

Town Meeting Warrant

To **Danielle E. Loring, a Constable in the Town of Minot in the County of Androscoggin.**

Greetings:

In the name of the State of Maine you are hereby required to notify and warn the inhabitants of said Town of Minot, qualified by law to vote in town affairs, to meet at the Minot Town Office, in said Town on **Friday, February 28, 2025 at three forty-five (3:45) o'clock in the afternoon, then and there to act upon Article 1 by secret ballot and by secret ballot on Article 2 as set below, the polling hours therefore to be from four (4) o'clock in the afternoon until eight (8) o'clock in the evening.** The Registrar will be in session at the Minot Town Office at three (3) o'clock in the afternoon, for the purpose of correcting the list of voters.

And to notify and warn said inhabitants to meet at the Minot Consolidated School, in said Town on **Saturday, March 1, 2025 at nine (9) o'clock in the morning,** The Registrar will be in session at the Minot Consolidated School, Minot at eight (8) o'clock in the morning on Saturday, March 1, 2025, of said meeting day for the purpose of correcting the list of voters. Said inhabitants to meet then and there to act on Article 3 through the completion of the Warrant as legally posted, to wit:

- Article 1.** To elect by written ballot a **Moderator by Secret Ballot** to preside at said meeting and give him/her power to appoint tellers.
- Article 2.** To elect by secret ballot **two (2) Selectmen** for a term of three (3) years and to elect **two (2) members** of the **Superintending School Committee** for a term of three (3) years.
- Article 3.** To hear and act on the **report of the Town Officers and acceptance of the Town Report.**
- Article 4.** To elect one (1) **Assessor** for a **three (3) year term.**

Article 5. To see what action the Town will take in regard to setting the **salaries of Selectmen, Assessors, and Overseer of the Poor.** Recommendations are as follows:

	<u>Amount Requested</u>	<u>Budget Committee Recommends</u>
Selectmen	\$1,500.00 each	\$1,500.00 each
Chairman of Selectmen	\$ 500.00	\$ 500.00
Three Assessors	\$ 50.00 each	\$ 50.00 each
Chairman of Overseer of Poor	\$ n/a	\$ n/a
TOTAL	\$8,150.00	\$8,150.00

Article 6. To see if the Town will vote to adopt amendments to **Chapter 4** by creating **Section 501.20 Warehousing/Wholesale** standards of the Land Use Code of the Town of Minot as adopted March 4, 2006 and amended through March 2, 2024, by adding the underlined language

Proposed ordinance changes are appended in Town Report immediately following Town Meeting Warrant Articles.

The Planning Board Recommends Article 6
 The Board of Selectmen Recommend Article 6

Article 7. To see if the Town will vote to adopt amendments to **Chapter 4** by creating **Section 501.21 Event Venue** standards of the Land Use Code of the Town of Minot as adopted March 3, 2006 and amended through March 2, 2024, by adding the underlined language type as shown.

Proposed ordinance change is appended in Town Report immediately following Town Meeting Warrant Articles.

The Planning Board Recommends Article 7
 The Board of Selectmen Recommend Article 7

Article 8. To see if the Town will vote to adopt amendments to **Chapter 4** by creating **Section 501.22 Small Engine Repair & 501.23 Vehicle Repair** standards of the Land Use Code of the Town of Minot as adopted March 3, 2006 and amended through March 2, 2024, by adding the underlined language type as shown.

Proposed ordinance change is appended in Town Report immediately following Town Meeting Warrant Articles.

The Planning Board Recommends Article 8
 The Board of Selectmen Recommend Article 8

Article 9. To see if the Town will vote to adopt **administrative amendments** to the **Land Use Code** of the Town of Minot as adopted March 3, 2006 and amended through March 2, 2024, by adding the underlined language and deleting the striked out language type as shown.

Proposed ordinance change is appended in Town Report immediately following Town Meeting Warrant Articles.

The Planning Board Recommends Article 9
The Board of Selectmen Recommend Article 9

Article 10. To see if the Town of Minot will vote to carry forward the unexpended balances in the following **Reserve Accounts** and to authorize the Selectmen to expend funds from these **Reserve Accounts** for the purposes for which they were established:

Town Office Equipment Reserve Account, balance of **\$73.03**
Highway Capital Equipment Reserve Account, balance of **\$2,112.77**
Paving & Road Improvement Reserve, balance **\$104,165.18**
General Assistance Donation (Eda’s Elf Fund) Reserve Account, balance of **\$7,601.86**
Town Well Reserve Account, balance of **\$10,627.66**
Cemetery Reserve Account, balance of **\$1,867.55**
Minot Community Events Reserve, balance of **\$898.48**
Fire Department Apparatus Reserve, balance of **\$295.58**
Fire Department Grant Reserve, balance of **\$7,077.92**
Fire Department Capital Equipment Reserve, balance of **\$929.19**
Conservation Committee Reserve, balance of **\$100.00**
Recreational Field Maintenance Reserve, balance of **\$4,800.52**
RSU 16 Assessment Reserve, balance of **\$86,994.00**

Selectmen Recommend to carry forward all balances by a vote of 5 yes 0 no
Budget Committee Recommends to carry forward all balances by a vote of 5 yes 0 no

Article 11. To authorize the Selectmen to appoint and set salaries for any necessary Town Officials that are not elected); and to see what sum the Town will vote to raise and appropriate for **Town Salaries and Benefits**. (\$435,035.00 in 2024, expended \$406,057.75)
Account # 5000

Selectmen Recommend **\$ 473,120.00** vote: 5 yes 0 no
Budget Committee Recommends **\$ 473,120.00** vote: 5 yes 0 no

Article 12. To see what sum the Town will vote to raise and appropriate for **Town Office Maintenance and Supplies** (\$35,000.00 in 2024, expended \$38,684.83)
Account # 5300

Selectmen Recommend **\$ 42,800.00** vote: 5 yes 0 no
Budget Committee Recommends **\$ 42,800.00** vote: 6 yes 0 no

Article 13. To see what sum the Town will vote to raise and appropriate for **Interdepartment & IT Services** for the ensuing year:

Mileage Reimbursement
Contract services (payroll, tax billing, trash removal...etc.)
Advertising
Deed and Lien services
Annual Software Licensing
Hardware Upgrades
Network Security

(\$39,800.00 in 2024 (includes carryforward), expended \$38,069.10)

Account #s 8000 & 8025

Selectmen Recommend	\$ 43,850.00	vote: 5 yes	0 no
Budget Committee Recommends	\$ 43,850.00	vote: 6 yes	0 no

Article 14. To see what sum the Town will vote to raise and appropriate for **Operating Costs of the Town Garage and Equipment Repair.** (\$102,950.00 in 2024, expended \$103,400.32)

Account #s 6700 & 6500

Selectmen Recommend	\$ 127,750.00	vote: 5 yes	0 no
Budget Committee Recommends	\$ 127,750.00	vote: 6 yes	0 no

Article 15. To see what sum the Town will vote to raise and appropriate for **Paving and Patching Roads** for the ensuing year (\$410,000.00 in 2024; expended \$305,834.82)

Account # 6300

Selectmen Recommends to appropriate a total of **\$410,000, raise \$334,804 and use \$75,196 from LRAP** vote: 5 yes 0 no

Budget Committee Recommends to appropriate a total of **\$410,000, raise \$334,804 and use \$75,196 from LRAP** vote: 6 yes 0 no

Article 16. To see what sum the Town will vote to raise and appropriate for **Winter Roads** for the ensuing year (\$381,100.00 in 2024, expended \$352,614.04)

Account # 6400

Selectmen Recommend	\$ 397,100.00	vote: 5 yes	0 no
Budget Committee Recommends	\$ 397,100.00	vote: 6 yes	0 no

Article 17. To see what sum the Town will vote to raise and appropriate for the **Maintenance of Common Roads, Culverts, Bridges and Bushes** for the ensuing year. (\$288,200.00 in 2024, expended \$247,059.42)
Account # 6200

Selectmen Recommend	\$ 352,000.00	vote: 5 yes 0 no
Budget Committee Recommends	\$ 352,000.00	vote: 6 yes 0 no

Article 18. To see what sum the Town will vote to raise and appropriate for the **Minot Municipal Fire Department including the Rescue Division** for the ensuing year (\$200,329.00 in 2024, expended \$225,866.69)
Account # 9000

Selectmen Recommend	\$ 272,620.00	vote: 5 yes 0 no
Budget Committee Recommends	\$ 272,620.00	vote: 6 yes 0 no

Article 19. To see what sum the Town will vote to raise and appropriate for the creation of a **Fire Department Apparatus Reserve** for the ensuing year. (0.00 in 2024)
Account # 9001

Selectmen Recommend	\$ 20,000.00	vote: 5 yes 0 no
Budget Committee Recommends	\$ 20,000.00 annually for 5 years	vote: 4 yes 0 no 1 abstain

Article 20. To see what sum the Town will vote to raise and appropriate for **Principal Payments and Interest.** (\$46,363.00 in principal and interest in 2024, expended \$46,363.00)
Account # 9600

2024 Plow Truck (2 of 3):	Principal:	\$62,585.00
	Interest:	\$ 8,255.00

Selectmen Recommend	\$ 70,840.00	vote: 5 yes 0 no
Budget Committee Recommends	\$ 70,840.00	vote: 6 yes 0 no

Article 21. To see what sum the Town will vote to raise and appropriate for **Contract Assessing & GIS Services.** (\$27,400.00 in 2024 (includes carryforward), expended \$27,400.00)
Account # 2550

Selectmen Recommend	\$ 28,400.00	vote: 5 yes 0 no
Budget Committee Recommends	\$ 28,400.00	vote: 6 yes 0 no

Article 22. To see what sum the Town will vote to raise and appropriate for the **Code Enforcement and Planning** for the ensuing year. (\$57,100.00 in 2024, expended \$44,819.87)
Account # 5075

Selectmen Recommend	\$ 57,150.00	vote: 5 yes 0 no
Budget Committee Recommends	\$ 57,150.00	vote: 6 yes 0 no

Article 23. To see what sum the Town will vote to raise and appropriate for the **Annual Audit** of the Town books and officer's accounts. (\$8,650.00 in 2024, expended \$6,460.00)
Account # 2500

Selectmen Recommend	\$ 8,650.00	vote: 5 yes 0 no
Budget Committee Recommends	\$ 8,650.00	vote: 6 yes 0 no

Article 24. To see what sum the Town will vote to raise and appropriate for **Legal Fees** for the ensuing year. (\$10,000.00 in 2024, expended \$6,853.19)
Account # 7700

Selectmen Recommend	\$ 10,000.00	vote: 5 yes 0 no
Budget Committee Recommends	\$ 10,000.00	vote: 6 yes 0 no

Article 25. To see what sum the Town will vote to raise and appropriate for the **County Tax** set by Androscoggin County. (\$361,935.00 in 2024, expended \$361,935.00)

Selectmen Recommend	\$ 412,703.00	vote: yes 0 no
Budget Committee Recommends	paying the Androscoggin County Tax bill	vote: 5 yes 0 no

Article 26. To see what sum the Town will vote to raise and appropriate for **Solid Waste Disposal & Contract Services.** (65,100.00 in 2024, expended \$51,026.97)
Account # 7000

Selectmen Recommend	\$ 65,100.00	vote: 5 yes 0 no
Budget Committee Recommends	\$ 65,100.00	vote: 6 yes 0 no

Article 27. To see what sum the Town will vote to raise and appropriate for **Street Lights.** (\$3,000.00 in 2024, expended \$3,198.06)
Account # 7400

Selectmen Recommend	\$ 3,000.00	vote: 5 yes 0 no
Budget Committee Recommends	\$ 3,000.00	vote: 6 yes 0 no

Article 28. To see what sum the Town will vote to raise and appropriate for **Municipal Organizations and Contracts.** (\$22,148.00 in 2024, expended \$22,043.46)
Account #s 7810, 7820, 8210, & 8026

Maine Municipal Association (MMA)	\$ 4,000.00
Androscoggin Valley Council of Governments (AVCOG)	\$ 4,460.00
Greater Androscoggin Humane Society (GAHS)	\$ 4,100.00
TRIO	\$10,894.00

Selectmen Recommend	\$ 23,454.00	vote: 5 yes	0 no
Budget Committee Recommends	\$ 23,454.00	vote: 5 yes	0 no

Article 29. To see what sum the Town will vote to raise and appropriate for **Town Insurance.** (\$57,950.00 in 2024, expended \$56,420.00)
Account # 5200

Selectmen Recommend	\$ 64,600.00	vote: 5 yes	0 no
Budget Committee Recommends	\$ 64,600.00	vote: 5 yes	0 no

Article 30. To see what sum the Town will vote to raise and appropriate for **Library Services** with the Auburn Public Library. (\$22,000.00 in 2023, expended \$22,000.00)
Account # 4000

Selectmen Recommend	\$ 22,500.00	vote: 5 yes	0 no
Budget Committee Recommends	\$ 22,500.00	vote: 5 yes	0 no

Article 31. To see what sum the Town will vote to raise and appropriate for the **Animal Control Officer.** (\$3,850.00 in 2024, expended \$3,813.17)
Account # 8220

Selectmen Recommend	\$ 4,850.00	vote: 5 yes	0 no
Budget Committee Recommends	\$ 4,850.00	vote: 5 yes	1 no

Article 32. To see what sum the Town will vote to raise and appropriate for **General Assistance** (Health and Welfare). (Raised \$2,000.00 in 2024, expended \$4,235.43)
Account # 7200

Selectmen Recommend	\$ 2,000.00	vote: 5 yes	0 no
Budget Committee Recommends	\$ 2,000.00	vote: 6 yes	0 no

Article 33. To see what action the Town wishes to take regarding the **snowmobile registration refund** received annually from the Maine Department of Inland Fisheries and Wildlife. (Minot Moonshiners request **2025 snowmobile registration reimbursement** be donated to their club for trail maintenance.

Selectmen Recommend to donate **the 2025 snowmobile registration reimbursement to the Minot Moonshiners Snowmobile Club** vote: 5 yes 0 no

Budget Committee Recommends to donate **the 2025 snowmobile registration reimbursement to the Minot Moonshiners Snowmobile Club** vote: 5 yes 0 no

Article 34. To see what sum the Town will vote to raise and appropriate for **Elections and Annual Town Meeting.** (\$12,000.00 in 2024, expended \$5,210.06)
Account # 5350

Selectmen Recommend **\$ 12,000.00** vote: 5 yes 0 no
Budget Committee Recommends **\$ 12,000.00** vote: 6 yes 0 no

Article 35. To see what sum the Town will vote to raise and appropriate for the funding care and maintenance of **Minot's Cemeteries.** (\$21,006.74 in 2024, includes carryforward; expended \$19,139.19)
Account # 5400

Selectmen Recommend **\$ 10,000.00** vote: 5 yes 0 no
Budget Committee Recommends **\$ 10,000.00** vote: 6 yes 0 no

Article 36. To see what sum the Town will vote to raise and appropriate for the funding **Recreational Field Maintenance.** (\$8,143.00 in 2024 including carryforward, expended \$3,342.48)
Account # 5650

Selectmen Recommend **\$ 5,000.00** vote: 4 yes 0 no
Budget Committee Recommends **\$ 5,000.00** vote: 6 yes 0 no

Article 37. To see what sum the Town will vote to raise and appropriate to be donated to **Charitable Organizations.** (\$0.00 raised in 2024)

Requests:

LifeFlight	\$ 691.00
SafeVoices	<i>Unspecified Amount</i>
Seniors Plus	\$ 500.00
Maine Public	\$ 100.00
TOTAL:	\$1,291.00

Selectmen Recommend **\$ 0.00** vote: 5 yes 0 no
Budget Committee Recommends **\$ 0.00** vote: 6 yes 0 no

Article 38. To see if the Town of Minot will vote to join the Maine Public Employees Retirement System (MainePERS) as a Participating Local District effective January 1, 2026 , and:

- a) To offer Special Plan 3C to its full-time firefighters who are not seasonal or temporary and to its fire chief, effective January 1, 2026; and
- b) To exclude all other employees, including part-time, seasonal and temporary firefighters and all other elected/appointed officials from participating in the MainePERS defined benefit plan; and
- c) To allow eligible employees who opt to participate in MainePERS the option to purchase prior service for employment with Town upon the employee's full payment of all associated costs. The Town will not participate in the purchase of prior service and so an employee who wishes to purchase prior service is responsible for paying the full liability associated with this service; and
- d) To adopt the provisions of 5 M.R.S. §18252-C as enacted by PL 2021, Chapter 286 as allowed by MainePERS Rule Chapter 803 for its non-participating employees with optional membership who previously declined to participate in MainePERS ("eligible employees") and to comply with the following requirements:
 - i. Beginning in 2025, to annually offer eligible employees who have been employed for less than 5 years the opportunity to join MainePERS on a prospective basis during an open enrollment period from September 1st through November 1st and to provide MainePERS with documentation of each election made by eligible employees under this provision; and
 - ii. To calculate employee contributions against gross compensation as with other participating employees and then withhold and report employee contributions for employees who join under this provision on an after-tax basis and remit them to MainePERS (i.e., employee contributions for those who join under this provision are subject to both federal and state income tax); and
- e) To authorize its Town Administrator to enter into an agreement with MainePERS to adopt a 457 and/or 401(a) defined contribution plan through the MaineStart program in addition to the defined benefit plan at any time. There is no additional administrative cost to the Town to do this and it will give all Town employees an additional way to save for retirement; and
- f) To authorize the Town Administrator to sign the defined benefit plan agreement, and any future defined contribution plan agreement between the Town of Minot and the Maine Public Employees Retirement System.

Article 39. Shall the Town vote to accept the **categories of funds** listed here as provided by the Maine State Legislature (Categories), and further authorize the Town to expend any such funds (Selectmen so recommend): American Rescue Plan Act (ARPA) Funds; Municipal Revenue Sharing; Local Roads Assistance Program; State Aid to Education; Public Library Aid Per Capita; Civil Emergency (FEMA) Funds; Snowmobile Registration Money; Tree Growth Reimbursement; General Assistance Reimbursement; Veteran's Exemption and Homestead Exemption Reimbursement; and State and Federal Grants or other funds.

Article 40. To see what action the Town wishes to take to establish a **due date for payment for the 2025 property taxes** and to set the interest rate applied to delinquent accounts.

Selectmen and Budget Committee Recommends **December 15, 2025** with interest charged thereafter at the State maximum rate of **7.50%**

2024 was December 16, 2024, with 8.5% interest

Article 41. To see what action the Town wishes to take to establish an **overpayment interest rate**.

Selectmen recommend a rate 4 percentage points less than the delinquent rate as allowed by State law for overpayments resulting from abatements not pre-payment of taxes.

Article 42. To see if the Town will vote to give the **Selectmen** the **authority** to use whatever sum they deem advisable from surplus to **lower the 2025 tax rate**. (Selectmen so recommend).

Selectmen so recommend


Article 43. To see if the Town will give the **Selectmen** the authority to **estimate the Excise Tax Revenue** and use the same to **lower the 2025 tax rate** (Selectmen so recommend).

Selectmen so recommend

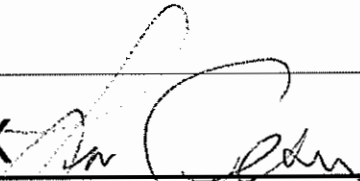
Article 44. To see if the Town will vote to authorize the Selectmen to **spend an amount not to exceed 25% of the budgeted amount in each category of the 2026 annual budget** during the period of **January 1, 2026 through the 2026 Annual Town Meeting**.

- Article 45.** To see what action the Town wishes to take regarding authorizing the **Tax Collector to collect interest and costs** before applying funds to the principal of the oldest outstanding tax assessment.
- Selectmen so recommend
- Article 46.** To see if the Town will vote to authorize the **Selectmen to overdraft accounts with uncontrollable expenditures** when necessary and such overdraft will come out of the Undesignated Fund Balance.
- Article 47.** To see if the Town will vote **to authorize the Town Treasurer**, with approval of the **Selectmen, to sell and dispose of any real estate acquired by the Town** for non-payment of taxes thereon, on such terms as they deem advisable and in the best interest of the Town and execute quitclaim deeds without covenant for any such property. Except that the Selectmen shall use the special sale process required by Title 36 MRS § 943-C for qualifying homestead property if they choose to sell it to anyone other than the former owner(s).
- Article 48.** To see if the Town will vote **to authorize the Selectmen to procure a temporary loan or loans** in anticipation of taxes, for the purpose of paying obligations of the Town, such loan or loans to be paid during the ensuing year out of money raised during the ensuing year by taxes.
- Article 49.** To see if the Town will vote to authorize the **Selectmen and Town Treasurer** to sell and assign **unmatured tax liens** for not less than the unpaid interest and costs.

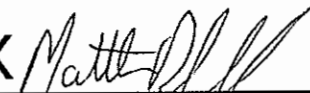
To transact any business that may legally come before this meeting.

X 


Daniel Gilpatric, Chairman

X 

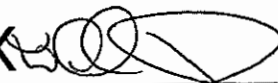
Lisa Cesare, Vice Chairman

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Matthew Callahan

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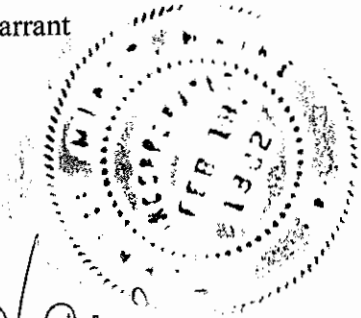
Brittany Hemond

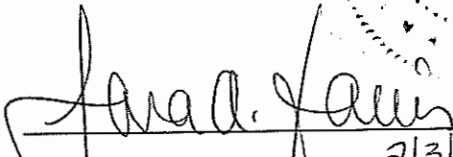
X 

William Perry

A true copy of the Warrant

Attest:




Sara Farris, Town Clerk
Town of Minot

2/3/2025

CONSTABLE'S RETURN

County of Androscoggin, ss

By virtue of the within warrant to me directed, I have warned and notified the inhabitants of the Town of Minot to assemble at the time and place and for the purpose therein named, by having posted attested copies of the Warrant at the Minot Town Office, Minot Post Office, Minot Country Store, Slattery's Hardware, and the Minot Consolidated School, the same being public and conspicuous places within the said Town of Minot the ____ day of February in the year of our Lord two thousand and twenty-five, the same being at least seven days before the appointed time for said meeting.

Dated at Minot this ____ day of February, two thousand and twenty-five.

X

Danielle E. Loring, Constable

Appendices

Proposed Ordinance Change Appendices:

Article 6: Chapter 4, Section 501.20 Warehousing/ Wholesale

Article 7: Chapter 4, Section 501.21 Event Venue

Article 8: Chapter 4, Section 501.22 Small Engine Repair & 501.23
Vehicle Repair

Article 9: Administrative Amendments to the Land Use Code

Article 6 Proposed Changes

Proposed change would:
Create standards for warehouse/ wholesale facilities

Chapter 4

Standards

4-501.20 Warehouse/Wholesale

The following standards apply to all warehousing and wholesale facilities:

1. The side and rear setbacks shall be no less than 50 feet for a warehouse or wholesale facility.
2. No parking or outdoor storage shall be located within 20 feet of any property line.
3. All outdoor storage of material, goods or vehicles shall be screened from view from adjacent residential lots.
4. The bulk storage of materials that are flammable, explosive, or present hazards is prohibited within 1,000 feet of any building dedicated to human or animal habitation. This includes but is not limited to dwelling units, kennels, horse stables and cattle barns.

Article 7 Proposed Changes

Proposed change would:

Create an ordinance to regulate venues and allow for venue growth.

4-501.21 Event Venue

A. Purpose.

The purpose of this section is to regulate Event Venues to ensure they are designed and operated in such a manner as to minimize potential nuisance issues with abutters and to protect the health, safety, and general welfare of those in the neighborhood.

B. Event Venue Standards.

Event Venues must comply with the following criteria:

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

2. Parking

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

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

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

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

3. Event venues with capacity for more than 100 attendees must submit a Traffic and Parking Management Plan as part of the Site Plan application.

a. This Plan must address how traffic will be handled on the adjacent roads and at any intersection leading to the site, as determined by the Planning Board (e.g. hire a traffic attendee), in addition to the entrance to the site. It must also address how traffic circulation within the parking lot will be handled (e.g. staff direct attendees to parking spaces). Traffic management must be carried out to handle both traffic arriving at and leaving the site and is separate from any plan or permit required by the Maine DOT.

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

5. On-site temporary signage is permitted to guide attendees to the venue, provided the signage is limited to directional instructions and is only displayed on the day(s) of the event and must be removed within one day of the conclusion of the event.

6. All temporary light fixtures must be located and aimed such that they illuminate only areas and/or objects necessary for the event. Temporary lighting should not be directed skyward or towards abutting properties, nor produce glare on adjacent roadways.

7. Sanitary facilities:

a. Appropriate sanitary facilities must be provided. Permanent sanitary facilities must be in compliance with the Maine State Plumbing Code. Portable bathroom facilities are permitted. At least one bathroom facility must be handicapped accessible.

b. The location of each area where portable facilities will be located for all events must be shown on the site plan.

8. The serving of alcoholic beverages must be in compliance with all applicable state laws.

9. Overnight accommodation for attendees is only permitted in duly approved facilities, which may be located on the same property as the Event Venue.

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

Article 8 Proposed Changes

Proposed change would:
Regulate vehicle and small engine repair operations

Chapter 4

4-501.22 Small Engine Repair

A. Purpose

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

B. Definitions

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

Small Engine: Small-displacement, low-powered internal combustion engine used to power machines that require independent power sources.

C. Standards

The following standards apply to all small engine repair operations.

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

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

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

4. Restroom facilities shall be located on site and be in accessible, serviceable condition for use by employees.

a. Any pumping agreement made for a portable toilet must be reviewed by the Local Plumbing Inspector.

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

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

4-501.23 Vehicle Repair

A. Purpose

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

B. Definitions

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

C. Standards

The following standards apply to all automobile repair operations.

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

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

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

4. Parking shall be 5 spaces required for each bay or area used for repair work in accordance with 4-501. Off-Street Parking and Loading of this Code.

5. Restroom facilities shall be located on site and be in accessible, serviceable condition for use by employees.

a. Any pumping agreement made for a portable toilet must be reviewed by the Local Plumbing Inspector.

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

7. Automobiles may not be displayed for sale, or sold, on the premises, unless a Dealer License has been obtained from the Bureau of Motor Vehicles.

8. Noise generated by the operation shall adhere to the noise levels prescribed in 4-701.6 Approval Criteria of this Code.

9. Upon completion of all repair work, no more than four registered automobiles shall be left on-site in excess of 45 consecutive days each in a calendar year.

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

Chapter 14 Definitions

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

Small Engine: Small-displacement, low-powered internal combustion engine used to power machines that require independent power sources.

Article 9 Proposed Changes

Proposed changes would:

Correct grammatical and procedural issues; expand on upon vague definitions and clarify roles and duties of approval authority. Impacted areas are:

- Chapter 1: Permitting
- Chapter 2: Dwelling size and Role of Code Officer
- Chapter 3: Impact Fees and their applicability
- Chapter 4: Adding ADU language to applicable dwelling structures and grammatical changes for District review
 - Clarifications to nonconforming structures, uses and lots as well as backlots.
 - Clarification for the standards in 4-501.9: Lots Served by Nonconforming Rights-of-Way
 - Clarifying amendments to Solar Energy Systems as an Accessory Use and Site Plan Approval Standards for Large Scale Solar Energy Systems
 - Changes to the Site Plan Review Standards and application time lines
- Chapter 6: Floodplain management permit - Grammar changes
- Chapter 7: Subdivision application clarifications
- Chapter 8: Minimum Street Construction Requirements – Changing the review authority to the Planning Board from Select Board.
- Chapter 9: Appeals - Grammatical Changes
- Chapter 11: E911 Address Standards – Grammatical Changes
- Chapter 12: Local Food Freedom (Sovereignty) Ordinance – Grammatical Changes
- Chapter 14: Definition Changes based on the above

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Chapter 3: Community Facility Impact Fee Program – Amended March 2, 2019

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Article 9 Proposed Changes

- §201.1: Dimensional Standards (Min. Acreage for Rural District) – November 19, 2019
- §301.5: District Uses—April 17, 2021
- §201.1: Dimensional Standards – Amended March 5, 2022
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- §501.5: Multiplex Housing – Amended March 5, 2022
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- §501: Performance Standards (Added Solar Energy Systems and Tower Structures)—
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- §501.10: Accessory Apartment – Amended March 5, 2022; March 4, 2023
- §501.11: Home Occupations – Amended March 4, 2017
- §501.13: Village District II Development Standards – Deleted March 5, 2022
- §501.16: Individual Private Campsites – Adopted March 5, 2022
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Chapter 5: Shoreland Zoning – §101.2, 401, 501, 601 & 701 Amended March 1, 2008

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- §501.2: Table of Land Uses in the Shoreland Zone – Amended March 5, 2022
- §601.1: Minimum Lot Standards – Amended March 5, 2022
- §601.2: Principal and Accessory Structures – Amended March 5, 2022
- §601.3: Piers, Docks, Wharves, Bridges, and Other Structures and Uses Extending Over
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- §601.4: Campgrounds – Adopted March 5, 2022
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- §601.7: Streets and Driveways – Amended March 5, 2022
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- §601.11: Essential Services – Amended March 5, 2022
- §601.12: Mineral Exploration and Extraction – Amended March 5, 2022
- §601.13: Agriculture – Amended March 5, 2022
- §601.14: Timber Harvesting – Repealed – Amended March 5, 2022

Article 9 Proposed Changes

- §601.15: Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting – Amended March 5, 2022
- §601.16: Hazard Trees and Dead Tree Removal – Adopted March 5, 2022
- §601.17: Exemptions to Clearing Vegetation Removal Requirements – Adopted March 5, 2022
- §601.18: Revegetation Requirements – Adopted March 5, 2022
- §601.19: Erosion and Sedimentation Control – Amended March 5, 2022
- §601: Installation of Public Utility Service – Deleted March 5, 2022
- §601: Individual Private Campsite – Deleted March 5, 2022
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- Chapter 9: Appeals – Amended March 1, 2008 in Its Entirety
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 - § 101.5 A-F: Organization, Rules, and Procedures - Adopted June 13, 2023
 - § 101.6 A-E: Duties and Powers - Adopted June 13, 2023
 - § 101.7 Severability Clause - Adopted June 13, 2023
- Chapter 10: Citation System of Code Enforcement – Amended March 2, 2019
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 - §103.3: Addressing for Structures – Adopted March 5, 2022
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 - §103.5: Special Circumstances – Adopted March 5, 2022
- Chapter 12: Local Food Freedom (Sovereignty) Ordinance – Adopted April 17, 2021
- Chapter 14: Definitions – Amended March 1, 2008; March 4, 2011; June 12, 2012; March 4, 2017, April 17, 2021, March 5, 2022, March 4, 2023, [March XX, 2025](#)

Land Use Control Map

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

Chapter 1 General

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

1-201 Repeal of Existing Ordinances

1-301 Conflicts and Validity and Severability

1-301.1 Conflicts with Other Ordinances

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

1-301.2 Validity and Severability

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

1-401 Amendments

1-401.1 Procedure

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

1-401.2 Adoption of Amendments

~~After a public hearing on proposed amendment(s), t~~This Code may be amended by a majority vote of a Town Meeting [after a public hearing is held on the proposed amendment\(s\)](#).

1-401.3 Notification

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

Chapter 2 Building Standards

2-101 Purpose

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

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

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

Every accessory dwelling unit shall have a minimum ground floor area of one hundred and ninety (190) square feet and a maximum of seven hundred (700) square feet.

2-301 Administration

2-301.1 Code Enforcement Officer

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

2-301.2 Duties and Rights of the Code Enforcement Officer

- A. Building Permits - An applicant shall apply for and receive a building permit prior to the before-commencement of ~~vertical~~ construction of new buildings, relocation or replacement of existing buildings, or the addition of ~~more~~ living area to existing buildings, provided such persons or corporations shall have given proof, in application, that they plan to build as required by the provisions of this Chapter. The fee for this permit shall be set by the Select ~~Board~~men, said fee due and payable to the Town of Minot. Permits shall be good for two (2) years after the date of issue. The exterior portion of any construction must be completed within two (2) years of the~~from~~ date construction started.
- B. Inspection During Construction – The Code Enforcement Officer shall inspect all buildings during construction, as he/she deems necessary, to ~~insure~~ensure compliance with this ~~O~~rdinance.
- C. Right of Entry - The Code Enforcement Officer shall be granted the right to enter, at any reasonable hour, any building for the purpose of inspection.

2-301.3 Occupancy Permit

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

Community Facilities Impact Fee Program

3-101 Preamble

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

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

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

~~Infrastructure shall be defined as any building, service, or piece of equipment or device necessary for the operations of a department.~~

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

3-101.2 Applicability [Amended March 2, 2019]

- A. The ~~Code Enforcement Officer~~Planning Board shall require the applicant for a subdivision or site plan Building Permit to participate in the municipal infrastructure improvement program and pay an ~~development~~ impact fee at the rate currently in effect, as determined by the Select Board. The total impact fee shall be paid separately from any other fees required by this Code and shall be paid at the time the Building Permit is issued.
- B. The Select Board ~~of Selectmen~~ shall establish the impact fee schedule and shall review and revise, if necessary, the impact fee schedule to reflect changes in planned improvements, current budget levels and compliance with the Town of Minot Comprehensive Plan and the Town's anticipated capital needs or Capital Improvement Program.

i. —Prior to the establishment or revision of the impact fee schedule, the Select Board~~Municipal Officers~~ shall hold a public hearing on the proposed fees.

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

- C. The impact fee schedule shall indicate the improvements to be financed; the anticipated schedule for construction; and the characteristics of the new development.
- D. The amount of the fee shall be reasonably related to the development's share of the cost of the facilities improvements made necessary by the development or, if the improvements were previously constructed at municipal expense prior to the development, the fee must be reasonably related to the portion or percentage of the improvement used by the development.

3-101.3 Segregation of Impact Fees from General Fund

- A. The Code Enforcement Officer shall record the name of the individual paying the impact fee, the assessor's map and lot numbers for the property for which the impact fee is being paid, the amount of the fee paid for each facility for which fees are collected, and the date the impact fee was paid.
- B. Upon collection of an impact fee, the Code Enforcement Officer shall transfer the funds to the municipal treasurer who shall deposit the impact fees in special non-lapsing accounts dedicated for funding the improvements for which the fee is collected.
- C. Impact fee funds shall be maintained separately from and not be combined with other municipal revenues.
- D. Funds collected as impact fees shall be expended only for the infrastructure improvement for which the fee was collected.

3-101.4 Refund of Impact Fees

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

Chapter 4 Land Use Control Standards

4-101 Purpose, Administration and Applicability

4-101.1 Purpose

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

4-101.2 Administration

- A. This Chapter shall be administered by the Planning Board, hereinafter referred to as the Board, and the Code Enforcement Officer appointed by the Select Board ~~of Selectmen~~ of the Town of Minot.
- B. The Code Enforcement Officer shall satisfy ~~himself/herself~~ that the owner or lessor of a lot who plans to build also plans to comply with the provisions of this Chapter before he or she issues a building permit.

4-101.3 Applicability

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

4-201 Dimensional Requirements

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

[INTENTIONALLY LEFT BLANK]

4-201.1 Dimensional Standards

4-201.2 Setback Measurements

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

4-201.3 Required Frontage

- A. All lots hereinafter created shall possess a minimum frontage on (1) a public road or a road in an approved open space subdivision meeting the standards contained Chapter 7-501.E.
- B. Corner lots shall have the minimum road frontage on at least one (1) road.
- C. Each lot must be able to completely contain within its boundaries an area as would be defined by a circle with a minimum diameter equal to the required minimum road frontage per District as required in 4-201.1 Dimensional Standards above the District.
- D. New building lots located at the cul-de-sacs along curves in a street where the radius of the curve at the front lot line is less than ninety (90) feet, may be designed so that they have a minimum of one hundred (100) feet of street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for street frontage in that district.

4-201.4 Multiple Structures

4-201.6 Lots of Duplexes

4-301 Districts

4-301.1 Establishment of Districts

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

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

4-301.2 Location of Districts

4-301.3 Interpretation of Districts

4-301.4 District Purposes

- A. Village District: The purpose of the Village District is to provide for traditional village type development and uses and allow for new areas to be developed for such typed development. A mixture of land use and development activity are allowed including commercial, business, services, residential and public and semi-public.
- B. General Development District: The purpose of this District is to provide locations for larger scale commercial and industrial type development as well as a mix of residential uses.

- C. Residential I District: The purpose of this District is to provide suitable locations for future residential growth and protect the economic and social values of existing residential areas. The Residential I area is located where residential development currently exists or where appropriate for this type of development at such densities. Other land uses that are appropriate and compatible with residential uses are permitted.
- D. Residential II District: The purpose of this District is to provide for a mixture of residential uses, including mobile home parks, and compatible business uses.
- E. Rural District: The purpose of this District is to maintain rural qualities and lands usable for agriculture and forestry. Uses other than agriculture and forestry in this District include low density residential and natural resource-based based businesses and industry.

4-301.5 District Uses

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

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

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

TABLE OF LAND USES

LAND USES	DISTRICTS				
	VD	GDD	RID	RIID	RD
1. Single-family residence	CEO	CEO	CEO	CEO	CEO
2. Accessory Apartments	CEO	CEO	CEO	CEO	CEO
3. Duplex dwellings	CEO	CEO	CEO	CEO	CEO
4. Multiplex housing	PB ^{SD}	PB ^{SD}	PB ^{SD}	PB ^{SD}	PB ^{SD}
5. Mobile home park	No	PB ^{SD}	No	PB ^{SD}	No
6. Home Occupations	Yes	Yes	Yes	Yes	Yes
7. Structures accessory to residential uses	Yes	Yes	Yes	Yes	Yes
8. Agriculture/Farmsteads	Yes	Yes	Yes	Yes	Yes
9. Farm enterprises	Yes	Yes	Yes	Yes	Yes
10. Agriculture/Forestry Sales & Service	PB ^{SR}	PB ^{SR}	No	PB ^{SR}	PB ^{SR}
11. Agriculture Products, Processing and Storage	PB ^{SR}	PB ^{SR}	No	PB ^{SR}	PB ^{SR}

12. Timber harvesting	Yes	Yes	Yes	Yes	Yes
13. Saw mill	No	PB ^{SR}	No	PB ^{SR}	PB ^{SR}
14. Mineral extraction, including sand and gravel extraction	PB ^{SR}	PB ^{SR}	PB ^{SR}	PB ^{SR}	PB ^{SR}
15. Public buildings/facilities	PB ^{SR}	PB ^{SR}	PB ^{SR}	PB ^{SR}	PB ^{SR}
16. Public Utilities	PB ^{SR}	PB ^{SR}	PB ^{SR}	PB ^{SR}	PB ^{SR}
17. Institutional	PB ^{SR}	PB ^{SR}	No	PB ^{SR}	No
18. Commercial recreation	PB ^{SR}	PB ^{sr}	No	PB ^{SR}	PB ^{SR}
19. Resource based recreation	PB ^{SR}	PB ^{SR}	PB ^{SR}	PB ^{SR}	PB ^{SR}
20. Golf courses	PB ^{SR}	PB ^{SR}	PB ^{SR}	PB ^{SR}	PB ^{SR}
21. Bed & breakfast	PB ^{SR}	PB ^{SR}	PB ^{SR}	PB ^{SR}	PB ^{SR}
22. Neighborhood convenience store	PB ^{SR}	PB ^{SR}	PB ^{SR}	PB ^{SR}	No
23. Small commerce/service	PB ^{SR}	PB ^{SR}	No	PB ^{SR}	PB ^{SR}
24. Large commerce/service	PB ^{SR}	PB ^{SR}	No	No	No
25. Automobile Graveyard & Recycling/Junkyard	No	PB ^{SR}	No	No	PB ^{SR}
26. Waste disposal facilities	No	PB ^{SR}	No	No	No
27. Waste processing facilities	No	PB ^{SR}	No	No	No
28. General industrial	No	PB ^{SR}	No	No	No
29. Nonresidential Accessory Structures/Uses	CEO	CEO	CEO	CEO	CEO
30. Uses similar to uses requiring a PB approval	PB	PB	PB	PB	PB
31. Uses similar to prohibited uses	No	No	No	No	No
32. Tower Structures	No	PB ^{SR}	No	PB ^{SR}	PB ^{SR}
33. Solar Energy Systems	No	PB ^{SR}	No	PB ^{SR}	PB ^{SR}
34. Campgrounds	No	PB ^{SR}	PB ^{SR}	PB ^{SR}	PB ^{SR}
35. Individual Private Campsites	No	CEO	CEO	CEO	CEO
<u>36. Accessory Dwelling Units</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>38. Warehouse/Wholesale</u>	<u>PB^{SR}</u>	<u>PB^{SR}</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>39. Event Venue</u>	<u>PB^{SR}</u>	<u>PB^{SR}</u>	<u>PB^{SR}</u>	<u>PB^{SR}</u>	<u>PB^{SR}</u>
<u>41. Small Engine Repair</u>	<u>PB^{SR}</u>	<u>PB^{SR}</u>	<u>PB^{SR}</u>	<u>PB^{SR}</u>	<u>PB^{SR}</u>
<u>42. Vehicle Repair</u>	<u>PB^{SR}</u>	<u>PB^{SR}</u>	<u>No</u>	<u>No</u>	<u>No</u>

Key to Table:

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

~~CEO Requires a permit from the Code Enforcement Officer~~

Abbreviations:

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

CEO Requires a permit from the Code Enforcement Officer

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

4-401.1 Purpose

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

4-401.2 General Requirements

4-401.3 Nonconforming Structures

- A. Expansions: A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure only if such addition or expansion does not increase the nonconformity of the structure.
- B. Foundations: Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided that the completed foundation does not extend beyond the existing dimensions of the structure, and that the foundation does not cause the structure to exceed the maximum structure height as contained in Section 4-201.1.

4-401.4 Nonconforming Uses

- A. Expansion: Expansion of nonconforming uses may be allowed provided the Planning Board, after reviewing a written application, determines that no greater adverse impacts would occur as the result of the expansion as defined ~~below~~ in items 1-7 below.
 - 1. The expansion of a nonconforming use will be in accordance with any applicable Performance Standards set forth in Sections 4-501 and 4-701 of this Chapter.
 - 2. The expansions of the nonconforming use will not encroach further on the required setbacks.
 - 3. The proposed expansion is of the same character or less noxious than the current nonconforming use.
 - 4. The expansion will not create a traffic hazard nor increase an existing traffic hazard.
 - 5. That the amount of parking shall meet the minimum requirements for the proposed use exists on the site or will be otherwise provided in Section 4-501.2 of this Chapter.
 - 6. The amount of noise, odors, vibrations, smoke, dust, light and air discharges of the proposed expansion shall not be increased or must be less than the present use.
 - 7. The hours of operation of the proposed expansion will be compatible with the existing, surrounding land uses.
- B. Change of Nonconforming Use: An existing legal nonconforming use may not be changed to another nonconforming use.

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

4-401.5 Nonconforming Lots

- A. ~~A.~~ Nonconforming Lots: A vacant, nonconforming lot of record that was recorded on or before the effective date of this Chapter or amendment thereto, may be built upon, without the need for a variance, provided ~~that~~ it complies with the following:
 - i. State Minimum Lot Size Law;
 - ii. ~~can accommodate a subsurface sewage disposal system in conformance with the~~ State of Maine Subsurface Wastewater Disposal Rules to accommodate a subsurface wastewater disposal system and
 - iii. ~~a~~ All provisions of this Chapter except lot size and frontage ~~can be met~~.

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

- B. Contiguous Lots-Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Chapter, if any of these lots do not individually meet the dimensional requirements of this Chapter or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements. This provision shall not apply in the Rural District.
- C. Contiguous Built Lots: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Chapter, if all or part of the lots do not meet the dimensional requirements of this Chapter, and, if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that they comply with the State Minimum Lot Size Law and can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

4-401.6 Illegal Reduction in Dimensions

4-401.7 Special Exceptions

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

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

- A. The lot area and frontage dimensional requirements must be met.
- B. The footprint of an existing building shall not be expanded by more than 10%.
- C. The use will be subject to Site Plan Review by the Planning Board.

4-501 Performance Standards

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

4-501.1 Buffer Areas

4-501.2 Off-Street Parking and Loading

4-501.3 Common Driveways

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

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

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

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

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

4-501.4 Automobile Graveyards and Junkyards

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

4-501.5 Multiplex Housing

4-501.6 Elderly and Congregate Housing Complexes

4-501.7 Phosphorous Export

4-501.8 Backlots

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

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

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

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

- C. Except for lots recorded on the effective date of this Ordinance, the right-of-way deed must be recorded in the Androscoggin County Registry of Deeds at the time the back lot is first deeded out as a separate parcel.
- D. Creation of the right-of-way to serve the back lot shall not create a non-conforming front lot by reducing the donor lot's required road frontage below the minimum. ~~-, or, if~~ If the front lot is already nonconforming, ~~with in~~ respect to road frontage, road frontage must not be reduced ~~its road frontage~~ at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than a fee interest, the land over which such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.
- E. The right-of-way may serve only one (1) principal use or principal structure. ~~except t~~ The right-of-way may serve two dwelling units if a common driveway ~~is constructed~~ meeting the standards of Chapter 4-501.3 is constructed. If the right-of-way is to serve more than two dwelling units, a street meeting the requirements of Chapter 8 and creation of a road maintenance agreement is required.
- F. No more than one right-of-way for back lot development may be created out of a single lot fronting on a road unless each subsequent right-of-way is supported by additional frontage equal to the frontage requirement in that District.
- G. Each principal structure on back lots shall be located within the area defined by a circle with a minimum diameter equal to the ~~required~~ road frontage ~~as required~~ per in the District in Chapter 4-201.1 Dimensional Standards.
- H. ~~The right of way referred to in this section does not include a~~ A public easement may not be used to fulfill road frontage requirements.
- I. Any back lot with a dwelling unit or structure shall be no less than five (5) acres in size.
- J. Any driveway used for access to the back lot must be located within the right of way referred to in this section. [Adopted 6/12/12]

4-501.9 Lots Served by Nonconforming Rights-of-Way

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

- A. A copy of the deed or other legal instrument, if such exists, which grants use of the nonconforming right-of-way and the dimensions ~~escription~~ of the right-of-way.
- B. A Road Maintenance Agreement ~~statement~~ indicating how those who that use the nonconforming right-of-way to access their residences will ~~provide for adequate~~ maintain ~~enance~~ ~~provision for~~ the nonconforming right-of-way.
- C. The names and addresses of all others granted use of the nonconforming right-of-way if such is not a public easement.
- D. All newly improved non-conforming rights-of-way shall remain private, to be maintained in accordance with the Road Maintenance Agreement. Roads shall not be accepted or maintained by the Town until the road meets all requirements of Chapter 8 for a town street and petition for acceptance of the improved right-of-way as a town

way.

- ED. Assurance in such form as the Planning Board may require that all other applicable state laws and regulations and local ordinances will be complied with.
- FE. A statement in recordable form signed by the applicant that if the erection of the new single-family dwelling or accessory dwelling unit is accessed by the nonconforming right-of-way occurs, those persons owning property on the nonconforming right-of-way shall continue to assume responsibility for maintaining and plowing the nonconforming right-of-way, and that, because the nonconforming right-of-way is not constructed to town street standards, the travel of personal, service, emergency and maintenance vehicles over the nonconforming right-of-way may be hindered. The Town does not assume the responsibility to clear nonconforming rights-of-way for access by personal, service, emergency or maintenance vehicles.
- G. Nothing contained within shall be construed as requiring the Town to provide additional services to properties on nonconforming rights-of-way not already receiving those services, or to accept such nonconforming rights-of-way as town ways.

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

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

- A. The additional dwelling unit shall be a complete, separate house-keeping unit that is isolated from the original dwelling unit and may be attached to, detached from, or located within the principal dwelling or an accessory garage.
- B. The additional dwelling unit shall be designed so that the appearance of the structure remains that of a single-family dwelling, with the exception of emergency egress, if so required.
- C. The design and size of the additional dwelling units conform to all applicable standards of Chapter 2, Building Standard, and all other applicable codes.
- D. Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.
- E. Pursuant to Title 30-A MRSA §4364, applicants must show written documentation that the dwelling unit has access to adequate potable water as well as subsurface waste disposal system capacity prior to being issued a permit for construction.
- F. Where there is one existing single-family dwelling unit on a conforming lot or a legally existing non-conforming lot, the owner shall be allowed to have up to two (2) accessory dwelling units as follows: one (1) accessory unit within or attached to the existing dwelling unit; one (1) unit detached from the existing dwelling unit; or one of each.
- G. Where there are zero (0) dwelling units located on a conforming lot or a legally existing non-conforming lot, the owner shall be allowed to have up to two (2) dwelling units on the lot.
- H. Subdivision approval has been received for any project that meets subdivision criteria.

- I. Accessory dwelling units will be a minimum of 190 square feet in size, but no more than 700 square feet.
- J. Pursuant to Title 30-A MRSA §4364-A, accessory dwelling units in the Shoreland Zones must comply with all requirements established by the Department of Environmental Protection as well as Town of Minot Shoreland Zoning Ordinance, including that units not attached to the primary structure shall have adequate road frontage and acreage to support the number of stand-alone units.

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

4-501.12 Farm Enterprise

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

- A. The farm enterprise shall be owned or operated by the owner or operator of the farm.
- B. The farm enterprise is located on property owned by the owner of the farm.
- C. Should the farm enterprise not be conducted in an existing structure, new structure(s) constructed for the sole purpose of conducting a farm enterprise shall not exceed a total of 10,000 square feet of ground area.
- D. The owner or operator of the farm enterprise shall provide the Planning Board with a legally binding statement that should his or her farm operation cease the farm enterprise shall also cease with in 60 days unless the use is permitted in the district.

4-501.13 DELETED

4-501.14 Accessory Use and Site Plan Permitting of Solar Energy Systems (Adopted 4/17/2021)

A. DEFINITIONS

- 1. **GROUND-MOUNTED SOLAR ENERGY SYSTEM:** A Solar Energy System that is anchored to the ground, attached to a pole or other mounting system, detached from any other structure, for the primary purpose of producing electricity.
- 2. **LARGE-SCALE SOLAR ENERGY SYSTEM:** A Solar Energy System that is Ground-Mounted and produces energy (50% or more) for the purpose of off-site sale or consumption.
- 3. **ROOF-MOUNTED SOLAR ENERGY SYSTEM:** A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for either on-site or off-site consumption.
- 4. **SOLAR ENERGY EQUIPMENT:** Electrical energy storage devices, inverters, hardware, material, or any other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.
- 5. **SOLAR ENERGY SYSTEM:** An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

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

B. APPLICABILITY

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

C. SOLAR ENERGY SYSTEMS AS AN ACCESSORY USE

1. Roof-Mounted Solar Energy Systems

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

2. Ground-Mounted Solar Energy Systems

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

3. Suitability of Purpose

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

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

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

be reviewed by the Code Enforcement Officer and referred, with comment, to the Planning Board for its review and action, which can include approval, approval with conditions, or denial.

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

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

4. Suitability of Purpose

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

E. ABANDONMENT AND DECOMMISSIONING

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

F. ENFORCEMENT

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

G. SEVERABILITY

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

4-501.15. Campgrounds.

4-501.16. Individual Private Campsites.

4-501.17 Recreational Vehicles

Recreational vehicles shall either:

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

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

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

~~4-501.14 — Accessory Use and Site Plan Permitting of Solar Energy Systems~~

~~A. DEFINITIONS~~

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

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

- ~~3. ROOF MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for either on-site or off-site consumption.~~
- ~~4. SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, inverters, hardware, material, or any other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.~~
- ~~5. SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.~~
- ~~6. SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.~~

~~B. APPLICABILITY~~

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

~~C. SOLAR ENERGY SYSTEMS AS AN ACCESSORY USE~~

~~1. Roof Mounted Solar Energy Systems~~

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

~~2. Ground Mounted Solar Energy Systems~~

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

~~3. Suitability of Purpose~~

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

~~D. SITE PLAN APPROVAL STANDARDS FOR LARGE SCALE SOLAR ENERGY SYSTEMS~~

1. ~~Large Scale Solar Energy Systems are permitted through the approval of a Site Plan in the General Development District, Residential District II, and Rural District zones, subject to the requirements set forth in this section. Applications for the construction of Large Scale Solar Energy Systems shall be reviewed by the Code Enforcement Officer and referred, with comment, to the Planning Board for its review and action, which can include approval, approval with conditions, or denial.~~
2. ~~Application requirements: The site plan application process at Chapter 4-701 is to be utilized for review, as supplemented by the following provisions:~~
 - a. ~~If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including any and all easements and other agreements, with financial data redacted, shall be submitted.~~
 - b. ~~Drawings showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be submitted.~~
 - c. ~~Equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.~~
 - d. ~~A Property Operation and Maintenance Plan, describing responsibility for continuing system maintenance, security, and property upkeep such as mowing and trimming shall be submitted.~~
3. ~~Decommissioning Plan: To ensure proper removal of Large Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of accepting any Site Plan under this section. The Decommissioning Plan must specify that after the Large Scale Solar Energy System is abandoned, it shall be removed by the applicant, successor, or any subsequent owner. The Decommissioning Plan shall describe how the removal of all infrastructure and remediation of soil and vegetation will be conducted to return the parcel as near as practical to its original state prior to construction, taking also into consideration stormwater management requirements from the State Department of Environmental Protection. The Decommissioning Plan will include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan, taking inflation into account, shall be prepared by a Professional Engineer or Contractor, and a removal bond shall be required. If the system is not decommissioned as described in the Decommissioning Plan after being considered abandoned, the municipality may remove the system and restore the property and assess all costs of the same to the owner or its successors in interest, and impose a lien on the property in order to recover those costs to the municipality. Additional Site Plan Approval Standards~~
 - a. ~~Height, Setback, and Visual Screening: Large Scale Solar Energy Systems shall adhere to the height, setback, and visual screening requirements of the underlying zoning district.~~
 - b. ~~All Large Scale Solar Energy Systems shall be enclosed by fencing to restrict unauthorized access. Warning signs with the facility operator's contact information shall be placed on all entrances in the perimeter of the fencing. The type of fencing shall be determined by the Planning Board.~~
 - c. ~~All Site Plans approved under this section will require the condition that no topsoil be removed from the site during construction or subsequent maintenance of the facility.~~
 - d. ~~Any application under this section shall meet any substantive provisions contained in site plan requirements for the zoning district in which it is located under the Land Use Ordinance.~~

- ~~Site Plan requirements which, in the judgment of the Planning Board, are for some reason judged not applicable may be waived by action of the Planning Board.~~
- ~~e. The Planning Board may impose additional conditions on its approval of any site plan under this section in order to discharge its obligations under State regulations as they may exist or be amended.~~

~~4. Suitability of Purpose~~

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

~~E. ABANDONMENT AND DECOMMISSIONING~~

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

~~F. ENFORCEMENT~~

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

~~G. SEVERABILITY~~

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

4-501.185 Tower Structures

Section 1. Purpose

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

Section 2. Applicability

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

2.1. Exemptions

The following are exempt from the provisions of this ordinance:

- A.) Emergency Wireless Telecommunications Facility. Temporary wireless communication facilities for emergency communications by public officials.
- B.) Parabolic antenna. Parabolic Antennas less than seven (7) feet in diameter, that are an accessory use of the property.

- C.) Maintenance or repair. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.
- D.) Temporary wireless telecommunications facility. Temporary wireless telecommunications facility, in operation for a maximum period of one hundred eighty (180) days.
- E.) Antennas as Accessory Uses. An antenna that is an accessory use to a residential dwelling unit.
- F.) Amateur (HAM) radio operations are exempt from zone limitations, but the tower still needs to meet ordinance standards for construction and placement.

Section 3. Review and Approval Authority

3.1. Approval Required

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

- A.) Expansion of an Existing Wireless Telecommunications Facility and Colocation. Approval by the CEO is required for:
 - 1.) any expansion of an existing wireless telecommunications facility or tower that increases the height by no more than twenty (20) feet;
 - 2.) any proposed accessory use of an existing facility or tower; or
 - 3.) any proposed colocation of equipment on an existing facility or tower.
- B.) New Construction. Approval of the Planning Board is required for:
 - 1.) construction of a new wireless telecommunications facility or tower; or
 - 2.) any expansion of an existing facility or tower that increases the height by more than twenty (20) feet.

3.2 Approval Authority

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

Section 4. New Construction Approval Procedure

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

- A. If the proposed structure is for telecommunications, a copy of the FCC construction permit for the facility or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.
- B. If the proposed structure is for other purposes, a copy of FAA construction permit or a signed statement from the owner or operator of the facility attesting that the facility complies with current FAA regulations.
- C. For a proposed expansion of more than twenty (20) feet to an existing facility or tower, or an expansion of a tower's or facility's ancillary structures, a signed statement that commits the owner of the facility or tower and its successors in interest, to:
 - 1.) respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
 - 2.) negotiate in good faith for shared use by third parties;
 - 3.) allow shared use if an applicant agrees in writing to pay reasonable charges for colocation;
 - 4.) require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro

- rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adopting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
- 5.) A landscaping plan indicating the proposed placement of the facility or tower on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility or tower; the method of fencing, the color of the structure, and the proposed lighting method.
 - 6.) Photo simulations of the proposed facility or tower taken from perspectives determined by the Planning Board, or its designee, during the pre-application conference. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility or tower and method of screening.

A narrative discussing:

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

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

~~D.)~~E.) Evidence demonstrating that no existing building, site, or structure can accommodate the needs of the applicant and that construction of the proposed facility or tower is necessary, the evidence for which may consist of any one or more of the following:

- 1.) Evidence that no existing facilities or towers are located within the targeted market coverage area as required to meet the applicant's engineering requirements;
- 2.) Evidence that existing facilities or towers do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements;
- 3.) Evidence that existing facilities or towers do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:
 - a.) Planned, necessary equipment would exceed the structural capacity of the existing facilities or towers, considering the existing and planned use of those facilities or towers, and these existing facilities or towers cannot be reinforced to accommodate the new equipment;
 - b.) The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or facilities, or the antenna or equipment on the existing facilities or towers would cause interference with the applicant's proposed antenna; or
 - c.) Existing or approved facilities or towers do not have space on which planned equipment can be placed so it can function effectively.
- 4.) For facilities and towers existing prior to the effective date of this code, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility or tower are unreasonable. Costs exceeding the pro rata share of a new facility or tower development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower or facility built after the passage of this code; or
- 5.) Evidence that the applicant has made diligent good faith efforts to negotiate colocation on an existing facility, tower, building, or structure, and has been denied access for colocation;

- F.) A signed statement stating that the owner of the wireless telecommunications facility or tower, and its successors and assigns agree to:
- 1.) respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
 - 2.) negotiate in good faith for shared use of the wireless telecommunications facility or tower by third parties;
 - 3.) allow shared use of the wireless telecommunications facility or tower if an applicant agrees in writing to pay reasonable charges for colocation; and
 - 4.) require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility or tower owner shall be accomplished at a reasonable rate, over the useful life span of the facility or tower.

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

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

Section 5. Standards

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

- A.) No tower or facility shall exceed three hundred (300) feet above ground level.
- B.) The minimum land area for a tower or facility shall be one hundred and twenty-five percent (125%) of the area required for the fall zone, which the applicant may satisfy by demonstrating it has an ownership interest in, lease for, or easement in the minimum land area.
- C.) The minimum distance from a tower or facility to any property line, road, structure, dwelling, recreational, or institutional use shall be one hundred and twenty-five percent (125%) of the fall zone of the tower or facility, including any antennas or other appurtenances.
- D.) Proposed structure design and any attached building design must be stamped by a State of Maine Registered Engineer.
- E.) Ground lighting shall be defined and located on plans.
- F.) Accessory noise shall be defined in the application.
- G.) Driveways to the facility or tower shall be constructed for year-round access by emergency equipment.
- H.) Towers, facilities, and/or compound areas shall be enclosed by security chain-link fencing a minimum of six (6) feet in height and shall be equipped with appropriate anti-climbing devices.
- I.) All towers, antennas and other telecommunications facilities and equipment shall meet or exceed current standards and regulation of the FAA, FCC and any other agency of the federal or state government having regulatory authority over the same.

Section 6. Commencement and Abandonment

A tower shall commence operation within twelve (12) months from start of construction. A wireless telecommunications facility, tower that is not operated for a continuous period of twelve (12) months shall be

considered abandoned. The CEO shall notify the owner of an abandoned facility or tower of the same, in writing, and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility or tower shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility or tower has not been abandoned.

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

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

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

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

Section 7. Definitions

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

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

"Antenna Height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, blades, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

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

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

"Wireless Telecommunications Facility" or "Facility" means, except as provided in Section 2.1 hereof, any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services.

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

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

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

Section 8. Appeals

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

4-601 Application Requirements

4-601.1 Non-Site Plan Review

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

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

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

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

4-601.3 Site Plan Review

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

4-701 Site Plan Review

4-701.1 Application Procedure

- A. In order to avoid unnecessary delays in process applications, the Board shall prepare an agenda for each regularly scheduled meeting. The following procedures shall be followed in establishing that agenda.
 1. Before being placed on the Agenda for a Board meeting, the applicant must fill out a "Request for Planning Board Review" form and appropriate permit application.
 2. The Code Enforcement Officer will review these forms and determine whether the applicant should be placed on the Agenda.
 3. If supporting documents are required for Board review, the applicant must submit the following materials to the Code Enforcement Officer or Town Administrator:

- a. Ten (10) copies of the completed application form and supporting documents, with the signed original application on top;
 - b. Ten (10) copies of the site plan and all supporting plans, stapled and folded together;
 - c. A letter of authorization, if the applicant is represented by an agent;
 - d. Supporting documents must be received by the Town of Minot fourteen (14) days prior to the next regular Board Meeting. The Code Enforcement Officer will review the documents for completeness of application requirements.
4. Applicants will qualify for agenda slots only when the Town has received a completed application. Space on an agenda may not be reserved by a call, letter, or partial submission. Public Hearings are placed at the beginning of the Agenda. Items tabled at previous meetings will generally receive scheduling priority over new applications, in order of how long each has been pending, and new applications will be placed on the Agenda on a first-come, first-served basis.
 5. No new or revised documentary information shall be presented at the meeting.

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

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

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

1. The Board Secretary shall notify by mail the applicant and the owners of all properties within 200 feet of the property involved at least seven (7) days in advance of the hearing, of the nature of the application and of the time and place of the public hearing.
2. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board.
3. The Code Enforcement Officer or his designated assistants shall attend all hearings and may present to the Board all plans, photographs or other material deemed appropriate for an understanding of the application.

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

1. Upon notification of the decision of the Board, the Code Enforcement Officer, as instructed, shall issue, issue with conditions prescribed by the Board, or deny a Building Permit.
2. A Site Plan Review Permit secured under the provisions of this Chapter by vote of the Board shall expire if the work or change involved is not commenced within two years of the date on which the permit was authorized.

3. Appeals shall be in accordance with Chapter 9.

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

4-701.2 Conditions of Approval

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

4-701.3 Projects Needing Board of Appeals Review

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

4-701.4 Application and Mailing Fees

4-701.5 Application Requirements

4-701.6 Approval Criteria

4-801 Appeals

Shoreland Zoning

5-601 Land Use Standards

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

5-601.1 Minimum Lot Standards

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

Chapter 6
Floodplain Management Standards

(NOTE: This is the most recent floodplain management standards prepared by the state Planning Office.)

6-101 Purposes and Establishment

6-101.1 Purposes

6-101.2 Establishment

6-201 Permits

6-201.1 Permit Required

6-201.2 Application for Permit

6-201.3 Application Fee and Expert Fee

- A. A non-refundable application fee as determined by the ~~Select Board of Selectmen~~ shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

- B. An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of this Code and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

6-301 Review Standards for Flood Hazard Development Permit Applications

6-301.1 The Code Enforcement Officer shall:

6-401 Development Standards and Certificate of Compliance

All developments in areas of special flood hazard shall meet the following applicable standards:

6-401.1 All Development - All development shall:

6-401.2 Water Supply

6-401.3 Sanitary Sewage Systems

6-401.4 On Site Waste Disposal Systems

6-401.5 Watercourse Carrying Capacity

6-401.6 Residential

6-401.7 Non Residential

6-401.8 Manufactured Homes

6-401.9 Recreational Vehicles

6-401.10 Accessory Structures

6-401.11 Floodways

6-401.12 Enclosed Areas Below the Lowest Floor

6-401.13 Bridges

6-401.14 Containment Walls

6-401.15 Wharves, Piers and Docks

6-401.16 Review of Subdivision and Development Proposals

6-401.17 Certificate of Compliance

7-101 General

7-101.1 Purpose

7-101.2 Applicability

7-201 Administrative Procedures

7-301 Preliminary Plan

7-401 Final Plan

7-501 Standards for Subdivisions Design/Review

7-601 Application and Plan Content

7-601.1 Preliminary Plan Format and Content

- A. Wherever possible, one or more standard sized sheets (24" x 36") shall be used for all plans. Where such a subdivision covers more than two sheets of paper, there shall also be an Index Sheet, drawn at a scale of not more than 1" x 500 feet.
- B. Ten copies of the application and plan shall be submitted. The plan shall be drawn at a scale no smaller than 1"x100 feet, and shall show or be accompanied by information listed below. In order to make a positive finding on the review standards, the Board may require the submittal of additional information, which may include, but not be

limited to, the information contained in the list in this subsection. Applicants should consider a preliminary meeting with the Board to determine the need for the additional submittal requirements; however, the Board may require the additional information during the review process based upon findings during the review.

1. Proposed name or identifying title of the subdivision;
2. Name and address of owner of record; subdivider or developer; and surveyor, planner or designer of the plan; and names and addresses of all persons owning lots within the subdivision, if any;
3. A written statement of the applicant's right, title or interest in the property to be subdivided;
4. A written statement indicating if the parcel to be subdivided has changed ownership within the past five years, if timber has been harvested within the past five years and if such harvesting resulted in a violation of the Liquidation Harvesting Rules adopted pursuant to Title 12 Section 8869, Subsection 14;
5. Deed description and map or survey of tract boundaries related to established reference points and showing magnetic north point and graphic scale;
6. Number of acres within proposed subdivision;
7. Existing easements;
8. Existing buildings;
9. Watercourses, freshwater wetlands, significant fish and wildlife habitats, rare and endangered species, and other natural features or site elements;
10. Names and mailing addresses of all abutting property owners;
11. Proposed lot lines with approximate dimensions and suggested location of buildings, if known;
12. Location of temporary markers established where necessary to enable ready location and appraisal of the basic layout in the field;
13. Parcels of land to be dedicated to public use or common use of subdivision occupants; the application shall contain a method to provide for sustained maintenance of the common land;
14. Location and size of any existing and/or proposed utilities above or below ground (water, electricity, telephone, cable and other);
15. Natural or man-made surface drainage facilities, fire ponds, and the like;

16. ~~Dimensions~~Width of all proposed or existing streets and easements on the land or adjoining or serving the land proposed to be divided; plans, ~~and~~ profiles, ~~and~~ cross-sections, ~~a~~ and names for all proposed streets;
17. Location, size, type and typical cross-sections of all storm drains and facilities, including ditches and profiles and cross-sections for all storm drain systems;
18. A soils report in map form identifying soils boundaries and designations in accordance with the USDA Soil Conservation Service classification for Androscoggin County, superimposed upon the plot plan;
19. For each lot, the location and results of tests pits made to ascertain sub-surface soil conditions are adequate for sewage disposal, including a written statement from the Department of Human Services Licensed Site Evaluator, that the land is considered suitable for subsurface sewage disposal systems in accordance with the Maine Subsurface Waste Water Disposal Rules. When the limiting factor is 24 inches and less, a second test pit shall be shown and an area reserved for a replacement system;
20. A written statement from a well driller or a hydrogeologist familiar with the area that adequate ground water supply and quality will be available for the subdivision;
21. Methods to mitigate any natural or man-made features that may be considered hazardous to health or safety;
22. A storm water/drainage management plan prepared by a licensed professional engineer in accordance with the most recent edition of *Stormwater Management for Maine: BMPS Technical Design manual*, published by the Maine Department of Environmental Protection.
23. An erosion and sedimentation control plan prepared in accordance with the most recent edition of the *Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices*, published by the Maine Department of Environmental Protection ~~and the Cumberland County Soil and Water Conservation District, 1991~~;
24. For subdivisions that will have more 20 lots or dwelling units over any five -year period a municipal service impact analysis that includes a list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the Town of Minot. This list shall include but not be limited to: schools including busing; street reconstruction, maintenance, and snow removal; solid waste disposal; recreation facilities; police and fire protection. The applicant shall provide a cost estimate to the town for the above services and the net increase in taxable assessed valuation upon build out of the subdivision;

25. A transportation/traffic impact analysis;
26. A hydro-geologic analysis to determine potential for water supplies and the impact of subsurface disposal and other on-site features on ground water quantity and quality; and
27. A phosphorus control plan if the proposed subdivision is located in the direct watershed of the Basin, Little Wilson Pond, Mud Pond, or Taylor Pond.
28. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
29. A copy of a Driveway or Entrance Permit issued by the Maine Department of Transportation, [if applicable](#).
30. Contour lines at two-foot intervals; ~~except that~~ The Board may allow other intervals depending on the subdivision site characteristics;
31. A written statement of the applicant's financial and technical capacity to develop the proposed subdivision;
32. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.

In addition, the Planning Board may cause to be undertaken by the developer such studies as it determines reasonable and necessary to protect and assure the health, safety, and welfare of the residents of Minot, and to provide information to allow the Board to make for positive finding on the standards.

7-601.2 Final Plan

7-701 Performance Guarantees

With submittal of the final plan application the applicant shall provide the type of one of the following performance guarantees and the amount adequate to cover the total construction of required improvements taking into account the time-span of the construction schedule and the inflation rate for construction costs. The conditions and amount of performance guarantee shall be determined by the Board with the advice of the [Select Board](#) ~~of Selectmen~~ and Road Commissioner.

- A. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner for the establishment of an escrow account;
- B. A performance bond payable to the Town issued by a surety company approved by the Municipal Officers. The performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the

procedures for collection by the municipality. The bond documents shall specifically reference the project for which approval is sought;

- C. An irrevocable letter of credit from a financial institution establishing funding for the construction from which the Town may draw if construction is inadequate approved by the Municipal Officers. The irrevocable letter of credit shall indicate that funds have been set aside for the construction of the street and may not be used for any other project or loan;
- D. Escrow Account: A cash distribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant except for any portion of the interest earned which was needed in addition to the principal of the escrow account to pay for completion of the required improvements; or
- E. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.
- F. Contents of Guarantee: The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default, and the Town shall have access to the funds to finish construction.
- G. Release of Guarantee: Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
- H. Default: If, upon inspection, it is found that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, the Inspecting Official shall so report in writing to the, the Code Enforcement Officer, [Planning Board](#), [Select Board](#), ~~of Selectmen~~ and the subdivider or builder. The Board shall take any steps necessary to preserve the Town's rights.
- I. Privately-Owned Streets: Where streets are to remain privately-owned roads, the following words shall appear on the final recorded plan.

“All streets shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town.”

7-801 Waivers

7-901 Appeals

7-110 Enforcement

Chapter 8: Minimum Street Construction Requirements [Adopted March 2, 2007]

8-101 Purposes, Administration and Applicability

8-101.1 Statement of Purpose

8-101.2 Administration

The [Planning Board](#) ~~of Selectmen~~, hereafter referred to as the Board, shall administer this Chapter. The Board may appoint an Inspector to act as its agent in undertaking inspection duties prescribed by this Chapter.

8-101.3 Applicability

- A. This Chapter shall apply to all streets within the Town to be constructed, ~~or improved,~~ or ~~to be~~ accepted as town ways ~~after the effective date~~.
- B. Alterations, widening, and improvements shall be consistent with [Chapter Section 8-401](#). The Town of Minot shall be exempt from the provisions of this Chapter when the Town undertakes alterations, widening and improvements.
- C. Nothing in this Chapter shall be construed to prevent the design and construction of streets which meet higher standards, use improved methods, or higher quality materials. The determination of the acceptability of other standards, methods or materials shall be made by the Board with advice from the Town Road Commissioner and the [Select Planning Board](#).

8-201 Application Procedures

Prior to the construction of any new street or reconstruction or lengthening of an existing street, ten (10) copies of the application and plans shall be submitted to the [Planning Board](#) ~~of Selectmen~~ at least thirty (30) days prior to a scheduled meeting of the Board.

8-201.1 Submission Requirements

- A. The name(s) of the applicant(s);
- B. The name(s) of the owner(s) on record of the land upon which the proposed street is to be located;
- C. A statement of any legal encumbrances on the land upon which the proposed street is to be located;
- D. The anticipated starting and completion dates of each major phase of street construction;

8-201.2 Plans

8-201.3 Review by Select Planning Board and Road Commissioner

Upon receipt of an application for a proposed street, the Board shall ~~also~~ forward copies to the Select Planning Board and ~~one copy to~~ the Road Commissioner for review and comment.

8-201.4 Streets within Proposed Subdivisions

Streets proposed as part of a subdivision as defined in Chapter 14 shall be submitted to the Planning Board ~~of and forwarded to the~~ Select Board ~~men~~ as an integral part of the Subdivision Application. Plans shall conform to the provisions of this Chapter as well as that required by Chapter 7, Subdivision Standards.

8-301 Public Acceptance of Streets

The approval by the Planning Board and Select Board of a proposed public street shall not be deemed to constitute or be evidence of any acceptance by the Municipality of the street. Final acceptance of a proposed public street shall be by an affirmative vote at an annual Town Meeting.

8-401 Application Review

8-401.1 Complete Application

Within thirty (30) calendar days from the date of receipt, the Planning Board shall notify the applicant in writing either that the application is complete, or if incomplete, the specific additional material needed to make them complete. Determination by the Board that the application is complete in no way commits or binds the Board as to the adequacy of the application to meet the requirements of this Chapter

8-401.2 Application Approval

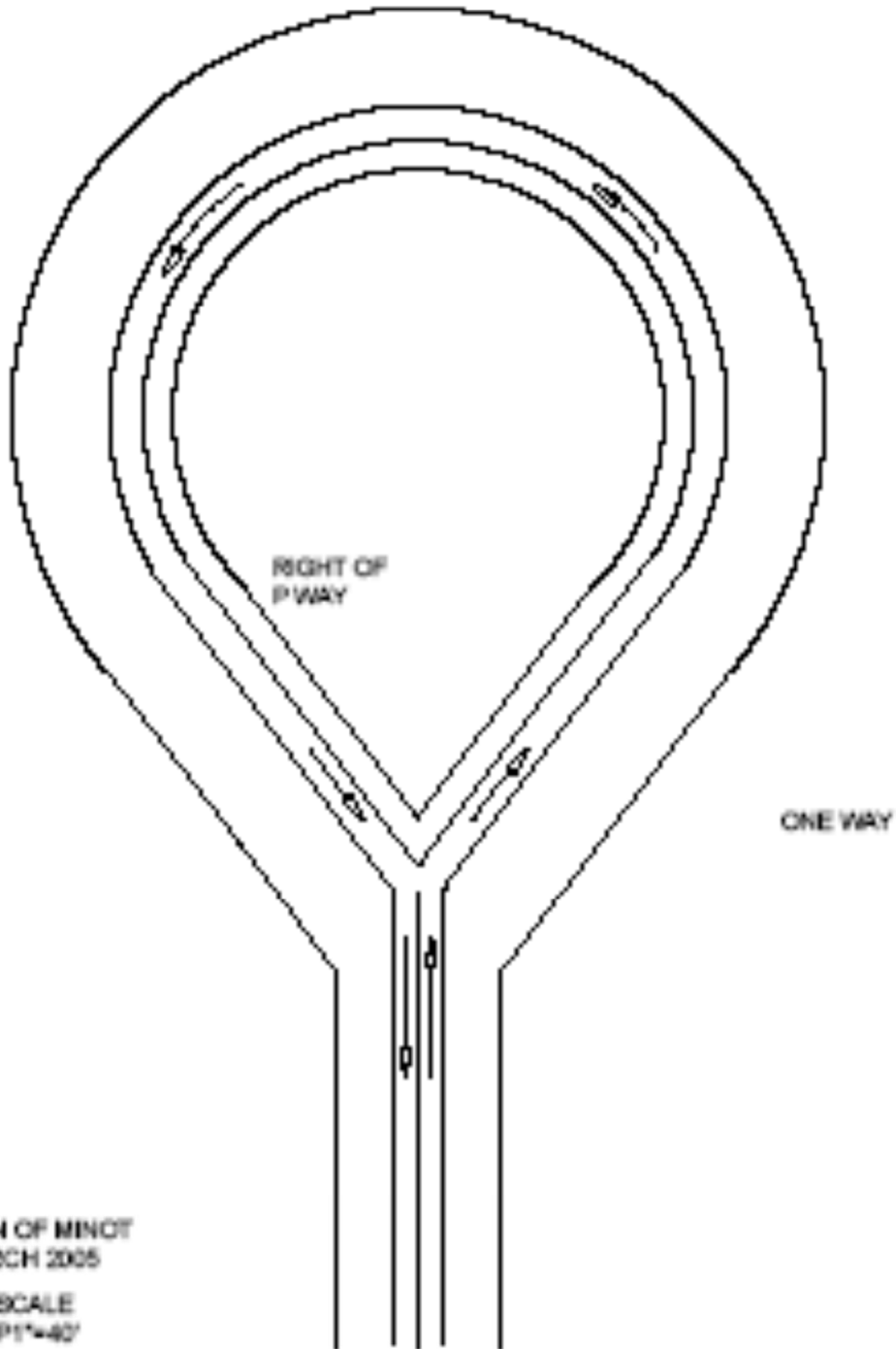
The Planning Board shall, within thirty (30) calendar days of a public hearing or within sixty (60) days of having received the completed application, or within such other time limit as may be mutually agreed to by the applicant and Board, deny or grant approval on such terms and conditions as it may deem advisable to satisfy this Chapter and to preserve the public health, safety, and general welfare. In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Board shall make a written finding of fact establishing that the application does or does not meet the provisions of this Chapter.

8-401.3 Public Hearing

The Planning Board may hold a public hearing on the application. Should a public hearing be held the Board shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to the applicant all abutters of the proposed street seven (7) days prior to the hearing by the Town.

PROPOSED CUL-DE-SAC FOR DEAD-END ROADS

P{
H0.8x; }



TOWN OF MINOT
PMARCH 2005

SCALE
P1"=40'

8-501 General Requirements for all Street Construction

8-501.1 Minimum Design Standards

8-501.2 Pavements

8-501.3 Grades, Intersections and Sight Distances

8-501.4 Street Construction Standards

8-501.5 Additional Improvements and Requirements

8-601 Certification of Construction

Upon completion of street construction and all street drainage and buried utilities and prior to a vote by the Select ~~Board~~men to submit a proposed public way to the legislative body, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Board at the expense of the applicant, certifying that the proposed way and all associated drainage facilities [8.15.05] meets or exceeds the design and construction requirements of this Chapter and plans as approved [5.15.05]. “As built” plans, including but not limited to drainage facilities and underground utilities, shall be submitted to the Road Commissioner and the Board prior to any vote by the Board to recommended acceptance of the street.

8-701 Inspection/Enforcement

8-801 Waivers

8-901 Appeals

Chapter 9: Appeals

9-101 Location of Appeals

9-101.1 Superior Court

A decision of the Planning Board or the [Select Board](#) ~~of Selectmen~~ under Chapter 4-701, Site Plan Review, Chapter 7, Subdivision Standards, and Chapter 8, Minimum Street Construction Requirements, may be taken to Superior Court in accordance with Rule 80B by an aggrieved party within thirty (30) days from the date of the decision being appealed.

9-101.2 Board of Appeals

9-101.3 Establishment

9-101.4 Appointment

9-101.5 Organization, Rules, and Procedures

9-101.6 Duties and Powers

9-101.7 Severability Clause

9-201 Appeals

9-301 Appeal Procedure

9-401 Appeal to Superior Court

10-101 Enforcement Procedures

10-101.1 Application of Citation System

10-101.2 Nuisance

10-101.3 Investigation

10-101.4 Notice of Violation

10-101.5 Civil Proceedings

10-101.6 Penalty

Any person who continues to violate any provisions of this Ordinance, after receiving notice of such violation, shall be guilty of a misdemeanor subject to a fine pursuant to MRS Title 30-A §4552 and each day such a violation is continued is [considered](#) a separate offense.

10-101.7 Extension to Time to Correct Violations

10-101.8 Appeals

Chapter 11: E911 Addressing Standards

11-101 Purpose

The purpose of this ordinance is to enhance the effective and rapid location of structures by law enforcement, fire, rescue, and emergency medical services personnel in the municipality of Town of Minot.

11-102 Authority

This ordinance is adopted pursuant to and consistent with Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

11-103 Administration

This ordinance shall be administered by the ~~Select Board of Selectmen~~, Town Administrator and Code Enforcement Officer-. The Code Enforcement Officer, or other person(s) as designated by the ~~Select Board of Selectmen~~ shall be the Addressing Officer and shall be authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 11-104 and 11-105. The Addressing Officer shall also be responsible for maintaining the following official records of this ordinance:

- a. A municipal map(s) for official use showing road names and numbers.
- b. An alphabetical list of all property owners as identified by current tax records, by last name, showing the assigned numbers.
- c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

The Addressing Officer shall be responsible for and authorized to provide all required addressing and database information to the state agency responsible for the implementation of Enhanced 9-1-1 service.

11-103.1 Naming System

All roads that serve two or more structures shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. A road name assigned by the municipality shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a. No two roads shall be given the same name (ex. Pine Road and Pine Lane).
- b. No two roads shall have similar-sounding names (ex. Beech Lane and Peach Lane).
- c. Each road shall have the same name throughout its entire length.

There will be an attempt to maintain Minot significance when naming roadways.

11-103.2 Numbering System

The following criteria shall govern the numbering system:

- a. Numbers shall be assigned every ~~50 (fifty)~~ (50) to two hundred (~~two hundred~~200) feet, depending on the density of the geographic location (e.g. 50 feet in the Village District and up to 200 feet in the Rural District~~areas~~) along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, as the numbers ascend. A 25-foot or less interval may be applied in more densely structured areas.
- b. All number origins shall begin from Minot Avenue Post Office or that end of a road closest to the designated origin. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- c. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.
- d. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy (e.g. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Road, Apt 2).

11-103.3 Addressing for structures

Applications for an address should be submitted under the following circumstances:

- a. When a building permit is issued
- b. When an occupancy permit is issued
- c. When a business opens that is on an existing property to assess if a secondary address is needed

11-103.4 Addressing for Fire Lanes

Application for a new fire lane should be submitted under the following circumstances:

- a. For a driveway that is longer than five hundred (500) feet²
- b. More than two homes using the same driveway

11-103.5 Special Circumstances

In some instances, there are special circumstances as to why an address may need to be changed or a road name created. This may be due to discontinuance of roads, to correct previous addressing errors, coordination with other towns for a driveway that cross boundary lines, or high hazard situations where a change is necessary. These special circumstances will be taken into consideration by those referenced in 11-103 and be approved on a case-by-case basis.

Addresses will not be approved for:

- a. Empty lots without an active building permit
- b. Empty lots without occupancy

11-104 Compliance

All owners of structures shall display and maintain in a conspicuous place on said structure, assigned numbers in the following manner:

- a. **NUMBER ON THE STRUCTURE OR THE RESIDENCE.** Where the residence or structure is within fifty (50) ~~(fifty)~~ feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or entry.
- b. **NUMBER AT THE ROAD LINE.** Where the residence or structure is over fifty (50) ~~(fifty)~~ feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box (when such mailbox is located on the same side of the road where the principal structure is located), or on some structure at the property line adjacent to the walk or access drive to the residence or structure.
- c. **SIZE, COLOR AND LOCATION OF NUMBER.** Numbers shall be of a color that contrasts with their background color and shall be a minimum of four (4) inches in height. Numbers shall be located to be visible from the road at all times of the year.
- d. **PROPER NUMBER.** Every person whose duty is to display an assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.
- e. **INTERIOR LOCATION.** All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.
- f. **INTER-DEPARTMENT COMMUNICATIONS:** The Fire/Rescue and Assessing departments shall receive notification from the Code Enforcement Officer whenever a Certificate of Occupancy is issued in the Town of Minot.

11.-105 New Construction and Subdivisions

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

- a. **NEW CONSTRUCTION.** Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from Code Enforcement Officer. This shall be done at the time of the issuance of the building permit.
- b. **NEW SUBDIVISIONS.** Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the *Planning Board*.

Approval by the Planning Board, after consultation with the Code Enforcement Officer and approval of the ~~Select Board of Selectmen~~, shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every fifty (50) feet so as to aid in the assignment of numbers to structures subsequently constructed.

11-106 Effective Date

This ordinance shall become effective as of March 2, 2019. It shall be the duty of the Code Enforcement Officer to notify by mail each property owner and the U.S. Postal Service of their new address at least ~~60 (sixty)~~ (60) days prior to the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within ~~60 (sixty)~~ (60) days following notification. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

11-107 Enforcement

- a. **PENALTY FOR VIOLATION.** Any person who continues to violate any provisions of this Ordinance, after receiving notice of such violation, shall be guilty of a misdemeanor subject to a fine pursuant to MRS Title 30-A §4552 and each day such a violation is continued is a separate offense.
- b. **ENFORCEMENT.** This Ordinance shall be enforced by the Town of Minot Code Enforcement Officer. Fire/Rescue, Law Enforcement or Assessing Departments shall forward any known violation of the Ordinance to the Code Enforcement Officer for enforcement in accordance with the requirements in this Ordinance.
- c. **CERTIFICATE OF OCCUPANCY.** The Code Enforcement Officer shall not issue a Certificate of Occupancy until numbering is installed in accordance with the requirements set forth in this Ordinance.

Chapter 12 Local Food Freedom (Sovereignty) Ordinance (Adopted 4/17/2021)

12-101 Short Title

This ordinance shall be known and may be cited as the “Local Food Freedom or Sovereignty Ordinance.”

12-102 Authority and Purpose.

This Ordinance is intended to provide residents increased access to local food, to support the ability of residents to produce, sell, purchase and consume locally produced foods, and to reduce governmental regulation of local foods to the extent permitted by and pursuant to 7 M.R.S. § 281-[§286](#)

12-103 Definitions

As used in this [O](#)rdinance, the following words have the meanings stated below:

Direct producer-to-consumer transaction. "Direct producer-to-consumer transaction" means a face-to-face transaction involving food or food products at the site of production of those food or food products.

Food or food products. "Food or food products" means food or food products intended for human consumption, including, but not limited to, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, fresh produce, cider or juice, acidified foods or canned fruits or vegetables. “Food or food products” does not include any alcohol or marijuana-based product governed by Title 28-A & B of Maine’s Revised Statutes.

State food law. “State food law” means any provision of Title 7 or Title 22 of the Maine Revised Statutes that regulates direct producer-to-consumer transactions.

Site of production. “Site of production” means the premises where a food or food product is grown, raised, processed or produced such as a farm, home kitchen, farm-based kitchen or similar location controlled by the producer, grower or processor. The term does not include a farmers’ market, community social event, or other venue unless the market, social event or venue is itself the site of production of the food or food product.

12-104 License and Inspection Exemptions

A. Notwithstanding any other provision of the Ordinances of this municipality to the contrary, producers, growers, and processors of food or food products in the municipality are exempt from State food law licensure and inspection requirements with respect to their direct producer-to- consumer transactions conducted exclusively at the site of production of those food products.

B. Pursuant to 7 M.R.S. § 285, the exemption provided in section 4(A) above does not apply to any transactions involving meat, meat products, poultry or poultry products, as those terms are defined in 22 M.R.S. § 2511. All such transactions remain subject to state inspection and licensing pursuant to Chapter 562-A of Title 22 of the Maine Revised Statutes and the rules adopted thereunder.

12-105 Severability.

Should any section or provision of this ordinance be declared to be invalid by a court of competent jurisdiction, such decision shall not invalidate any other section or provision of this ordinance.

12-106 Effective Date.

This ordinance shall become effective upon its adoption.

Chapter 13
Reserved

Chapter 14

14-101 Definitions

Accessory Dwelling Units: An accessory dwelling unit is either attached or shares a wall with a single-family dwelling unit is located within an existing single -family dwelling unit, or is a new structure on a lot containing a single-family dwelling unit for the primary purpose of creating an accessory dwelling unit, which is legally located on a lot, including a legally existing nonconforming lot of record, and is subordinate to the primary use and which is used for residential purposes as a complete separate housekeeping unit. An accessory -dwelling can be no less than ~~190500~~ square feet no more than 700 ~~square feet~~. [Amended March 5, 2022; March 4, 2023, [March XX, 2025](#)]

...

Inspecting Official: Inspecting Official: An individual or individuals appointed by the [Select Board](#) ~~of Selectmen~~ to oversee all aspects of street construction including drainage and stormwater management. The inspecting official shall possess such education and training that the [Select Board](#) ~~of Selectmen~~ deems necessary to carry out all aspects of inspection.

...

Large Commerce and Service: A business which provides goods or services to other businesses and/or the public. Uses include, by way of example, retail sales, ~~wholesale sales, warehousing, storage, shipping, and on-site receiving~~, restaurants, ~~and~~ [medical offices](#), financial and professional services, and having a size greater than Small Commerce/Service.

...

[Road Maintenance Agreement:](#) [A contract that outlines the responsibilities for maintaining a shared private road that contains the legal description of all properties that have the right to use the road, the way that responsibility for repairs is to be shared by the parties, how the costs for repairs will be incurred by the parties, emergency repairs and the consequences for non-participation in the maintenance.](#)