undue burden on municipal services.
- M. Adequate provision has been made to assure the proper operation of the proposed business(es) or activity(ies) on the site through the provision of adequate and appropriate utilities, drainage, water supply, sewage disposal, solid waste disposal, access, parking and loading and other necessary site improvements.
- N. Adequate provision has been made to assure that the proposed development conforms in all respects with the provisions of this Part 2.
- O. The applicant has adequate technical and financial capability to carry out the project as proposed and to meet any conditions of approval applied by the Planning Board.

§ 125-112. Waiver of submissions requirements.

The Planning Board may, for good cause shown and only upon the written request of an applicant specifically stating the reasons therefor, waive any of the application requirements set forth in § 125-102 and 125-103 of this Article, provided that such waiver will not unduly restrict the review process. The Planning Board may condition such a waiver on the applicant's compliance with alternative requirements. Good cause may

include the Board's finding that particular submissions are inapplicable, unnecessary or inappropriate for a complete review. Notwithstanding the waiver of a submission requirement, the Planning Board may, at any later point in the review process, rescind such waiver if it appears that the submission previously waived is necessary for an adequate review. A request for a submission previously waived shall not affect the pending status of an application.

§ 125-113. Waiver of review criteria.

The Planning Board may, upon the written request of an applicant specifically stating the reasons therefor, waive any of the review criteria set forth in § 125-111 when it finds that such waiver is reasonable and that the public health, safety or welfare would not be adversely affected by such a waiver.

ARTICLE XII

Certificate of Use and Occupancy

[Amended 11-30-1995 by Ord. No. 6-95]

§ 125-114. Certificate required before use and occupancy.

- A. A certificate of use and occupancy shall be obtained from the Code Enforcement Officer whenever required by Section 119 of the BOCA Building Code as adopted as Chapter 48 of the Town Code.
- B. No building or part thereof requiring a certificate of use and occupancy shall be used or occupied until a certificate has been issued by the Code Enforcement Officer.
- C. A certificate of use and occupancy shall be issued only after a final inspection has been conducted and the Code Enforcement Officer has determined that the building part thereof is in compliance with the applicable provisions of this Part 2 of the BOCA Building Code

adopted by reference pursuant to Chapters 48 and the NFPA Life Safety Code adopted by reference pursuant to Chapter 49 of the Town Code, and any conditions of approval attached by the Planning Board or Code Enforcement Officer to any applicable permits or plan approvals.

- D. Temporary occupancy may be permitted, upon request of the holder of a permit and the issuance of a temporary and conditional certificate of use and occupancy by the Code Enforcement Officer, provided that the Code Enforcement Officer has determined that the building or portion thereof can be occupied safely prior to full completion of the building without endangering life or public welfare.

ARTICLE XIII

Administrative Fees

[Amended 7-1-1993 by Ord. No. 3-93;
9-8-1994 by Ord. No. 5-94]

§ 125-115. General provisions.

- A. Applications considered incomplete until payment of required fee. Applications for any of the permits, approvals or certificates specified below which are not accompanied by a check in the amount of the required fee shall be considered incomplete, and no action will be taken on said application until a check for the required amount has been received by local officials.
- B. Check to be made payable to town. All fees shall be paid in the form of a check made payable to the Town of Millinocket, and the purpose of the fee shall be clearly indicated on the check.

§ 125-116. Code Enforcement Officer permit fees.

- A. Code Enforcement Officer permit applications. All applications for permits issued by the Code Enforcement Officer under this Part 2 shall be accompanied by a check in the amount required below:

(Cont'd on page 12619)



**§ 125-116. Code Enforcement Officer permit fees.
[Amended 8-22-2002 by Ord. No. 1-2002]**

A. Code Enforcement Officer permit applications. All applications for permits issued by the Code Enforcement Officer under this Part 2 shall be accompanied by a check in the amount required below:

- (1) Flood hazard areas.
 - (a) Minor construction improvements: \$25 per unit.
 - (b) Floodproofing nonresidential structures: \$50 per structure.
 - (c) Major construction/substantial improvements: \$50 per unit.
- (2) New residential buildings and structures.
 - (a) New single- and multi-family dwelling units: \$50 per unit.
 - (b) New residential accessory structures: \$10 per structure if 200 square feet or less; \$25 per structure if over 200 square feet.
- (3) New commercial and institutional buildings and structures.
 - (a) New commercial and institutional buildings with a floor area of 1,000 square feet or less: \$50 per building.
 - (b) New commercial and institutional buildings with a floor area greater than 1,000 square feet: \$50 plus \$0.03 per square foot for each square foot over 1,000 square feet.
 - (c) New commercial and institutional accessory structures with a floor area of 200 square feet or less: \$10 per structure.
 - (d) New commercial and institutional accessory structures with a floor area greater than 200 square feet: \$10 for the first 200 square feet,

plus \$1 for each additional 10 square feet over the first 200.

- (4) New industrial/transportation/public utility buildings and structures.
 - (a) New industrial/transportation/public utility buildings with a floor area of 1,000 square feet or less: \$200 per building.
 - (b) New industrial/transportation/public utility buildings with a floor area greater than 1,000 square feet: \$200, plus \$0.05 per square foot over 1,000 square feet.
 - (c) New industrial/transportation/public utility accessory structures with a floor area of 200 square feet or less: \$25 per structure.
 - (d) New industrial/transportation/public utility accessory structures with a floor area greater than 200 square feet: \$25 per structure plus \$0.05 per square foot for each square foot over 200 square feet.
- (5) Alterations to existing buildings and structures.
 - (a) Alterations to existing residential buildings:
 - [1] Up to \$1,000 in value: \$10 per alteration.
 - [2] In excess of \$1,000 in value: \$25 per alteration.
 - (b) Alterations to existing commercial and institutional buildings and structures: \$25 per alteration.
 - (c) A l t e r a t i o n s t o e x i s t i n g industrial/transportation/public utility buildings and structures: \$100 per alteration.
- (6) Placement of signs: \$5 per sign.
- (7) Change of use permit.

- (a) Change of use with a floor area less than 1,000 square feet: \$25 per change.
 - (b) Change of use with a floor area more than 1,000 square feet: \$25 plus \$0.03 per square foot for each square foot over 1,000 square feet.
 - (8) Moving or demolition permit. Moving or demolition of principal buildings or structures, not including mobile homes: \$5 per move/demolition.
- B. Electrical permits.
- (1) Residential: \$5.
 - (2) Commercial: \$25.
- C. Residential buildings only (summary and explanation of charges).
- (1) Alteration permit.
 - (a) Up to \$1,000 in value: \$10.
 - (b) Over \$1,000 in value: \$25.
 - (c) This application is for changes to the structure that is already built, such as building a second story on top of a one-story home or changing a porch into living space.
 - (2) New accessory structure.
 - (a) For structures up to 200 square feet: \$10.
 - (b) For structures greater than 200 square feet: \$25.
 - (c) This application is for adding portions to the property, such as adding a deck, garage, shed, etc.
 - (3) New principal structure: \$50. This application is for building a new house, or placing a brand new mobile home or modular home on a lot.

- (4) Sign permit; residential/home occupation \$5 per sign.
 - (5) Moving or demolition: \$5. This is for moving a building or mobile home in or out of Town. In the case of a mobile home, if it is brand new, it must have a new principal structure permit, not a moving permit. All real estate taxes must be paid prior to moving a mobile home out of Town. Send people to the Tax Collector for tax payment. The demolition permits are for anything that is being torn down. Make sure that they are told to talk to the Supervisor at the transfer site and that they are given a copy of the letter which is also filed in the demolition file.
 - (6) Fence(s)/retaining walls: \$5 for location of a new fence that did not exist before.
 - (7) Electrical: \$5 residential. They must contact the Electrical Inspector for the inspection.
 - (8) General information. A permit is not required for normal maintenance and repair. As long as everything is being built the same size and place, a permit is not required. For example, if the fence is the same length and height and is put in the same location as the old fence, no permit is required or if the deck is the same size as the old deck and is in the same location, no permit is required. No permit is required to reroof or re-side a structure.
- D. Where a permit is not obtained until after construction begins, the above fee shall be doubled. This double fee is in addition to any fine or penalty imposed for violating this Part 2 by failing to obtain a building permit prior to starting construction.

§ 125-117. Site plan review fees.

- A. Application packet fee. The application packet fee required to cover printing costs for copies of the application form and copies of this Part 2 are as follows:
- (1) Copies of site plan review applications. The nonrefundable fee for copies of the site plan review application form is \$5 per copy.
 - (2) Copies of Part 2. The nonrefundable fee for copies of this Part 2 is \$10 per copy.
- B. Application processing fees. The application processing fees required to cover the administrative handling costs associated with site plan review under this Part 2 are as follows:
- (1) Minor developments. The nonrefundable fee to accompany the application for minor developments is \$150.
 - (2) Major developments. The nonrefundable fee to accompany the application of major developments is \$300.
- C. Technical review account.
- (1) The technical review fee, if required, shall be paid prior to the start of the Planning Board's review of any application for site plan review.
 - (2) This fee shall be paid in the form of a check made payable to the Town of Millinocket, and the purpose of the fee shall be clearly indicated on the check. The Town shall deposit this fee in a special account.
 - (3) Any balance in the account remaining after the completion and inspection of required improvements shall be returned to the applicant.

§ 125-118. Zoning Board of Appeals administration fees.

A. Application for administrative appeals and variances. All applications for administrative appeals and the approval of variances by the Zoning Board of Appeals under this Part 2 shall be accompanied by a check in the amount of \$50.

(Cont'd on page 12621)

ARTICLE XIV
Enforcement

§ 125-119. Enforcement procedure.

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Part 2. If the Code Enforcement Officer shall find that any provision is being violated, he or she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of the illegal use of land, buildings or structures or work being done, removal of illegal buildings or structures and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record. Any such notice is not a prerequisite to bringing any legal action noted in § 125-120 below, and failure to give notice shall not in anyway affect such legal action.
- B. The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Part 2.
- C. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, violations investigated, violations found and fees collected. In the case of violations within two hundred fifty (250) feet of the normal high-water line of any great pond or river, within two hundred fifty (250) feet of the upland edge of a freshwater wetland or within seventy-five (75) feet of the high-water line of a stream, the Code Enforcement Officer shall, on an annual basis, submit a summary of this record to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

§ 125-120. Legal action.

The Town Council or its authorized agent, upon notice from the Code Enforcement Officer, is hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Part 2 in the name of the municipality. The Town Council, or its authorized agent, is hereby authorized to enter into a consent agreement for the purpose of eliminating violations of this Part 2 and recording fines without court action. Such agreements should not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith.

§ 125-121. Fines.

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Part 2 shall be penalized in accordance with 30-A M.R.S.A. § 4452.

ARTICLE XV
Zoning Board of Appeals

§ 125-122. Establishment. [Amended 11-19-1992 by Ord. No. 7-92]

A Zoning Board of Appeals, consisting of five (5) regular members and two (2) alternates, is hereby created in accordance with the provisions of 30A M.R.S.A. § 4353. The Zoning Board of Appeals shall keep minutes of its proceedings, recording the vote of each member on all matters coming before the Board. The minutes of that Board and all correspondence shall be a public record. Three (3) members of the Board shall constitute a quorum for conducting a meeting and taking action, and the

concurring vote of at least three (3) members is necessary to grant any variance request or reverse any action of the Code Enforcement Officer or Planning Board. The Zoning Board of Appeals is governed by the procedures set forth at 30-A M.R.S.A. § 2691 and in this Part 2. In addition, the Board may adopt any procedural rules not in conflict with Title 30-A or this Part 2, which it deems necessary or proper for the conduct of its business. The members of the existing Board of Appeals established under Chapter 5 of the Town Code are hereby appointed to the Zoning Board of Appeals for their respective terms as remain to them on the Board of Appeals.

§ 125-123. Powers and duties.

- A. Administrative appeals. The Board of Appeals shall have the power to hear and decide appeals where it is alleged that there is an error in any order, requirements, decision or determination made by, or failure to act by, the Code Enforcement Officer or the Planning Board in the enforcement or administration of this Part 2. [When errors of administrative procedures or interpretation are found, the case shall be remanded back to the Code Enforcement Officer for correction.]
- B. Variance appeals. The Board of Appeals shall have the power to authorize variances upon appeal, within the limitations set forth in this Part 2.
- (1) Dimensional variances may be granted only from dimensional requirements including frontage (including shore frontage), lot area, lot width, height, percent of lot coverage and setback requirements.
 - (2) Variances shall not be granted for establishment of any uses otherwise prohibited by this Part 2.
 - (3) The Board shall not grant a variance unless it finds that:

- (a) The proposed structure or use would meet the performance standards of this Part 2, except for the specific provision which has created the nonconformity and from which relief is sought; and
- (b) The strict application of the terms of this Part 2 would result in undue hardship. The term "undue hardship" shall mean all of the following:
- [1] That the land in question can not yield a reasonable return unless a variance is granted.
 - [2] That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.
 - [3] That the granting of a variance will not alter the essential character of the locality.
 - [4] That the hardship is not the result of action taken by the applicant or a prior owner.
- (4) The Board may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. 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 property by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under 5 M.R.S.A. § 4553.

- (5) The Board shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Part 2 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.
- (6) In areas subject to the Mandatory Shoreland Zoning Act, 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. Any comments received from the Commissioner prior to action by the Board shall be made part of the record and shall be taken into consideration by the Board.

§ 125-124. Appeal procedure.

- A. Time limit. An administrative or variance appeal may be taken to the Board by an aggrieved party from any decision of the Code Enforcement Officer. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty-day requirement.
- B. Written notice. Such appeal shall be made by filing with the Board a written notice of appeal which includes:
 - (1) A concise written statement indicating what relief is requested and why it should be granted; and
 - (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 requested.
- C. Record of case. Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board all

of the papers constituting the record of the decision or action being appealed.

- D. Notice to abutters. Abutting property owners shall be notified by mail by the town of all notices of appeal received by the Board pursuant to Subsection B above. The notice to abutters shall indicate the time, date and place of any public consideration of the appeal.
- E. Public hearing. The Board shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of any appeal request.
- F. Decision by the Board.
- (1) Quorum. A majority of the Board shall constitute a quorum for the purpose of deciding an appeal.
 - (2) Majority vote. The concurring vote of at least three (3) members is necessary to reverse an order, requirement, decision or determination of the Code Enforcement Officer or the Planning Board in their administration of this Part 2, or to decide in favor of the applicant on any matter on which it is required to decide under this Part 2, or to affect any variation in the application of this Part 2 from its stated terms. **[Amended 11-19-1992 by Ord. No. 7-92]**
 - (3) Burden of proof. The person filing the appeal shall have the burden of proof.
 - (4) Action on appeal. Following the public hearing on an appeal, the Board may reverse the decision or failure to act of the Code Enforcement Officer only upon a finding that the decision or failure to act was clearly contrary to specific provisions of this Part 2.
 - (5) Time frame. The Board shall decide all appeals within thirty-five (35) days after the close of the hearing and shall issue a written decision within seven (7) days of the Board's decision.
 - (6) Board decisions shall only be made by voting at a public meeting. All decisions shall become a part of

the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor and the appropriate order, relief or denial thereof.

- G. Reconsideration. The Board may reconsider any decision reached within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

§ 125-125. Appeal to Superior Court.

An appeal may be taken by any aggrieved party to Superior Court in accordance with state laws within thirty (30) days from the date of any decision of the Board.

**ARTICLE XVI
Performance Guaranties**

§ 125-126. Required improvements.

Applicants whose developments are subject to site plan review shall provide performance guaranties sufficient to insure that the site is environmentally stable in the event that the project is not completed. An environmentally stable condition shall mean that the ground cover has been restored so that there is no erosion from the site, public safety hazards have been removed or otherwise protected and partially completed buildings are not a health or safety hazard.

§ 125-127. Contents of guaranty.

The conditions and amount of a performance guaranty shall be determined by the Planning Board with the advice of the Town Manager and/or the Town Attorney.

§ 125-128. Types of guaranties.

A performance guaranty may take any one (1) of the following forms:

- A. Escrow account. A cash contribution to the establishment of an escrow account may be made by either a certified check made out to the town, the direct deposit into a savings account or the purchase of a certificate of deposit. For any account opened by the developer, the town shall be named as owner and the consent of the town shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the developer unless the expenditure of the interest by the town is necessary in order to complete the required improvements.
- B. Performance bond. A performance bond shall be provided, issued by a surety company approved by the Town Council, made payable to the town. A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the developer and the procedures for collection by the town. The bond documents shall specifically reference the development for which approval is sought.
- C. Irrevocable letter of credit. An irrevocable letter of credit, issued by a financial institution approved by the Town Council or the Town Manager, may establish funding for the development from which the town may draw if construction is inadequate. An irrevocable letter of credit shall indicate that funds have been set aside for the construction of the development and may not be used for any other project or loan.
- D. Conditional agreement. In the case of a subdivision, the Planning Board, at its discretion, may provide for the developer to enter into a binding agreement with the town in lieu of other performance guaranties. Such an agreement shall provide for approval of the final plan on the condition that no lots may be sold or built upon until either:

- (1) It is certified by the Planning Board, or its agent, that all of the required improvements have been installed in accordance with this Part 2 and the regulations of the appropriate utilities; or
- (2) A performance guaranty, acceptable to the town, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed. Notice of the agreement and any conditions shall be on the final plan which is recorded at the registry of deeds.

§ 125-129. Release of guaranty.

Upon issuance of a certificate of occupancy/use, the performance guaranty shall be released. In the event that the project is not completed, the balance that has not been used to stabilize the site shall be released.

§ 125-130. Default.

If, upon inspection, the Code Enforcement Officer or his/her designee finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he/she shall so report in writing to the Town Council, the Planning Board and the Town Manager. The Town Council shall take any steps necessary to preserve the town's rights.

**ARTICLE XVII
Definitions**

§ 125-131. Construction of language.

- A. In this Part 2, certain terms or words should be interpreted as follows:

- (1) The word "person" includes a firm, association organization, partnership, trust, company or corporation, as well as an individual.
 - (2) The present tense includes the future tense, the singular number includes the plural and plural includes the singular.
 - (3) The word "shall" is mandatory.
 - (4) The word "may" is permissive.
 - (5) The words "used" or "occupied" include the words "intended," "designed" or "arranged to be used or occupied."
 - (6) The word "dwelling" includes the word "residence."
- B. In the case of any difference of meaning or implication between the text of this Part 2 and any map or illustration, the map shall control.
- C. Terms not defined shall have the customary dictionary meaning.

§ 125-132. Definitions of words.

For the purpose of interpreting this Part 2, the following terms, phrases, words and their derivations shall have the meanings given herein:

ABUTTING — Having a common border with or being separated from such common border by an alley or easement.

ACCESS — A means of approach or entry to or exit from property.

ACCESS DRIVE — A private roadway primarily intended to transport vehicles from a public or private way to a point within private property.

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.

ACRE — A measure of land containing forty-three thousand five hundred sixty (43,560) square feet.

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 Part 2; a person whose land abuts land for which a 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 — The production, keeping or maintenance for sale or lease of plants and/or animals, including but not limited to forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities or the construction, creation or maintenance of land management roads.

ALTERATION — As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

APPEAL — A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this Part 2 as expressly authorized by the provisions of this Part 2.

ATTIC — That part of a building which is immediately below, and wholly or partly within, the roof framing.

AUTOMOBILE SALES LOT — A lot arranged, designed or used for the storage and display for passenger automobiles and trucks up to three-fourths ($\frac{3}{4}$) ton in size and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.

AUTOMOBILE SERVICE STATION (FILLING STATION) — Any premises used for supplying gasoline and oil at retail, direct to the customer, including the sale of minor accessories and minor services for automobiles.

AUTO REPAIR GARAGE — A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.

BASEMENT — The substructure of a building that is partially or wholly below ground level which may or may not be used for living space.

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.

BUFFERS — Units of land, together with a specified type and amount of vegetative planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILDING:

A. **BUILDING** — Any structure used or intended for supporting or sheltering for any use or occupancy. Where independent units with separate entrances are divided by walls, each unit is a "building."

- B. **BUILDING, ACCESSORY** — A building which is subordinate in area, extent and purpose to the principal building or use served, which is located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Part 2 and which is customarily incidental to the principal building or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an “accessory building.”
- C. **BUILDING, PRINCIPAL** — A building (structure) in which is conducted or in which is intended to be conducted the main or primary use of the lot on which it is located.

BUILDING FRONT LINE — Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

BUILDING HEIGHT — The vertical distance between the mean elevation of the finished grade of the building and the highest point of the roof. For those structures with multiple roofs, each roof shall be considered in relation to the finished grade upon which that part of the structure rests.

CAMPGROUND — Any land area specifically designed and developed, containing two (2) or more individual campsites which accommodate that segment of the traveling public seeking temporary camping accommodations for tents, recreational vehicles and/or towed travel trailers for compensation. Accessory uses, subject to a site plan review, include camper services and facilities, such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlet for camping supplies and equipment, recreational services, etc.

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

CLINIC — An establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or dentist or by a group of physicians or dentists.

CLUSTER DEVELOPMENT — The development, according to an approved plan, of a large tract of land where three (3) or more buildings are constructed on lots smaller than normally required in the zone where located, provided that the overall density of the development of the tract does not exceed the density or requirements of the zone and land not built upon is permanently preserved as common open space. The term also refers to a planned unit development.

CODE ENFORCEMENT OFFICER — A person appointed by the municipal officers to administer and enforce this Part 2. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector and the like where applicable.

COMMERCIAL COMPLEX (SHOPPING MALL) — Commercial premises owned or managed as a single entity, which accommodates more than one (1) retail or service business, including professional offices and which contains more than twelve thousand (12,000) square feet of gross floor area, including department stores and grocery stores with more than twelve thousand (12,000) square feet of gross floor area.

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.

- A. **COMMERCIAL INDOOR RECREATION USE** — Includes, but is not necessarily limited to, the following commercial uses: arcades, bowling alleys, indoor sports, arenas, tennis courts, race tracks, indoor animal exhibits, etc.
- B. **COMMERCIAL OUTDOOR RECREATION USE** — Includes, but is not necessarily limited to, the following commercial uses: golf courses, tennis courts, amusement and theme parks, water slides, zoos and animal parks, race tracks, speedways, motorcycle tracks, riding stables, etc.

CONDOMINIUM — As defined in the Maine Condominium Act of 1983, means real estate, portions of which are designated for separate ownership and the remainder of which are designated for common ownership solely by the owners of those portions under a declaration, duly recorded pursuant to this Act. A "condominium" is a legal form of ownership, not a land development type. Real estate is not a "condominium" unless the undivided interests in the common elements are vested in the unit owners.

CONDOMINIUM CONVERSION — A building that at any time before creation of the condominium was occupied wholly or partially by one (1) or more persons other than purchasers and persons who occupy with the consent of the purchasers.

CONGREGATE HOUSING — A private, licensed establishment operated for the purpose of providing domiciliary care for a group of persons who, by reason of age or physical condition, do not desire to, but are financially capable of, providing such care for themselves and who are not in need of medical or nursing treatment except in the case of temporary illness.

DBH (DIAMETER AT BREAST HEIGHT) — A measurement of the size of a tree equal to the diameter of its trunk measured at four and one-half (4^{1/2}) feet above the natural grade.

DAY-CARE FACILITY — As defined in 22 M.R.S.A. § 1673, a house or other place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day, providing care and protection for three (3) or more children under the age of sixteen (16) unrelated to the operator, not to include nursery schools, summer camps, formal public or private schools and further defined by the Department of Human Services as follows:

- A. DAY-CARE CENTER — A day-care facility as defined in state statutes for thirteen (13) or more children on a regular basis.
- B. DAY-CARE HOME — A day-care facility as defined in state statutes for three (3) to twelve (12) children on a regular basis.

DECK — An accessory attachment to a principal structure. It shall be constructed primarily of wood and shall not be enclosed. It shall not have a roof, canopy or awning, nor shall it have framed or screened walls. It shall be supported above the ground on posts or beams and shall not have a foundation. It may contain railings with screening and gates to enclose pets or children.

DEDICATION — The transfer of property interests from private to public ownership for a public purpose. The transfer may be fee-simple interest or of a less-than-fee-simple interest, including an easement.

DEVELOPER — The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase, tenant, contractor, development corporation or entity.

DEVELOPMENT — Any activity requiring a permit pursuant to this Part 2.

DRAINAGE — The removal of surface or ground water from land by drains, grading or other means. "Drainage" includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation and prevention or alleviation of flooding.

DRIVEWAY — A vehicular accessway fewer than five hundred (500) feet in length serving two (2) lots or fewer.

DWELLING:

- A. DWELLING — A building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multiple-family dwellings.
- B. DWELLING UNIT — A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating.
- C. DWELLING, SINGLE-FAMILY DETACHED — A dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit. The term shall include manufactured and prefabricated homes.
- D. DWELLING, TWO-FAMILY — A detached or semidetached building used for residential occupancy by two (2) families living independently of each other.
- E. DWELLING, MULTIFAMILY — A building or portion thereof used for residential occupancy by three (3) or more families living independently of each other and doing their own cooking in the building, including apartments, group houses and row houses.

EASEMENT — Authorization by a property owner of the use by another, and for a specified purpose, of any designated part of his property.

EMERGENCY OPERATIONS — Include 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 and livestock from the threat of destruction or injury.

ENLARGEMENT or TO ENLARGE — An addition to the floor area of an existing building, an increase in the size of any other structure or an increase in that portion of a tract of land occupied by an existing use. "To enlarge" is to make an enlargement.

ESSENTIAL SERVICES — The construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel or water transmission or distribution systems; collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

EXPANSION OF A STRUCTURE — An increase in the floor area or volume of a structure, including all extensions, such as but not limited to attached decks, garages, porches and greenhouses.

EXPANSION OF USE — The addition of weeks or months to a use's operating season, additional hours of operation or the use of more floor area or ground area devoted to a particular use.

EXTENSION or TO EXTEND — An increase in the amount of existing floor area used for an existing use within an existing building. "To extend" is to make an extension.

FAMILY — One (1) or more persons occupying a premises and living as a single housekeeping unit.

FLOODPLAIN — May be either riverine or inland depressional areas. Riverine floodplains are those areas contiguous to a lake, river, stream or stream bed whose elevation is greater than the normal water pool elevation but equal to or lower than the projected one-hundred-year flood elevation. Inland depressional floodplains, not associated with a stream system, are low points to which surrounding lands drain.

FLOOR AREA — The sum of the horizontal surface areas of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure, such as porches and decks.

FLOWING WATER — Surface water within a stream channel that has a perceptible flow and is substantially permanent in nature. Such waters are commonly referred to as “rivers,” “streams” and “brooks.”

- A. **MAJOR FLOWING WATERS** — Flowing water downstream from the point where such water drains fifty (50) square miles or more.
- B. **MINOR FLOWING WATERS** — Flowing water upstream from the point where such water drains less than fifty (50) square miles.

FOOD PROCESSING FACILITY — A place housing any operation which changes the chemical composition or physical properties of food materials for human consumption. An example would be a creamery where dairy products, such as butter, cheese and ice cream, are made. The term does not include slaughterhouses nor does it include restaurants where food is prepared and sold at retail.

FOREST MANAGEMENT ACTIVITIES — Timber cruising and other forest resource evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber

harvesting and other similar associated silvicultural activities, but not the construction or creation of roads.

FORESTED WETLAND — A freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

FOUNDATION — The supporting substructure of a building or other structure, including but not limited to basements, slabs, sills, posts or frost walls.

FRESHWATER WETLAND:

A. Freshwater swamps, marshes, bogs and similar areas which are:

- (1) Of ten (10) 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 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.

B. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition. (See "wetlands associated with great ponds and rivers" below.)

C. "Freshwater wetlands" do not include forested wetlands.

FRONTAGE, ROAD — The continuous linear distance, measured along the lot line which separates the lot from a public or private way.

FRONTAGE, SHORE — The horizontal distance, measured in a straight line, between the intersections of

the side lot lines with the shoreline at normal high-water elevation. "Shore frontage" may be measured in running linear feet instead of the method herein proposed, provided that such measurement is made by a licensed professional surveyor and is submitted to the Board under the seal of such surveyor at the expense of the applicant.

GARAGE, COMMERCIAL — A structure used for parking or storage of motor vehicles, generally available to the public and involving payment of a charge for such parking or storage. A garage used solely in conjunction with a multiple-family dwelling or hotel shall not be construed to be a commercial garage, but rather a permitted accessory structure and use, even though not on the same premises as the multiple-family dwelling or hotel.

GARAGE, RESIDENTIAL — An accessory building for parking or temporary storage of motor vehicles belonging to residential occupants of the premises or a part of the residence usually occupying the ground floor area of principal one- or two-family dwellings. Not more than one (1) space may regularly be used by the private passenger automobile of a person not resident on the premises.

GRADE — In relation to buildings, the average of the finished ground level at the center of each wall of a building.

GREAT POND — Any inland body of water which in a natural state has a surface area in excess of ten (10) 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 Part 2, 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 38 M.R.S.A. § 465-A. This

classification includes some but not all impoundments of rivers that are defined as great ponds.

GREENHOUSE, COMMERCIAL — An enclosed building, permanent or portable, which is used for the growth and sale of plants either wholesale or retail or for business purposes.

GREENHOUSE, NONCOMMERCIAL — An accessory building to a residence designed or used for the growth of small plants.

GROCERY STORE — A small neighborhood establishment retailing food and related commodities, as distinguished from a supermarket, defined as a “major retail outlet.”

GUEST ROOM — A room in a hotel, motel, tourist home or bed-and-breakfast residence offered to the public for compensation, in which room no provision is made for cooking.

HOME OCCUPATION — The use of a legally existing residential property as defined in § 125-54C of this Part 2. **[Added 8-4-1994 by Ord. No. 4-94]**

HOSPITAL — An institution providing health services primarily for inpatients and medical or surgical care of the sick or injured, including, as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

IMPERVIOUS SURFACE — Surfaces which do not absorb water, specifically all buildings, parking areas, driveways, roads, sidewalks and any areas of concrete or asphalt. In the case of lumberyards, areas of stored lumber constitute “impervious surfaces.”

INDIVIDUAL PRIVATE CAMPSITE — An area of land which is not associated with a campground but which is developed for repeated camping by only one (1) 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.

INDUSTRY — Use of a premises for assembling, fabricating, finishing, manufacturing, packaging or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations and repair shops.

JUNKYARD:

- A. **AUTOMOBILE GRAVEYARD** — A yard, field or other area used as a place of storage for three (3) or more unregistered, unserviceable, discarded, worn-out or junked automobiles. This provision does not apply to serviceable, but unregistered vehicles offered for sale by a state-licensed automobile dealer.
- B. **JUNKYARD** — A yard, field or other area used as a place of storage for discarded, worn out or junked plumbing or heating supplies, household appliances, furniture, discarded scrap and junked lumber, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and scrap iron, steel and other ferrous and nonferrous material, including garbage dumps, waste dumps and sanitary landfills.

KENNEL, COMMERCIAL — Any place in or at which any number of dogs or cats are kept for the purpose of sale or in connection with boarding, care, training or breeding, for which a fee is charged.

KENNEL, NONCOMMERCIAL — An accessory building to a residence designed or used for the accommodation of dogs or cats owned by the occupant of the residence.

LAKES and PONDS — Natural or artificial bodies of water which retain water year round. Artificial "ponds"

may be created by dams or may result from excavation. State regulations apply to any body of water which has a surface area in excess of ten (10) acres, except a man-made body of water completely surrounded by land held by a single owner.

LEVEL OF SERVICE — A qualitative measure that incorporates the collective factors of speed, travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience and operating costs provided by a highway facility under a particular volume condition, as established by the Institute of Transportation Engineer's Transportation and Traffic Engineering Handbook, Second Edition.

LOADING SPACE — An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

LOT — A parcel of land undivided by any street or public road and occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses incidental to such building, use or development, including such open spaces and yards as are designed and arranged or required by this Part 2 for such building, use or development.

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 roads serving more than two (2) lots.

LOT, CORNER — A lot abutting two (2) or more streets at their intersection.

LOT COVERAGE — The percentage of the lot covered by the footprints of buildings and structures. **[Amended 2-17-1994 by Ord. No. 2-94]**

LOT DEPTH — The mean horizontal distance between the front and rear lot lines, measured within the lot boundaries.

(Cont'd on page 12645)



LOT LINE — A line bounding a lot which divides one lot from another or from a street or any other public or private space, as defined below:

- A. **FRONT LOT LINE** — In the case of a lot abutting only one (1) street, the lot line separating such lot from such street; in the case of a double-frontage lot, each lot line separating such lot from a street shall be considered to be the "front lot line," except where the rear yard requirement is greater than the front yard requirement, in which case one (1) of two (2) opposing yards shall be a rear yard. In the case of a lot with no road frontage, the "front lot line" shall be considered to be the line parallel to the front of the building.
- B. **REAR LOT LINE** — That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the "rear lot line." In the case of lots which have frontage on more than one (1) road or street, the "rear lot line" shall be opposite the lot line through which the lot takes access to a street.
- C. **SIDE LOT LINE** — Any lot line other than a front or rear lot line.

MANUFACTURED HOUSING — A structural unit or units designed for occupancy and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. For purposes of this Part 2, three (3) types of manufactured housing will be referred to:

- A. **NEWER MOBILE HOMES** — Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards and comply with the

Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq., which, in the traveling mode, are fourteen (14) body feet or more in width and are seven hundred fifty (750) or more square feet and are constructed on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation.

- B. **OLDER MOBILE HOMES** — Those units constructed before June 15, 1976, and not in compliance with the Manufactured Housing Construction and Safety Standards Act of 1974, which are constructed on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, but does not include those smaller units commonly called "travel trailers."
- C. **MODULAR HOMES** — Those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one (1) or more sections, which are not constructed on a permanent chassis and are deigned to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

MARINA — A business establishment having frontage on navigable water within the town and providing for hire offshore mooring or docking facilities for boats and accessory services and facilities, such as boat sales, rental and storage, marine supplies and equipment, marina engine and hull repairs, construction and outfitting for pleasure craft, fuel and oil, electricity, fresh water, ice, shower and laundry facilities and on-premises restaurant.

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-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 transports the product removed away from the extraction site.

MOBILE HOME PARK — A parcel of land under unified ownership approved by the Town of Millinocket for the placement of three (3) or more manufactured homes.

MOTOR VEHICLE — Every vehicle which is self-propelled and designed for carrying persons or property or which is used for the transportation of persons.

MOTOR VEHICLE, UNSERVICEABLE — Any motor vehicle which is wrecked, dismantled, cannot be operated legally on any Maine public highway or which is not being used for the purpose for which it was manufactured.

MULTIUNIT RESIDENTIAL — A residential structure containing three (3) or more residential dwelling units.

MUNICIPAL FACILITIES — Buildings or land which is owned by the Town of Millinocket and operated under its supervision.

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. In the case of wetlands adjacent to rivers and great ponds, the "normal high-water line" is the upland edge of the wetland and not the edge of the open water.

NORMAL MAINTENANCE AND REPAIR — Any work necessary to maintain an improvement or structure in its original or previously improved state or condition.

“Normal maintenance and repair” shall not include reconstruction, change in design, change in structure, change in uses, change in location or change in size or capacity.

NURSERY, COMMERCIAL — An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not power equipment, such as gas or electric lawnmowers) and farm implements directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.

NURSING HOME — A facility for the care of the aged or infirm person or a place of rest for those suffering bodily disorders, but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism or narcotics addiction.

OPEN SPACE USE — A use which does not disturb the existing state of the land except to restore this land to a natural condition.

OWNER — The person or persons having the right of legal title to, beneficial interest in or a contractual right to purchase a lot or parcel of land

PARKING LOT — An open area other than a street used for the parking of more than four motor vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers.

PARKING SPACE — A surfaced area, not less than nine (9) feet wide and eighteen (18) feet long, enclosed or unenclosed, sufficient in size to store one motor vehicle and permit ingress and egress of that vehicle without the necessity of moving any other motor vehicle.

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, WHARFS, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BEYOND THE NORMAL HIGH-WATER LINE OR WITHIN A WETLAND:

- A. TEMPORARY — Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
- B. 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 — See “cluster development.”

PORCH — An accessory attachment to a principal structure. It shall be constructed primarily of wood and have a roof, canopy or awning and may have framed or screened walls. It shall be supported above the ground on posts, beams or by a foundation. It may contain railings with screening and gates to enclose pets or children.

PRINCIPAL STRUCTURE — A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

PRINCIPAL USE — A use other than one which is wholly incidental or accessory to another use on the same premises.

PROFESSIONAL OFFICE BUILDING — A building in which there is located the office of a professional, such as an architect, accountant, dentist, doctor of medicine, lawyer, etc., or in which a business conducts its administrative, financial or clerical operations, but not including any other manufacturing, commercial or industrial activity.

PUBLIC FACILITY — Any facility, including but not limited to buildings, property, recreation areas and

roads, which are owned, leased or otherwise operated or funded by a governmental body or public entity.

PUBLIC UTILITY — Any person, firm, corporation, municipal department, board or commission authorized by the Maine Public Utilities Commission to furnish gas, steam, electricity, communication facilities or transportation of water to the public.

RECENT FLOODPLAIN SOILS — The following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial
Charles
Cornish
Fryeburg
Hadley
Limerick
Lovewell
Medomak
Ondawa
Podunk
Rumney
Saco
Suncook
Sunday
Winooski

RECONSTRUCTION — The restoration, remodeling or rebuilding of a structure, whether necessitated by deterioration, obsolescence, casualty or other occurrence, where the costs of such work equal or exceed the value of the property in its existing condition.

RECREATIONAL FACILITY — A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreation 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 (1) or more persons and which may include a pickup camper, travel trailer, tent trailer, camp trailer and motor home.

REPLACEMENT SYSTEM — A sewage disposal 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 system.

RESEARCH FACILITY — A building or part of a building devoted to scientific inquiry and ancillary functions. No manufacturing is conducted on the premises except, as related to the scientific research being conducted.

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 (1) family. The term shall include mobile homes but not recreational vehicles.

RESTAURANT — An establishment whose principal business is the sale of food and/or beverages to consumers in a ready-to-consume state and whose principal method of operation includes one (1) or more of the following characteristics:

- A. Customers normally provided with an individual menu and are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed.
- B. A cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

- C. A carry-out or delivery service, drive-in service and service or consumption outside a fully enclosed structure.

RETAIL ESTABLISHMENT — Any business, housed in a permanent structure, engaged primarily in the sale of goods and services to the consumer for direct consumption and/or use, but not for resale.

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 floodplain wetlands, from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

ROAD — A thoroughfare or way 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.

- A. **PRIVATE ROAD** — A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.
- B. **PUBLIC ROAD** — A public thoroughfare, way or easement permanently established for passage of persons or vehicles.

ROADSIDE STAND — A roadside stand selling at retail on the premises only farm produce, camp firewood or garden, greenhouse or nursery products and, between Labor Day and Christmas, cut Christmas trees, garlands, wreaths and wreath materials primarily produced on the property.

SCHOOL, MUNICIPAL — A publicly owned facility within which educational classes for any grades, kindergarten through twelve (12), are conducted

pursuant to a program approved by the State Board of Education or similar governmental agency.

SCHOOL, PRIVATE — A privately owned facility within which instruction is provided for a fee.

SERVICE DROP — Any utility line extension which does not cross or run beneath any portion of a water body, provided that:

A. In the case of electric service:

- (1) The placement of wires and/or the installation of utility poles is located entirely upon a roadway right-of-way; and
- (2) The total length of the extension is less than one thousand (1,000) feet.

B. In the case of telephone service:

- (1) The extension, regardless of length, will be made by the installation of telephone wires to existing utility poles; or
- (2) 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 or road right-of-way to the nearest part of a structure, parking space or other regulated object or area.

SHORELAND AREA — The land area located within two hundred fifty (250) feet of the normal high-water line of any great pond or river, within two hundred fifty (250) feet of the upland edge of a freshwater wetland or within seventy-five (75) feet of the high-water line of a stream. All distances shall be measured as horizontal distances.

SIGN ITEMS:

- A. **SIGN** — A device, model, banner, pennant, insignia, flag or other representation which is used as or is in

the nature of an advertisement, announcement or direction.

- B. **BILLBOARD** — Anything designed, intended or used for advertising a product, property, business, entertainment, service, amusement or the like, and not located where the matter advertised is available or occurs.
- C. **FREESTANDING SIGN** — A sign supported by one (1) or more uprights or braces permanently affixed into the ground.
- D. **PORTABLE SIGN** — A sign not designed or intended to be permanently affixed into the ground or to a structure.
- E. **ROOF SIGN** — A sign which is attached to a building and is displayed above the eaves of such building.
- F. **TEMPORARY SIGN** — A sign of a temporary nature, erected for less than ninety (90) days, exemplified by the following: political poster, charitable signs, construction signs, carnival signs, garage sale signs, lawn sale signs, rummage sale signs, all signs advertising sales of personal property and for-rent signs.
- G. **WALL SIGN** — Any sign painted on or attached parallel to the wall surface of a building and projecting therefrom not more than six (6) inches.
- H. **WINDOW SIGN** — Any on-premise, nontemporary sign visible from the exterior of the building or structure which is permanently painted, attached, glued or otherwise affixed to a window.
- I. **AREA OF A SIGN:**
 - (1) The exposed surface of the sign, including all ornamentation, embellishment, background and symbols but excluding the structure which does

not form a part of the message of the sign, measured in square feet.

- (2) The sign area of a sign composed of characters or words attached directly to a uniform building wall surface or window surface (wall sign or window sign) shall be the smallest rectangle which encloses the whole group or message.
- (3) The aggregate sign area for a premises shall be taken to mean the sum of the area of all signs visible from public streets, sidewalks, parks, etc., and includes wall signs, window signs, freestanding signs, roof signs and small signs attached to the principal sign for a premises. Examples of the latter are exemplified by small signs attached to the principal sign indicating "fireplaces," "swimming pool," "Master Card, Diners Club or American Express accepted." If the shape of a sign is convoluted or irregular, then the area is to be taken as the smallest rectangle which encloses the sign.

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 edition of a United States Geological Survey, seven-and-one-half-minute series topographic map, or, if not available, a fifteen-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the Shoreland Protection Zone (SP).

STREET — Any public way.

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. The term includes structures temporarily or permanently located, such as decks, raised walkways, handicapped access ramps and satellite dishes.

SUBDIVISION — The division of a tract or parcel of land into three (3) or more lots within a five-year period, whether accomplished by sale, lease, development, buildings or otherwise, and as further defined in state statutes, 30-A M.R.S.A. § 4401.4, as amended.

SUSTAINED SLOPE — A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

TEMPORARY USE — A use established for a fixed period of time with the intent to discontinue such upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

TIMBER HARVESTING — The cutting and removal of trees from their growing site, and the attendant operation of harvesting machinery, but not the construction of roads. "Timber harvesting" does not include the clearing of land for approved construction for which a lawful permit has been issued in accordance with state and local codes, ordinances, statutes, rules and regulations.

TOWN — The Town of Millinocket, Maine.

TRANSIENT — A nonresident person residing within the town less than thirty (30) days.

TRANSIENT ACCOMMODATIONS I (also referred to as "bed-and-breakfast") — Includes buildings where accommodations are provided for compensation as a business in the private year-round residence of the host family, consisting of a maximum of three (3) guest rooms and six (6) guests at any one (1) time, not including children of the paying guests under twelve (12) years of age. Breakfast is the only meal, if any, to be provided for compensation.

TRANSIENT ACCOMMODATIONS II (also referred to as "small inns and boardinghouses") — Includes buildings where accommodations are provided for compensation, where a maximum of ten (10) guest rooms

are provided at any one (1) time and meals, if provided, are provided to guests only.

TRANSIENT ACCOMMODATIONS III (also referred to as "motels, hotels and inns") — Includes buildings where accommodations are provided for compensation, where a maximum of twenty-five (25) guest rooms are provided at any one (1) time and no meals are provided.

TRANSIENT ACCOMMODATIONS IV (also referred to as "motels, hotels and inns") — Includes buildings where accommodations are provided for compensation, where a maximum of twenty-five (25) guest rooms are provided at any one (1) time and meals are provided to guests only.

TRANSIENT ACCOMMODATIONS V (also referred to as "motels, hotels and inns") — Includes buildings where accommodations are provided for compensation, where twenty-five (25) or more guest rooms are provided at any one (1) time and meals are provided for guests. Accessory uses, such as restaurants, cocktail lounges, gift shops, conference rooms and recreational facilities, such as swimming pools and game rooms, may be included on the premises. This type of accommodation and its accessory uses are subject to site plan review.

TRANSPORTATION FACILITIES — Structures and grounds used for transportation service activities, such as ticket booths and waiting shelters for bus, taxi or touring van.

TRIBUTARY STREAM — A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland, as defined. This definition does not include the term "stream" as defined elsewhere in this Part 2 and only applies to that portion of the tributary stream located

within the Shoreland Protection Zone (SP) of the receiving water body or wetland.

UNDERTAKING ESTABLISHMENT — A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

USE — The purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

VARIANCE — A relaxation of the terms of this Part 2 where such a 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 Part 2 would result in unnecessary or undue hardship.

VOLUME OF A STRUCTURE — The volume of all portions of a structure enclosed by a roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

WAREHOUSING AND STORAGE FACILITY — A structure for the storage of merchandise or commodities, including bulk storage and bulk sales outlet.

WATER BODY — Any great pond, river or stream.

WATER CROSSING — Any project extending from one bank to the opposite bank of a river or stream, whether under, through or over the watercourse. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines and cables, as well as maintenance work on these crossings.

WATER-RELATED STRUCTURE — Includes piers, docks, wharves, floats, cribs, pilings, boathouses, breakwaters, causeways and similar structures projecting into water bodies.

WETLANDS ASSOCIATED WITH GREAT PONDS AND RIVERS — Wetlands contiguous to or adjacent to a great

pond or river and which, during normal high-water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway or similar feature less than one hundred (100) feet in width and which have a surface elevation at or below the normal high-water line of the great pond or river. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

WHOLESALE BUSINESS ESTABLISHMENT — Any business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to consumers.

WILDLIFE — All vertebrate species (animals with backbones), except fish.

WILDLIFE MANAGEMENT PRACTICES — Activities engaged in for the exclusive purpose of management of wildlife populations by manipulation of their environment for the benefit of one (1) or more species. Such practices may include, but not be limited to, harvesting or removal of vegetation, controlled burning, planting, impounding water, controlled hunting and trapping, relocation of wildlife, predator and disease control and installation of artificial nesting sites, provided that such activities are specifically controlled and designed for the purpose of managing such species.

YARD — The area of land on a lot not occupied by buildings.

- A. **FRONT YARD** — The open, unoccupied space on the same lot with the principal building between the front lot line and the nearest part of any building on the lot and extending the entire width of the lot.
- B. **REAR YARD** — The open, unoccupied space on the same lot with the principal building between the rear lot line and the nearest part of any building on the lot and extending the entire width of the lot.

C. **SIDE YARD** — The open, unoccupied space on the same lot with the principal building between a side lot line and the nearest part of any building on the lot and extending from the front yard to the rear line.

ZONE — A specified portion of the town, delineated on the Official Zoning Map, within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Part 2.

ZONING

Table of Zoning Map Amendments Millinocket, ME

Ordinance No.	Adoption Date	Description/ Zone Change
1-98	5-14-1998	Lot 3 (3-1 through 3-27) from R2 to RD
6-98	11-5-1998	Huber property and additional adjacent land from CF to ID
8-98	12-3-1998	Rice farm from ID to RD



ZONING

Table of Zoning Map Amendments Millinocket, ME

Ordinance No.	Adoption Date	Description/ Zone Change
1-98	5-14-1998	Lot 3 (3-1 through 3-27) from R2 to RD



Town of Millinocket
Schedule of Uses
(Part 1)

Activities	Districts											
	R1	R2	RD	DC	HC	NC	ID	AD	OR	WP	SP1	CR2
1. Non commercial Recreational Activities [Amended 4-13-1995 by Ord. No. 1-95]												
a. Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross-country skiing and snowshoeing	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
b. Trails, provided that they are constructed and maintained so as to avoid sedimentation of water bodies	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
c. Motorized vehicular traffic on roads and trails, and snowmobiling	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
d. Primitive campsites and access points	N	N	S	N	S	N	N	N	S	N	S	S
e. Nonpermanent docking and mooring structures	N	N	N	N	N	N	N	N	N	N	N	N
f. Permanent docking or mooring structures	N	N	N	N	N	N	N	N	N	N	N	N
g. Accessory uses and structures that are essential for the exercise of uses listed above	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Resource Management Activities												
a. Wildlife and fishery management practices	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
b. Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement and search and rescue operations	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
c. Surveying and other resource analysis	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
d. Forest management activities, not including timber harvesting, pesticide and fertilizer application	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
e. Agricultural management activities, not including pesticide and fertilizer application	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
f. Mineral exploration to discover or verify the existence of mineral deposits, including the removal of specimens or trace quantities, provided that such exploration is accomplished by methods of hand sampling, including panning, hand test boring, diggings and other nonmechanized methods, which create minimal disturbance and take reasonable measures to restore the disturbed area to its original condition	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
g. Noncommercial structures for scientific, educational or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by the district in which it is located	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
h. Signs other than those listed as exempt in Articles VIII and IX	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
i. Accessory uses and structures that are essential for the exercise of uses listed above	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Resource Extraction Activities [Amended 4-13-1995 by Ord. No. 1-95]												
a. Commercial timber harvesting	N	N	Y	N	S	N	S	S	S	S	S	Y
b. Production of commercial agricultural products	N	N	Y	N	S	S	S	S	S	S	N	Y
c. Mineral extraction for road purposes only, affecting an area of less than 2 acres in size	S	S	Y	N	S	S	Y	S	S	S	N	Y
d. Mineral extraction operations for any purpose affecting an area 2 acres or greater in size	N	N	S	N	S	S	S	S	S	S	N	S
e. Filling, grading, draining, dredging or alteration of water table or water level, not including individual wells	S	S	S	S	S	S	S	S	S	S	N	S
f. Accessory uses and structures that are essential for the exercise of uses listed above	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4. Residential Activities [Amended 8-4-1994 by Ord. No. 4-94; 4-13-1995 by Ord. No. 1-95]												
a. Single-family detached dwelling	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
b. Single-family mobile homes	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N
c. Multifamily dwelling: 2-family duplexes	Y	N	N	Y	Y	Y	Y	Y	Y	Y	N	N
d. Multifamily dwelling: 3 or more families, including apartments, grouped houses and row houses	S	N	N	S	S	S	N	N	N	N	N	N
e. Mobile home parks	S	N	N	N	S	S	N	N	N	N	N	N
f. Subdivisions	S	S	S	S	S	S	S	S	S	S	N	N
g. Nursing/convalescent home, congregate housing and boarding care facilities	S	N	N	S	S	S	N	N	N	N	N	N
h. Home occupations	S	S	S	S	S	S	N	N	N	N	N	N
i. Accessory uses and structures that are essential for the exercise of uses listed above	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

NOTES:
1 in floodplain/flood hazard areas, beyond one hundred (100) feet from the normal high-water line of the water bodies specified in § 125-33K(2)(a), beyond seventy-five (75) feet from the normal high-water line of the streams specified in § 125-33K(2)(b), beyond seventy-five (75) feet of the upland edge of the wetlands specified in § 125-33K(2)(c) and beyond two hundred fifty (250) feet of the upland edge of the high- or moderate-value wetland wildlife habitats specified in § 125-

Town of Millinocket
Schedule of Uses
(Part 2)

Activities	Districts											
	R1	R2	RD	DC	HC	NC	ID	AD	OR	WP	SPI	CF ²
5. Institutional Activities [Amended 4-13-1995 by Ord. No. 1-95]												
a. Hospital and medical clinic	S	N	N	S	S	S	S	N	N	N	N	N
b. Government facilities and grounds	S	N	S	S	S	S	S	S	S	S	S	N
c. Public schools	S	N	N	S	S	S	S	S	S	S	S	N
d. Private schools (under 15 students)	S	N	N	S	S	S	S	S	S	S	S	N
e. Day-care centers	S	N	N	S	S	S	S	S	S	S	S	N
f. Churches	S	N	N	S	S	S	S	S	S	S	S	N
g. Cemetery	S	N	N	S	S	S	S	S	S	S	S	N
h. Fraternal orders and service clubs	S	N	N	S	S	S	S	S	S	S	S	N
i. Summer youth camps	S	N	N	S	S	S	S	S	S	S	S	N
j. Museums	S	N	N	S	S	S	S	S	S	S	S	N
k. Conference centers	S	N	N	S	S	S	S	S	S	S	S	N
l. Research and development facility	S	N	N	S	S	S	S	S	S	S	S	N
m. Accessory uses and structures that are essential for the exercise of uses listed above	S	N	N	S	S	S	S	S	S	S	S	N
6. Commercial Activities [Amended 1-20-1994 by Ord. No. 1-94; 4-13-1995 by Ord. No. 1-95]	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
a. Motor vehicle, recreation vehicle, aircraft and mobile home sales and rentals	N	N	N	S	S	S	S	S	S	S	S	N
b. Motor vehicle, recreation vehicle and mobile home service station and repair garage	N	N	N	S	S	S	S	S	S	S	S	N
c. Commercial parking garage/parking lot	N	N	N	S	S	S	S	S	S	S	S	N
d. Grocery and variety store	S	N	N	S	S	S	S	S	S	S	S	N
e. Laundry/dry-cleaning establishments	N	N	N	S	S	S	S	S	S	S	S	N
f. Liquor store	N	N	N	S	S	S	S	S	S	S	S	N
g. Restaurant	N	N	N	S	S	S	S	S	S	S	S	N
h. Cocktail lounge	N	N	N	S	S	S	S	S	S	S	S	N
i. Upholstery shop	N	N	N	S	S	S	S	S	S	S	S	N
j. Bottle and can redemption facilities	N	N	N	S	S	S	S	S	S	S	S	N
k. Veterinary clinic	N	N	N	S	S	S	S	S	S	S	S	N
l. Professional offices and office building	N	N	N	S	S	S	S	S	S	S	S	N
m. Repair service (other than auto)	S	N	N	S	S	S	S	S	S	S	S	N
n. Commercial art gallery, craft shop, etc.	S	N	N	S	S	S	S	S	S	S	S	N
o. Funeral parlors	S	N	N	S	S	S	S	S	S	S	S	N
p. General contractors, construction, heating and plumbing	S	N	N	S	S	S	S	S	S	S	S	N
q. Commercial greenhouse, gardens and nurseries	N	N	N	S	S	S	S	S	S	S	S	N
r. Take-out food services	N	N	N	S	S	S	S	S	S	S	S	N
s. Commercial complex (e.g., shopping malls)	N	N	N	S	S	S	S	S	S	S	S	N
t. Theater	N	N	N	S	S	S	S	S	S	S	S	N
u. Grain and feed stores	N	N	N	S	S	S	S	S	S	S	S	N
v. Pet stores	N	N	N	S	S	S	S	S	S	S	S	N
w. Health spas, fitness clubs, gymnasiums, etc.	N	N	N	S	S	S	S	S	S	S	S	N
x. Commercial outdoor recreation activities and uses, not elsewhere listed, and as defined herein	S	N	N	S	S	S	S	S	S	S	S	N
y. Commercial indoor recreation activities and uses, not elsewhere listed, and as defined herein	N	N	N	S	S	S	S	S	S	S	S	N
z. Banks, credit unions and similar financial institutes	N	N	N	S	S	S	S	S	S	S	S	N
aa. Furniture and appliance sales	N	N	N	S	S	S	S	S	S	S	S	N
bb. Mobile home and recreational vehicle sales lots	N	N	N	S	S	S	S	S	S	S	S	N
cc. Hardware stores and nonindustrial lumberyards	N	N	N	S	S	S	S	S	S	S	S	N
dd. Transient Accommodations I: bed-and-breakfast	N	N	N	S	S	S	S	S	S	S	S	N
ee. Transient Accommodations II: motels, hotels and inns, maximum of 10 rooms/no meals served	S	N	N	S	S	S	S	S	S	S	S	N
f. Commercial indoor recreation activities and uses, not elsewhere listed, and as defined herein	S	N	N	S	S	S	S	S	S	S	S	N

NOTES:
1 In floodplain/flood hazard areas, beyond one hundred (100) feet from the normal high-water line of the water bodies specified in § 125-33K(2)(b), beyond seventy-five (75) feet of the upland edge of the wetlands specified in § 125-33K(2)(c) and beyond two hundred (200) feet of the upland edge of the high- or moderate-value wetland wildlife habitats specified in § 125-33K(2)(d) of this Part 2, uses and activities shall be governed by the provisions of the Floodplain Management Ordinance (Chapter 68 of the Town Code).

Town of Millinocket
Schedule of Uses
(Part 3)

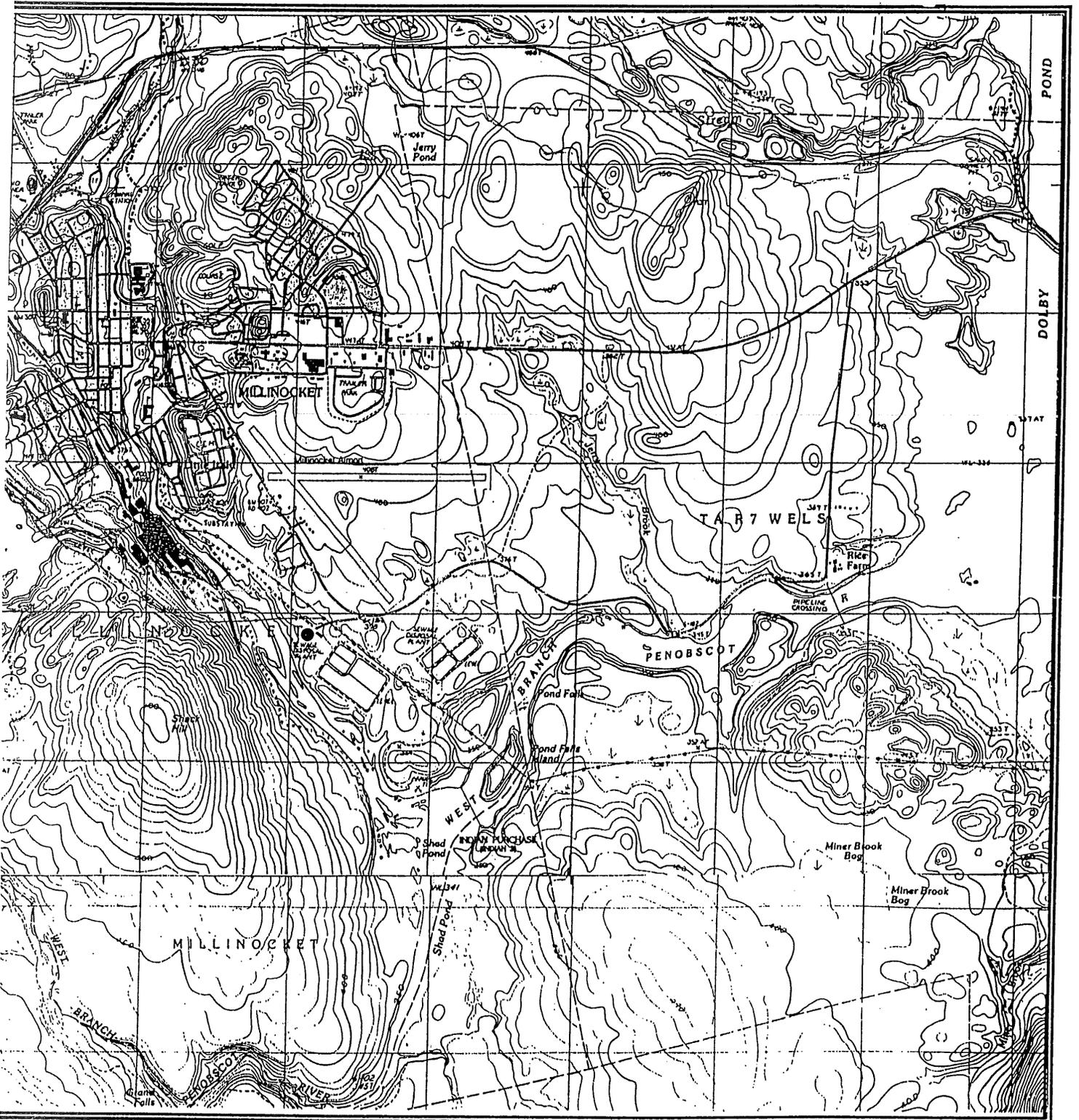
Activities	Districts											
	RI	F:2	RD	DC	HC	NC	ID	AD	OR	WP	SP ¹	CF ²
ff. Transient Accommodations III: motels, hotels and inns, maximum of 25 rooms/no meals served	N	N	S	S	S	S	N	S	N	N	N	N
gg. Transient Accommodations IV: motels, hotels and inns, maximum of 25 rooms/serving meals to guests only	N	N	S	S	S	S	N	S	N	N	N	N
hh. Transient Accommodations V: motels, hotels and inns, 25 or more rooms/serving meals to guests only	N	N	S	S	S	S	N	S	N	N	N	N
ii. Transient Accommodations VI: campgrounds	N	N	S	S	S	S	N	S	N	N	N	N
jj. Retail establishments of more than 2,500 square feet, not listed above	N	N	S	S	S	S	N	S	N	N	N	N
kk. Retail establishments of less than 2,500 square feet, not listed above	N	N	S	S	S	S	N	S	N	N	N	N
ll. Accessory uses and structures that are essential for the exercise of uses listed above	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
7. Industrial Activities [Amended 8-4-1994 by Ord. No. 4-94; 4-13-1995 by Ord. No. 1-95]												
a. Lumberyard, sawmill and pulp mill	N	N	N	N	N	N	N	N	N	N	N	N
b. Transportation facility and terminal yard	N	N	N	N	N	N	S	S	N	N	N	N
c. Bulk oil and fuel tank storage (in excess of 50 gallons), except for on-site heating and cooking purposes	N	N	N	N	S	N	S	S	N	N	N	N
d. Food processing and freezing	N	N	N	N	S	N	S	S	N	N	N	N
e. Junkyards	N	N	N	N	S	N	S	S	N	N	N	N
f. Light manufacturing assembly plant	N	N	N	N	S	N	S	S	N	N	N	N
g. Newspaper and printing facility	N	N	N	N	S	N	S	S	N	N	N	N
h. Other processing and manufacturing facilities	N	N	N	N	S	N	S	S	N	N	N	N
i. Warehousing and storage facility	N	N	N	N	S	N	S	S	N	N	N	N
j. Wholesale business facility	N	N	N	N	S	N	S	S	N	N	N	N
k. Disposal of solid waste	N	N	N	N	S	N	S	S	N	N	N	N
l. Solid waste transfer station	N	N	N	N	S	N	S	S	N	N	N	N
m. Disposal of hazardous/leachable materials	N	N	N	N	S	N	S	S	N	N	N	N
n. Sewage treatment facilities	N	N	N	N	S	N	S	S	N	N	N	N
o. Accessory uses and structures that are essential for the exercise of uses listed above	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
8. Transportation and Utilities												
a. Land management roads and water crossings of minor flowing waters	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S	S
b. Land management roads and water crossings of standing waters and of major flowing waters	S	S	S	S	S	S	S	S	S	S	S	Y
c. Road construction projects, other than land management roads, and not part of a project requiring a Planning Board permit	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S
d. Road construction projects, other than land management roads, which are part of projects requiring Planning Board review	S	S	S	S	S	S	S	S	S	S	S	S
e. Minor utility facilities, including service drops	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S	S
f. Major utility facilities, such as transmission lines, water supply and sewage treatment facilities, but not including service drops	N	N	S	N	S	S	S	S	S	S	S	S
g. Airport terminal building and attendant airport uses	N	N	N	N	N	N	N	S	N	N	N	N
h. Accessory uses and structures that are essential for the exercise of uses listed above	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

NOTES:

¹ In floodplain/flood hazard areas, beyond one hundred (100) feet from the normal high-water line of the water bodies specified in § 125-33K(2)(a), beyond seventy-five (75) feet from the normal high-water line of the streams specified in § 125-33K(2)(b), beyond seventy-five (75) feet of the upland edge of the wetlands specified in § 125-33K(2)(c) and beyond two hundred fifty (250) feet of the upland edge of the high- or moderate-value wetland wildlife habitats specified in § 125-33K(2)(d) of this Part 2, uses and activities shall be governed by the provisions of the Floodplain Management Ordinance (Chapter 68 of the Town Code).

² [Added 4-13-1995 by Ord. No. 1-95]

Zoning Map
Town of Millinocket



November 19, 1992

