

LAND USE REGULATIONS
TOWN OF PENOBSCOT
HANCOCK COUNTY, MAINE

Section 1: PURPOSE

In general the philosophy of the Planning Board is that we believe in reasonable and orderly growth of the Town of Penobscot. In order that we may all enjoy the benefits of abundance of space, clean air, unpolluted waters and freedom from pressure of close complex living conditions, it would seem wise to plan ahead to the best of our abilities to assure that we can continue to experience these same benefits and privileges. Therefore with understanding and patience, hopefully we can adopt reasonable methods through proper planning and acceptance of the requirements of the State Statutes plus additional regulations the Town may deem proper to include, thus assuring orderly growth without the undesirable impact of an undue surge of speculation and development within the boundaries of the Town of Penobscot.

To further the maintenance of safe and healthful conditions and the general welfare, prevent and control water pollution, protect spawning grounds, fish, aquatic and land uses, and conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty.

"Expected Impact" involves the following major factors and possible others not delineated in these Regulations. These factors are:

- Population density and open space
- Vehicular traffic
- Pollution of air, water and land erosion control
- Noise pollution
- The effect on irreplaceable natural resources, areas, historical sites or buildings and natural beauty.
- The probable impact on water supplies, bodies of water and water tables.
- Demand for public services such as education, street lighting, maintenance of roads, new road construction, snow plowing, and police and fire protection to name a few.

Section 2: AUTHORITY

These regulations are adopted by the voters of the Town of Penobscot pursuant to the provisions of the following Statutes:

"Section 4956, Title 30 R.S., Sub-Divisions and Sale and Development of Land as amended by Chapter 454, Article VIII-A of the Constitution of the State of Maine of Public Laws of 1971 (Municipal Home Rule) R.S., 1964 Title 30, Sections 4962 as amended (Zoning Ordinances) and R.S. 1964; Title 12, Sections 4811.4814 (Mandatory Shoreline Zoning and Sub-Division Control) Revised Statues, 1964 Title 32, Section 3351, as amended (Municipal Plumbing Ordinances) R.S. 1964, Sections 2411 and 4963, as amended (Planning-Zoning Development), the Wetlands Law, Chapter 421, Title 12, (as amended) M.R.S., other Statutes and Codes as they may apply."

Section 3: GENERAL

These Regulations (or Ordinances) shall be known and cited as "Land Use Regulations of the Town of Penobscot" and will be referred to herein as "this Ordinance".

1.1 This Ordinance does not grant any property rights; it does not authorize any person to trespass, infringe upon or injure the property of another; it does not excuse any person of the necessity of complying with other applicable laws and regulations.

1.2 Basic Requirements: All buildings or structures herein erected, reconstructed, altered, enlarged or moved and uses of premises in the Town of Penobscot shall be in conformity with the provisions of this Ordinance. No building, structures, land or water area shall be used for any purpose or in any manner except as permitted within the district in which any building, structure, land or water area is located.

1.3 Non-Conforming Uses:

- A. Any lawful use of building, structures, premises, land or parts thereof existing on the effective date of this Ordinance or amendments thereto and not in conformance with the provisions of this Ordinance shall be considered to be a non-conforming use.
- B. Any non-conforming use may continue and may be maintained, repaired and improved. No such non-conforming use may be expanded, changed to another non-conforming use, or renewed after it has been discontinued for a period of 12 calendar months or more, without a permit from the Planning Board in accordance with the provisions of Section 12.
- C. Any non-conforming lot of record existing before the effective date of this Ordinance and not adjoined by other land of the same ownership may be used in accordance with State Law and section of this Ordinance.
- D. After the expiration date for non-conforming uses as outlined in Section 1.3 the uses of the land, buildings or structures shall thereafter conform to the provisions of this Ordinance.

1.4 Rule of Procedure: Whenever a non-conforming use is superseded by a permitted use of a structure or structures and land in combination, such structure or combination of land and structure shall thereafter conform to the provisions of this Ordinance and the non-conforming use may not thereafter be resumed.

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

1.6 Pending Application for Land Use: Nothing in the Ordinance shall require any change in the plans for which application for a permit has been made provided suitable action has been started within 90 days after the issuance of such permit.

1.7 Validity and Severability: Should any section or provision of the Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

1.8 Conflict with Other Ordinances: This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law. When the Ordinance imposes a greater restriction upon the use of land, buildings or structures, the provisions of this Ordinance shall control.

1.9 Amendment: This Ordinance may be amended as follows:

- A. By a majority vote of the governing body if the amendment is recommended by the Planning Board, or
- B. By a 2/3 majority of the governing body if the proposed amendment is not recommended by the Planning Board.

In either case, the Planning Board shall hold a public hearing at least 30 days prior to the meeting of the governing body. Notice of the hearing shall be posted at least seven (7) days in advance in a newspaper of general circulation of the area; a copy shall also be posted at the Post Office (a) and at the entrance of the Town Hall.

- C. The State Planning Office shall be notified by Certified Mail of amendments to this Ordinance, prior to the effective date of such amendments. A file of return receipts from such mailings shall be maintained as a permanent record.

1.10 Effective Date: The effective date of this ordinance is July 1, 1974, Adopted June 18 1974. A certified copy of this Ordinance shall be filed with the County Register of Deeds, according to the requirements of State Law.

Section 4: CRITERIA FOR ESTABLISHING DISTRICTS

2.1 Districts and the Zoning Map: The areas to which this Ordinance is applicable are hereby divided into the following Districts as shown on the Official Zoning Map.

- A. Resource Protection District
- B. General Development District
- C. Limited Residential-Recreational District

The Official Zoning Map and all future amendments thereto, is hereby made part of, and incorporated into this Ordinance.

2.2 Interpretation of District Boundaries: Unless otherwise set forth in the Official Shoreland Zoning Map, District boundary lines are property lines, the centerline of streets, roads, and rights of way, and the boundaries of the shoreland are as defined herein. Where uncertainty exists as to exact location of District boundary lines, the Board of Appeals shall be the final authority as to location.

2.3 The Shoreland Protection District: The Shoreland District shall encompass any and all lands that lie within 250 feet of the mean high water mark of any lakes, ponds, rivers, streams, or salt water body within the environs of the Town.

2.4 Resource Protection District: The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biotic systems, or scenic and natural values. This district shall include:

- A. Inland or Coastal Wetlands as defined in Section 13 and specifically areas rated as moderate to high-value waterfowl areas by the Department of Inland Fisheries and Game, as of January 1, 1973.
- B. Flood Plains as defined by the 100 Year Flood or the Flood of Record or, in the absence of these, by soil types identifiable as recent flood plain soils.
- C. Areas having sustained slopes greater than 25%, or unstable soil subject to slumping, mass-movements or severe erosion, when these areas are two acres or more in size.

This District may also include:

- D. Other significant wildlife habitat.
- E. Natural sites of significant scenic or esthetic value.
- F. Areas designated by Federal, State or Municipal Governments as natural areas of significance to be protected from development.
- G. Other significant areas which should be included in this District to fulfill the purposes of this Ordinance.

2.5 General Development District: The General Development District includes the following types of areas:

- A. Areas of two acres or more devoted to intensive residential, recreational, commercial or industrial activities or combinations of such. activities including, but not limited to:
 - 1. Transportation rights of way.
 - 2. Communication and utility rights of way.
 - 3. Areas used for the extraction or processing of mineral resources.
 - 4. Areas devoted to: manufacturing, fabricating, wholesaling, warehousing or other commercial activities.
 - 5. Areas devoted to retail trade and service activities.
 - 6. Areas devoted to intensive recreational development and activities.
 - 7. Areas devoted to residential dwelling units at a density of 3 or more per two acres.
 - 8. Areas devoted to mixed or combined patterns of a through g above.
- B. Areas otherwise discernible as having patterns of intensive residential, recreational, commercial or industrial uses.

2.6 Limited Residential-Recreational District: The Limited Residential-Recreational District includes areas other than those included in the Resource Protection District, and which are used less intensive than those included in the General Development District.

Town of Penobscot, ME – Land Use Regulations

Section 5: USES

Land Uses permitted in each District, in conformance with the Land Use Standards of this Ordinance, are shown below:

KEY:	Yes	-	Allowed (no permit required)
	No	-	Prohibited
	PB Permit	-	Requires permit issued by the Planning Board
	CEO Permit	-	Requires permit from Code Enforcement Officer
	*	-	Subject to specific Land Use Standards, Section

Land Use	District		
	Resource Protection	Limited Residential-Recreational	General
1. Non-intensive recreational uses not requiring structures, such as hunting, fishing and hiking	Yes	Yes	Yes
2. Motorized vehicular traffic on roads and trails and snowmobiling	Yes	Yes	Yes
3. Forest management activities except for timber harvesting	Yes	Yes	Yes
4. Timber Harvesting *	CEO Permit	Yes	Yes
5. Fire Prevention Activities	Yes	Yes	Yes
6. Wildlife Management Practices	Yes	Yes	Yes
7. Soil & Water Conservation Practices	Yes	Yes	Yes
8. Mineral Exploration *	Yes	Yes	Yes
9. Surveying & Resource Analysis	Yes	Yes	Yes
10. Emergency Operations as defined	Yes	Yes	Yes
11. Harvesting of Wild Crops	Yes	Yes	Yes
12. Agriculture *	PB Permit	Yes	Yes
13. Principle Structures*			
Residential Dwelling Units	No	PB Permit	PB Permit
Commercial Structures *	No	No	PB Permit
Industrial Structures	No	No	PB Permit
Heavy Industry (Adopted 3/3/1980)	No	No	No

Town of Penobscot, ME – Land Use Regulations

The term "Heavy industry" is used here to describe certain industrial facilities which because of the scale of their operations, or the nature of the material or processes involved, have in common the potential to pollute or otherwise to cause significant adverse environmental impact. Specifically they include liquefied natural gas (LNG) terminals, oil terminals, oil refineries, coal fired power plants, electrical generating plants, nuclear power plants, coal storage and handling yards which would be necessary to operate coal fired power, kraft plants and construction yards for outer continental shelf platforms. Examples of development which is not considered heavy industry are textile mills, shoe factories, leather goods Manufacturing establishments, fish processing plants and garment factories. This revised ordinance shall become effective immediately upon its adoption.

Note: The present Ordinance prohibits commercial structures or activities in the Resource Protection and Limited Residential-Recreation districts. This will still be effective.

Land Use	District		
	Resource Protection	Limited Residential-Recreational	General
14. Structures Accessory to Permitted Uses	CEO Permit	CEO Permit	Yes
15. Road Construction *	PB Permit	Yes	Yes
16. Small Non-residential Facilities for educational, scientific or nature interpretation purposes	PB Permit	Yes	Yes
17. Public and Private Parks and Recreation Areas involving minimal structural development	PB Permit	Yes	Yes
18. Campgrounds	No	PB Permit	PB Permit
19. Piers, docks, wharves, break-waters, causeways, marinas, bridges over 20 ft. in length, and uses projecting into water bodies			
Temporary	CEO Permit	CEO Permit	CEO Permit
Permanent	PB Permit	PB Permit	PB Permit
20. Clearing for Approved Construction	CEO Permit	Yes	Yes
21. Essential services accessory to permitted uses	Yes	Yes	Yes
22. Private sewage disposal systems	No	CEO Permit	CEO Permit
23. Public Utilities, including sewage collection & treatment facilities	PB Permit	PB Permit	PB Permit

Town of Penobscot, ME – Land Use Regulations

Land Use	District		
	Resource Protection	Limited Residential-Recreational	General
24. Signs	Yes	Yes	Yes
25. Filling or other earth-moving activities of < 10 cubic yds.	CEO Permit	Yes	Yes
26. Filling or other earth-moving activities of > 10 cubic yds.	PB Permit	CEO Permit	CEO Permit
27. Uses similar to permitted uses	CEO Permit	CEO Permit	CEO Permit
28. Uses similar to uses requiring a CEO Permit	CEO Permit	CEO Permit	CEO Permit
29. Uses similar to uses requiring a PB Permit	PB Permit	PB Permit	PB Permit

Section 6: Land Use Standards

All Land Use activities shall conform to the following applicable Land Use Standards:

A. Agriculture (Shoreland District Only)

1. All spreading or disposal of manure shall be accomplished in conformance with the "Maine Guidelines for Manure and Manure Sludge Disposal on Land" published by the University of Maine and the Maine Soil and Water Conservation Commission, in July 1972 or subsequent revisions thereof.
2. There shall be no tilling of soil within 50 feet of the normal high water mark of any lake or pond whose shorelands are covered by this Ordinance.
3. Where soil is tilled in a Resource Protection District, or where soil in excess of 20,000 sq. ft. lying either wholly or partially within the area covered by this Ordinance is tilled in a General Development District or a Limited Residential-Recreational District, such tillage shall be carried out in conformance with the provisions of a Conservation Plan which meets the standards of the State Soil and Water Conservation Commission and is approved by the appropriate Soil and Water Conservation District. The number of the plan shall be filed with the Planning Board. Nonconformance with the provisions of such Conservation Plan shall be considered to be a violation of this Ordinance.

B. Beach Construction

Beach Construction on any great pond or coastal wetland shall require a permit from the Department of Environmental Protection. Beach construction on any river, stream, or brook capable of floating watercraft shall require approval from the Commissioner of the Department of Inland Fish and Game, as required by law.

C. Campgrounds

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

1. Camping areas shall contain a minimum of 5,000 square feet of suitable land, not including roads and driveways, for each site.
2. The area intended for placement of the recreational vehicle, tent or shelter and utility and service buildings, shall be set back a minimum of 75 feet from the normal high water mark of any pond, river or salt water body as defined.

D. Clearing (Shoreland District Only)

Clearing of trees and conversion to other vegetation is permitted for approved construction and landscaping. Where such clearing extends to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the normal high water mark) may be created in the strip extending 50 feet inland from the normal high water mark and paralleling the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation that is equally effective in retarding erosion and preserving natural beauty.

E. Erosion and Sedimentation Control (Shoreline District Only)

Filling, grading, lagooning, dredging, earth-moving activities, and other land use activities shall be conducted in such manner to prevent to the maximum extent possible, erosion and sedimentation of surface waters. To this end, all construction shall be accomplished in conformance with the erosion prevention provisions of "Environmental Quality Handbook Erosion and Sediment Control", published by the Maine Soil and Water Conservation Commission.

F. Mineral Exploration

Mineral Exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance. A permit from the Planning Board shall be required for mineral exploration which exceeds the above limitations.

G. Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges over 20 feet in length, and Uses Projecting into Water Bodies. (Shoreland District Only)

In addition to Federal or State permits which may be required for such structures and uses, they shall conform to the following:

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The location shall not interfere with developed beach areas.
3. The facility shall be located so as to minimize adverse effects on fisheries.
4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.

H. Residential Lot Standards

1. Lots shall meet or exceed the following minimum requirements:
Minimum size: 60,000 square feet
2. A lot abutting a lake, pond, river, stream, or tidal water shall have a minimum shore frontage of 150 feet, measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high water elevation.
3. Each lot shall contain at least 60,000 square feet.
4. Structures shall not cover more than 20% of any lot.

5. (Adopted 3/5/79) Lots in existence on June 28, 1974 shall be treated as if they conformed to lot size specifications set forth herein irrespective of area and dimension. Lots which would be nonconforming in lot size but for this subparagraph, when Joined with other contiguous land in the same ownership shall not be recreated.

I. Road- Construction (Shoreland Districts Only)

1. Roads shall be located, constructed, and maintained in such a manner that minimal erosion hazard results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters. All roads shall be located, constructed and maintained in conformance with the erosion prevention provisions of "Permanent Logging Roads for Better Woodlot Management" published by the Division of State and Private Forestry, Forest Service Northeastern Area, U.S. Department of Agriculture in 1973 or subsequent revisions thereof.
2. Additionally, all roads constructed shall conform with the following standards:
 - a. Road Crossing of watercourses shall be kept to the minimum number necessary;
 - b. Bottoms of culverts shall be installed at streambed elevation;
 - c. All cut or fill banks and areas of exposed mineral soil shall be revegetated or otherwise stabilized as soon as possible; and
 - d. Bridges or culverts of adequate size and design shall be provided for all road crossings of watercourses which are to be used when surface waters are unfrozen. The requirement for a bridge or culvert may be waived by obtaining a permit from the Planning Board.

J. Sanitary Standards

1. Subsurface Sewage Disposal
 - a. All subsurface sewage disposal systems shall be installed, in conformance with the Maine State Plumbing Code.
 - b. Setbacks
 - i. The minimum setback for underground sewage disposal facilities from the normal high water mark of a water body shall be no less than 100 horizontal feet.
 - ii. Where daily sewage flow exceeds 2,000 gallons, the minimum setback shall be 300 feet from any shoreline.
 - iii. All other setback requirements of the State Plumbing Code shall be met in full Setbacks from shorelines for all subsurface sewage disposal facilities shall not be reduced by variance.
2. Privies may be permitted in areas not served by community sewer facilities under the following conditions:
 - a. No plumbing of any kind shall be connected to or discharged into the privy pit.
 - b. The privy shall be located at a minimum horizontal distance of 100 feet from the normal high water mark of a water body.
 - c. The bottom of the privy pit shall be at least two feet above bedrock and the ground water table at its highest point during the year or have a watertight vault.
 - d. Privies shall not be permitted on recent flood plain soils.
3. Other systems of sanitary waste disposal may be permitted after approval by the Maine Department of Health and Welfare, and after a permit has been issued by the Planning Board.

K. Signs

The following provisions shall govern the use of signs in the Resource Protection and Limited Residential-Recreational Districts:

1. Signs and Billboards relating to goods and services sold on the premises shall be permitted, provided such signs shall not exceed six (6) square feet in area, and shall not exceed two (2) signs per premises. Billboards and signs relating to goods and services not rendered on the premises shall be prohibited.
2. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. No sign shall extend higher than twenty (20) feet above the ground.
6. Signs may be illuminated only by shielded, non-flashing lights.

L. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report, prepared by a State-certified soil scientist or geologist based on an on-site investigation. Suitability considerations shall be based primarily on criteria employed in the National Cooperative Soil Survey as modified by on-site factors such as depth to water table and depth to refusal.

M. Timber Harvesting (Shoreland District Only)

1. No substantial accumulation of slash shall be left within fifty (50) feet of the normal high water mark of any pond, river, or salt water body as defined. At distances greater than fifty (50) feet from the normal high water mark of such waters and extending to the limits of the area covered by this Ordinance, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground.
2. Skid trails, log yards, and other sites where the operation of logging machinery results in the exposure of substantial areas of mineral soil shall be located such that an unscarified filter strip is retained between the exposed mineral soil and the normal high water mark of any pond, river, or salt water body as defined. The width of this strip shall vary according to the average slope of the land as follows:

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

3. Harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters.
4. Harvesting operations shall be conducted in such a manner that a well distributed stand of trees is retained.
5. Harvesting activities shall not create single openings greater than seven thousand five hundred (7,500) square feet in the forest canopy.
6. In any stand, harvesting shall remove not more than forty (40) percent of the volume of trees in any ten (10) year period. For the purpose of these standards, a stand means a contiguous group of trees, sufficiently uniform in species, arrangement of age classes, and conditions, to be identifiable as a homogeneous and distinguishable unit.
7. Timber harvesting operations not in conformance with 2, 4, 5, and 6 above may be allowed by the Planning Board upon approval of a permit granted in accordance with the provisions of Section 12-8 subsection 6, paragraph A-1 upon a clear showing by the applicant that such an exception is necessary for proper timber management.

N. Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

Section 7: STRUCTURES

- 7.1 The first floor elevation or openings of all residential buildings shall be elevated at least two feet above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identifiable as recent flood plain soils.
- 7.2 More than one residential dwelling unit may be constructed on a single parcel or lot provided all existing restrictions and conditions are met, including lot size.
(Passed at Town Meeting 1985)
- 7.3 All principal structures in the Shoreland District shall be set back a minimum of 75 feet from the erosion point above the normal high water elevation. -
- 7.4 Residential structures located in the General Development District or Limited Residential-Recreational District shall be set back a minimum of 50 feet from any highway or roads in subdivisions.
- 7.5 There shall be a 20 foot setback on the side lot lines and rear lot lines of all structures in any District.
- 7.6 There shall be no Mobile homes allowed in the Shoreland District or in any subdivision for residential purposes.
- 7.7 Mobile homes shall be governed by Section 8.
- 7.8 There shall be no camper trailers allowed in the Shoreland District or in any sub-division for residential purposes, if so included in the plan submitted for approval by the developer.
- 7.9 Camper trailers shall be governed by Section 9.

- 7.10 There shall be no commercial establishments within the bounds of the Shore-land District or within the bounds of sub-divisions for residential purposes.
- 7.11 Professional offices such as doctors, lawyers, insurance agents, dentists, optometrists, beauty parlors are the only type allowed in sub-division for residential purposes or the Shoreland District.
- 7.12 Signs - see Section 6.K.

Section 8: MOBILE HOMES AND MOBILE HOME PARKS

- 8.1 Mobile homes not in a Mobile Home Park
- 8.2 Mobile homes not in a Mobile Home Park shall meet all the requirements of this Ordinance which apply to Residential Lot Standards (Section 6.H.)
- 8.3 Mobile Home Parks
- 8.4 Mobile Home Parks shall meet all the requirements for a residential sub-division and shall conform to all applicable State Laws and local ordinance.
- 8.5 The minimum area of land within the park shall be 3 acres.
- 8.6 Each individual lot shall be at least 50 feet X 100 feet.
- 8.7 No mobile home shall be placed within 30 feet of any other mobile home.
- 8.8 All mobile homes in a mobile home park shall be connected to a public water system, at no expense to the Municipality, if available. Otherwise to be connected to a central water system provided by the mobile home park.
- 8.9 All mobile homes in a mobile park shall be connected to a sanitary sewer system, if available, at no expense to the Municipality, or to a central collection and treatment system provided by the mobile home park, in accordance with sanitary provisions of this Ordinance.

Section 9: CAMPER TRAILERS

- 9.1 Camper trailers shall only be allowed in parks or campgrounds provided for this purpose.
- 9.2 Camper trailers may be allowed on private lots not subject to sub-division rules and regulations.
- 9.3 Camper trailer parks and campgrounds shall conform to Section 6.C.

Section 10: SUBDIVISIONS

For the purpose of this Ordinance, certain terms used herein are defined as follows:

Subdivision: shall mean the division of a tract or parcel of land into three (3) or more lots for the purpose, whether immediate or future, of sale or building development, and shall include the subdivision of land for industrial purposes and the re-subdivision of land, but shall exclude a division of land for agricultural purposes into lots or parcels of five acres or more and not requiring a new street.

Street: shall mean and include any street, avenue, boulevard, road, alley and any other right-of-way excluding driveways serving not more than one lot.

Reserve Strip: shall mean and include any area for which future public use is intended for street connections or for pedestrian ways.

Re-subdivision: shall mean the division of an existing subdivision or any change of lot size therein or the relocation of any street or lot line in a subdivision.

Section 10-A: JURISDICTION

1. This Ordinance shall pertain to all land within the boundaries of the Town of Penobscot.
2. This Ordinance adopted by a vote of the Planning Board and filed with the Town Clerk May 24, 1971. Further reviewed and re-adopted as Regulations Sept. 1972. This applies to Section X and XI.
3. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other Ordinance, regulation, code or covenant in effect in the Town of Penobscot, the provision which imposes the higher standard or the most restrictive shall apply.
4. The invalidity of any section, sub-section, paragraph, sentence, clause, phrase or word of this Ordinance shall not be held to invalidate any other section, sub-section, paragraph, sentence, clause, phrase or word of this Ordinance.

Section 10-B: ADMINISTRATIVE REGULATIONS

1. The Planning Board of the Town of Penobscot, hereinafter called the Board, shall administer this Ordinance.
2. Whenever any subdivision is proposed or before any contract for the sale of or offer to sell such subdivision or any part thereof shall have been negotiated and before any permit for the erection of a structure shall be granted, the subdividing owner or his agent shall apply in writing to the Board for approval of such subdivision.
3. No transfer of ownership shall be made of any land in a proposed subdivision until Final Plan of such subdivision has been approved by the Board nor until a duly approved copy of such Final Plan has been filed with the Town Clerk.
4. Where strict conformity to the Subdivision Regulations would cause undue hardship or injustice to the owner of land and a subdivision plan is substantially in conformity with the requirements of this Ordinance, the Board may consider waiver of some aspects of this Ordinance provided that the spirit of the regulations and public convenience, health, and welfare will not be adversely affected.
5. The Register of Deeds shall not record any plan of a proposed subdivision until it has been approved by the Board and approval is attested by the signature of a majority of the members of the Board on the original tracing - of the Final Plan of such subdivision.
6. No work to be done within subdivision without Planning Board approval. No utility installations, no ditching, grading, or construction of roads, no grading of land or lots, and no construction of buildings shall be done on any part of the subdivision until a Final Plan of such subdivision shall have been duly prepared, submitted, reviewed, approved, and endorsed as provided in this Ordinance, nor until an attested copy of a Final Plan so approved and so endorsed has been duly recorded by the subdivider in the Hancock County Registry of Deeds.

Section 10-C: PENALTIES

Whoever, being the owner or agent of the owner of any land located within a sub-division transfers or sells or agrees to sell or negotiates to sell any land by reference to, or exhibition of, or by other use of, a plan of subdivision, before such plan has been approved by the Planning Board and recorded or filed in the office of the appropriate register of deeds shall forfeit and pay a penalty of five hundred dollars for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description by meets and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town of Penobscot, through its attorney or other designated official, may enjoin such transfer or sale or agreement and may recover the said penalty by civil action, and enforce the plan and terms as approved by legal action, at the expense and cost of the applicant or developer.

Section 10-D: SUBMISSION OF PLANS

There shall be submitted to the Board a preliminary plan for study, and, if necessary, modification; and there shall be submitted a final plan. The final plan shall not be prepared until the subdivider has received from the Board written notice of a vote of a majority of the Board approving a preliminary plan. Notice of approval shall be given within thirty (30) days of submission of the preliminary plan to the Board.

The failure of the Board to issue a notice of approval within thirty days after sub-mission of the preliminary plans constitutes its disapproval. An appeal may be taken from the decision of the Planning Board to the Superior Court as provided in Section 4954, subsection 2, paragraph B.

Until a final plan is approved, no development steps are to be undertaken on the site of the subdivision, unless approved by Planning Board.

A subdivider is advised that it is his responsibility to acquaint himself with pertinent ordinances of the town which are available at the Town Office. The subdivider also has the responsibility of acquainting himself with the State Plumbing Code and other requirements of the Department of Health and Welfare, pertinent soil maps of the United States Soil Conservation Service and such other state laws which relate to subdivision, in addition to Section 4956, Title 30, M.R.S.A., under which these standards are adopted.

If requested, or if required by the Board in the public interest, a public hearing may be scheduled on a subdivision proposal. If a public hearing is ordered by the Board, interested parties will be notified 10 days in advance of the hearing and public notice posted.

Section 10-E: PRELIMINARY PLAN

Preliminary plans shall contain the following information:

1. Name of the Subdivision, owner(s), deed reference to land subdivided, and engineer(s), or surveyor(s), if a corporation, full corporation title, what state, incorporated and names and addresses of each officer and director.
2. Graphic scale, date and north point.
3. Boundaries of tract.

4. Ownership and location of abutting properties.
5. Name, location and width of all streets. All street names shown for proposed streets located in a subdivision shall be checked against local records to assure that none are duplicates of existing street names or so similar as to cause confusion.
6. Type, location, profile, and cross-section of all existing surface water drainage.
7. Location of all existing utilities - water, gas, electricity, or other.
8. Location of all existing sanitary sewers showing size, profile, and cross-section; or description, plan, location or other means of sewerage disposal with evidence of successful percolation tests. In areas outside of those presently sewered where disposal is proposed by use of septic tanks, the Board will require a written statement from the local public health officer or other duly authorized person that suitable percolation tests, in accordance with State Health Department Standards, have been made and that the land is considered suitable for disposal systems using septic tanks.
9. Topography at five-foot contour intervals, unless otherwise prescribed by the Board. In addition, the location of existing natural or man-made features influencing the layout of the proposed subdivision shall be shown.
10. Lot lines and approximate dimensions.
11. Proposed uses of property.
12. Proposed public areas, if any.
13. Within not more than 12 months after issuance of such preliminary approval the subdivider or his agent shall submit a Final Plan and street profiles.

Section 10-F: FINAL PLAN

1. A request for final approval of a subdivision shall be accompanied by a Final Plan of such subdivision legibly and clearly drawn in ink at a scale of 100 feet to the inch (1007") on stable base translucent material suitable for reproduction and three dark line copies. Size of sheets shall not measure more than two feet by three feet (2' x 3'). A Final Plan shall show:
 - A. All the information required for the Preliminary Plan;
 - B. Street lines, lot lines and reservations for public purposes including public utilities and drainage easements;
 - C. All dimensions in feet and decimals of feet;
 - D. Lot numbers and lot letters in accordance with prevailing policy on existing tax maps;
 - E. Prominent reference monuments on all street corners and angles and street lines wherever, in the opinion of the Board, such monuments are necessary to properly determine the location on the ground;

Town of Penobscot, ME – Land Use Regulations

- F. Designation of the location, size, planting and landscaping of such parks, esplanades and open spaces as are required by the Board;
- G. The seal of a licensed designer or certification by a land surveyor attesting that such final Plan is substantially correct.
- H. Suitable space to record, on the plan, final approval by the Planning Board, with added conditions if any, and date of such approval as follows:

Approved: Town of Penobscot Planning Board
_____ Chairman _____ Date

- 2. A Final Plan shall be accompanied by certification either by a duly authorized engineer or by the Code Enforcement Officer of the Town of Penobscot or by both, as required by the Board, that the design of sewer and water facilities and streets and utilities in the proposed subdivision conform to the requirements of this Ordinance. The cost of inspection shall be borne by the developer or subdivider.
- 3. The subdivider shall file with the Board at the time of submission of the Final Plan a bond in an amount sufficient to cover the cost of the construction of streets, approved as to form and surety by the Penobscot Town Attorney, and conditioned upon the completion of such streets within the two years of the date of such bond.

The Board at its discretion can waive the requirement to post bond and grant conditional approval providing that no lots shall be sold until specified streets together with the necessary sanitary improvements are satisfactorily constructed within three years of the date of such conditional approval. A release of conditions shall be executed and delivered to the subdivider following satisfactory completion of the specified streets and other required improvements.
- 4. The Board shall consider a Final Plan at a regular meeting within thirty days of submission of such Final Plan.
- 5. The Board may before final approval or disapproval of a Final Plan hold a public hearing on such a plan.
- 6. The approval of a Final Plan shall be attested on the original tracing and three copies by the signature of a majority of the members of the Board.
- 7. Failure of the Board to issue approval or conditional approval within thirty days constitutes disapproval.
- 8. The original tracing of a Final Plan as amended shall be retained by the Board, two copies shall be delivered to the subdivider and one copy shall be delivered to the County Registry of Deeds.

9. If the Board shall have approved the Preliminary Plan of the entire area of subdivision the developer may improve the streets in a portion of the subdivision and the Board may approve only that portion so improved as shown on the Final Plan.

Section 10-G: GENERAL REGULATIONS

1. Any proposed subdivision shall in the opinion of the Board be suitably located with respect to community facilities such as schools, playgrounds and parks.
2. Land susceptible to flooding, and land not suitable for housing or street development, and land which may be hazardous to life, health, or property shall not be accepted as part of a subdivision for residential purposes but may be used, with the approval of the Board, for playgrounds, parks or other open-space purposes.
3. Any subdivision shall be so designed that every lot has access to the public street system at a point where access is permissible according to the Comprehensive Plan, or in accordance with the Planning Board.
4. Any natural drainage ways and their easements shall be so incorporated that no flooding occurs and all storm water can property be disposed of.
5. The Planning Board may require that a proposed subdivision layout show respect for such natural features as trees, streams, water courses and scenic assets. Extensive land grading and filling shall be avoided as far as possible.
6. Street trees, esplanades and open green spaces may be required at the discretion of the Board and when such improvements are required they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.
7. Within the boundaries of the plan, each lot that is to be offered for sale, or is sold, must be such that any buyer, with or without a knowledge of the lot's physical characteristics, will be able to build thereon, a reasonable abode with adequate access, adequate water supply, and adequate sewerage disposal system at costs that are not excessive.
8. The Final Plan must include a list of the construction items that will be completed by the applicant prior to the sale of the lots, as well as the list of construction and maintenance items that must be borne by the town, if applicable.
9. When available, public water and public sewer service shall be provided.
10. Storm sewers, either closed or open, must be located on the sketch of the plan, must be adequate to carry the normal runoff. If open storm sewers are used, lot sizes on lots adjoining said open sewers must consider the 100 foot distance the State Law requires that septic fields be set back from water courses.

Town of Penobscot, ME – Land Use Regulations

11. The public access roads included in the plan must be built by the applicant prior to the sale of lots. The roads must meet the minimum specification for roads as approved by the town selectmen, or town meeting.
12. Minimum lot size of 60,000 square feet is required. Each lot must abut on the public road or have adequate right of way access at grades not exceeding 12% to the public road.
13. In the plan, where public water and sewer systems are not available, each lot that is to be offered for sale or sold must contain a minimum of 1,000 square feet of land so located that it is suitable for septic sewerage disposal field absorption area with reasonable assurance of functioning adequately, and to comply with existing state laws.
 - A. The 1,000 square feet must
 - (1) Be at least 10 feet wide throughout on a grade not exceeding 10%
 - (2) Have a minimum of five feet of soil depth above bedrock
 - (3) Have a minimum of five feet of soil above high water table during the spring. The bottom of the drainage trench shall be at least two feet above the minimum ground water table
 - (4) Be of a soil that shows percolation rate by actual test of 30/min/inc. or less
 - B. These requirements are similar to those included in (either of) the following publications:
 - (1) Private Sewerage Disposal - bulletin by State of Maine Department of Health and Welfare, Division of Sanitary Engineering
 - (2) Soils Suitable for Septic Tank Filter Fields - United States Department of Agriculture
 - (3) Soil Conservation Service Agriculture Information Bulletin \$243
14. Plans for the development must be such that undue pollution of surface and ground water from silt, industrial waste, and human waste will not likely occur. Where private sewerage disposal systems are used, they shall be designed so that pollution of any nearby wells is avoided.
15. The reservation of open space for recreation, schools, public services, and drainage may be imposed by the Board if it feels such recommendations are in the interests of the town.
16. In addition to the preliminary and final plan, the Board advises developers it may require other studies deemed necessary or desirable to protect the public convenience, health, safety and welfare of the citizens of the town, including the future occupants of the proposed subdivision.
17. Re-subdivisions will not be allowed without approval of Planning Board.

Section 11: STREETS (see revised subdivision Ordinance adopted 3/3/80)

1. All Streets in any future subdivision shall meet minimum standards as follows:

Town of Penobscot, ME – Land Use Regulations

		Arterial Streets	Collector Streets	Minor Streets
A.	Minimum Right-of-Way Width	100'	60'	50'
B.	Minimum Right-of-Way Pavement			
	Urban	48'	40'	26'
	Rural	28'	26'	26'
C.	Maximum Grade	4%-5%	7%-10%	5%-10%
D.	Minimal Gravel Base	18"	15"	12"

2. New streets shall be so laid out as to accommodate the continuation of the principal streets in adjoining subdivisions or for their proper protection when adjoining property is not subdivided.
3. Dead-end streets shall be equipped at the closed end with a turn-around roadway of which the minimum diameter for the outside curb shall not be less than one hundred and twenty (120) feet.
4. A block shall not be less than six hundred (600) feet nor more than fifteen hundred (1,500) feet in length and no block shall be less than two hundred and thirty (230) feet in width except that this restriction shall not apply to any single block in the rural area provided that each lot in such block measures not less than two (2) acres in area.
5. To assure proper drainage, street grades shall not be less than 1% or more than 10% unless specifically approved by the Board.
6. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrians and vehicle traffic. Curves in general shall have a minimum radius of one hundred (100) feet and no interchange shall be acceptable at less than 60 degrees. Property lines on corners shall reserve a twenty (20) foot curve radius.
7. Whenever the Board finds need for the reservation of one or more right-of-ways or one or more reserve strips such reservations shall be made before final approval of a subdivision plan.
8. No street shall be recommended for acceptance until it has been properly graded and approved by the Board in accordance with this Ordinance.

Section 12:

A. CREATION OF ADMINISTRATING BODIES AND AGENTS

1. Code Enforcement Officer
A Code Enforcement Officer shall be appointed by the Municipal, Officers.
2. Board of Appeals
There is hereby created the Board of Appeals of the Town of Penobscot pursuant to the provisions of M.R.S.A. Title 30, Section 2411

B. PERMITS

1. Permits Required

After the effective date of this Ordinance no person shall engage in any use of land requiring a permit in the district in which it would occur, or expand or change an existing non-conforming use, or renew a discontinued non-conforming use without first obtaining a permit.

2. Permit Application

Applications for permits shall be submitted in writing. The Code Enforcement Officer or Planning Board may require the submission of whatever information, is necessary to determine conformance with the provisions of this Ordinance.

3. Plumbing Permit Required Prior to Building Permit

No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a permit for such facilities has been secured by the applicant or his authorized agent, according to the requirements of this Ordinance.

4. Approval of Permits

Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance. All permits shall either be approved or denied within 60 days of receipt of a completed application, including all information requested.

5. Permits Issued by Code Enforcement Officer

The Code Enforcement Officer shall approve or deny those applications on which he is empowered to act as shown in Section 5. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

6. Permits Issued by Planning Board

The Planning Board shall approve or deny those applications on which it is empowered to act as stated in this Ordinance. The Planning Board may, after the submission of a complete application including all information requested, grant a permit if it makes a positive finding based on the information presented to it that, except as specifically exempted in this Ordinance, the proposed use:

- a. Will not result in unsafe or unhealthful conditions;
- b. Will not result in erosion or sedimentation;
- c. Will not result in water pollution;
- d. Will not result in damage to spawning Founds, fish, aquatic life, bird and other wildlife habitat;
- e. Will conserve shoreland vegetation;
- f. Will conserve visual points of access to waters as viewed from public facilities;
- g. Will conserve actual points of public access to waters;
- h. Will conserve natural beauty;
- i. Will avoid problems associated with flood plan development and use;
- j. Is in conformance with the provisions of Section 6, Land Use Standard

7. Conditions

Permits granted under this Section may be made subject to reasonable conditions to ensure conformity with the purposes and provisions of this Ordinance.

8. Fees for permits to be established by board of selectmen.

C. APPEALS AND VARIANCES

1. Variances

A copy of all variances granted by the Board of Appeals shall be submitted to the State Planning Office. The Board of Appeals may, upon written application of the affected landowner, grant a variance from the strict application of the Ordinance under the following conditions:

- a. The strict application of the terms of this Ordinance would result in undue hardship to the applicant;
- b. The hardship is not the result of action taken by the applicant or a prior owner; and
- c. The Board of Appeals, based on clear and convincing evidence presented to it, makes a finding that the proposed use would meet the provisions of Section 12-B, subsection 6, paragraphs a-i.

A variance is authorized only for lot area, lot coverage by structures, and setbacks. A variance shall not be granted to permit a use or structure otherwise prohibited.

2. Appeals to Board of Appeals

The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer in the administration of this Ordinance. Such hearings shall be held in accordance with State laws. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board or Code Enforcement Officer only upon a finding that the decision is clearly contrary to specific provisions of this Ordinance.

3. Appeal to Superior Court

An appeal may be taken within thirty days after any decision is rendered by the Board of Appeals, by any party to Superior Court in accordance with State law.

D. ENFORCEMENT

1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings,, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

4. Fines

Any person who continues to violate any provision of this Ordinance after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine of up to \$100.00 for each violation. Each day such a violation is continued is a separate offense.

Section 13: CONSTRUCTION OF LANGUAGE AND DEFINITIONS

1. Construction of Language

In this Ordinance, certain terms or words shall be interpreted as follows: The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular: the word "shall" is mandatory, and the word "may" is permissive; the words "used", or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", the word "building" includes the word "structure", and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

2. Definitions

In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed.

Accessory Use or Structure: A use or structure of a nature customarily incidental and subordinate to those of the principal use or structure.

Alteration: Any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

Auto Service Station: A place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing and minor repair of automobiles, not including storage of unlicensed vehicles and not including body, frame, or fender straightening and repair.

Auto Repair Garage: A place where, with or without the attendant sale of engine fuels, the following services may be carried out: General repair engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; over-all painting and under-coating of automobiles.

Automobile Graveyard: A yard, field or other area used as a place of storage for 3 or more unserviceable, discarded, worn-out or junked motor vehicles.

Basement: A portion of the building partly underground but having less than half its clear height below the average grade of the adjoining ground.

Billboard: A sign, structure or surface larger than 6 square feet which is available for advertising purposes for goods or services rendered off the premises, excluding directional signs.

Boathouse: A non-residential structure designed for the purpose of protecting or storing boats for non-commercial purposes.

Building: A structure built for the support, shelter or enclosure of persons, animals, goods or property of any kind.

Building Height: The vertical distance between the highest point of the roof and the average grade of the ground adjoining the building.

Campground: Any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged.

Cellar: A portion of the building partly underground, but having half or more of its clear height below the average grade of the adjoining ground.

Code Enforcement Officer: A person appointed by the Municipal Officers to administer and enforce this Ordinance. Reference to the Code Enforcement Officer shall be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like where applicable.

Conforming Use: A use of buildings, structures or land which complies with all applicable provisions of this Ordinance.

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

District: A specified portion of the municipality, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Dwelling: A fixed structure, containing one or more dwelling units.

Dwelling unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking, and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles.

Earth: Topsoil, sand, gravel, clay, peat, rock, or other minerals.

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

Eutrophication: The process of nutrient enrichment of water bodies.

Excavation: Any removal of earth or earth material from its original position.

Family: One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel. Such unit shall not exceed five persons not related by blood or marriage.

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

Flood: A temporary rise in stream flow or tidal surge that results in water overtopping its banks and inundating adjacent areas.

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

Floodway: The channel of a stream and those portions of the flood plain adjoining the channel, that are required to carry and discharge the flood water or flood flows of any river or stream.

Flood Proofing: A combination of structural provisions, changes, or adjustments to properties subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings.

Regional Flood: The maximum known flood on a water body; either the 100 year frequency flood, where calculated, or the flood of record.

Floor Area, Gross: The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior faces of the exterior walls.

Frontage, Shore: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreline at normal high water elevation.

Frontage, Street: The horizontal distance between the intersections of the side lot lines with the front lot line.

Grade: The average of the finished ground level at the center of all walls of a building.

High Water Elevation, Normal: Along lakes, ponds and tidal water, the elevation where vegetation changes from predominantly aquatic to predominantly terrestrial; and along rivers and streams, the highest elevation on the bank of a channel at which the water has left a definite mark.

Home Occupation: An occupation or profession which is: customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Junkyard: A yard, field, or other area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
2. Discarded, scrap and junked lumber;
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and,
4. Garbage dumps, waste dumps and sanitary fills.

Lagoon: An artificial enlargement of a water body, primarily by means of dredging and excavation.

Lot: A parcel of land in single ownership, described on a deed, plan, or similar legal document.

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

Lot, Corner: A lot with at least two contiguous sides, each abutting upon a street. Lot, Coverage: The percentage of the plot or lot covered by all buildings.

Lot, Interior: Any lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined below;

Front Lot Line: On an interior lot, the line separating the lot from the street on a corner or through lot, the line separating the lot from either street.

Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

Side Lot Line: Any lot line other than the front lot line or rear lot line.

Lot Width: The horizontal distance between the side lot lines, measured at the setback line.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by City or County Officials.

Lot, Shorefront: Any lot abutting a water body.

Lot, Through: Any interior lot having frontages on two more or less parallel streets, or between a street and a water body, or between two water bodies, as distinguished from a corner lot. All sides of through lot adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Marina: A shorefront commercial facility with provisions for one or more of the following; boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.

Mobile Home: A structure designed as a dwelling unit for location on a permanent foundation, and containing sleeping accommodations, a toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels. A mobile home shall contain not less than 450 square feet of gross floor area.

Mobile Home Park: A plot of land laid out to accommodate at least 3 mobile homes.

Net Residential Acreage: The gross acreage available for development, excluding the area for streets or access and the areas which are unsuitable for development.

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

Non-conforming Building or Use: A building, structure, use of land, or portion thereof, existing at the effective date of adoption or amendment of this Ordinance which does not conform to all applicable provisions of this Ordinance.

Open Space Use: A use not involving: a structure; earth-moving activity; or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

Parking Space: A minimum area of two hundred (200) square feet, exclusive of drives, aisles or entrances, fully accessible for the storage or parking of vehicles.

Planned Unit Development: Land under unified management, planned and developed as a whole according to comprehensive and detailed Plans, including streets, utilities, lots or building sites, site plans and design principles for all buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land. Development may be a single operation or a programmed series of operations including all lands and buildings, with provision for operation and maintenance of such areas and improvements and facilities necessary for common use by the occupants of the development.

Premises: One or more lots which are in the same ownership and are contiguous or separated only by a road or water body, including all buildings, structures and improvements.

Principal Building: The building in which the primary use of the lot is conducted.

Principal Use: The primary use to which the premises are devoted, and the main purpose for which the premises exist.

Public Utility: Any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

Recreational Vehicle: A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, and motor home.

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

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

Sign: A name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which relates to an object, product place, activity, person, institution, organization or business on the premises.

Special Exception: A use permitted only after review and approval by the Planning Board. A special exception is a use that would not be appropriate without restriction but which, if controlled under the provisions of this Ordinance, would promote the purposes of this Ordinance. Such uses may be permitted if specific provision for such special exceptions is made in this Ordinance.

Special Exception Permit: A permit issued by the Planning Board for a special exception use. A special exception permit may be issued only after the applicant has followed the procedures of this Ordinance.

Subdivision: The division of a tract or parcel of land into 3 or more lots for the purpose, immediate or future, of lease, sale, development or building, whether this division is accomplished by plotting of the land or by sale of the land by metes and bounds. The term subdivision shall include the subdivision of land for non-residential purposes, mobile home parks and the re-subdivision of land.

Trailer, Utility: A vehicle without motive power, designed to be towed by a passenger automobile but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

Use: The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

Variance: A relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

As used in this Ordinance, a variance is authorized only for height, area, and size of structures or size of yards or open spaces. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in adjoining zoning districts.

Yard: The area of land on a lot not occupied by the principal building.

Yard, Front: The area of land between the front lot line and the nearest part of the principal building.

Yard, Side: The area of land between the side lot line and the nearest part of the Principal building.

Yard, Rear: The area of land between the rear lot line and the nearest part of the principal building.

Terms not defined herein shall have the customary dictionary meaning. As used in this Ordinance, the following definitions shall apply:

Water Related Terms

A. Pond

Any inland body of water which has a surface area in excess of 10 acres, except where such body of water is man-made and in addition is completely surrounded by land held primarily as waterfowl and fish breeding areas or for hunting and fishing.

B. River

Any free flowing body of water from that point at which it provides drainage for a water shed of 25 square miles to its mouth.

C. Normal High Water Mark of Coastal Waters

That line on the shore of tidal waters reached by the shoreward limit of the rise of the medium tides between the spring and the neap.

D. Normal High Water Mark of Inland Waters

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

Forest Management Terms

E. Forest Management Activities

Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction or creation of roads.

F. Timber Harvesting

The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Road Terms

G. Road

A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing materials constructed for or created by the repeated passage of motorized vehicles.

Wetland Terms

H. Coastal Wetland

Any swamp, marsh, bog, beach, flat or other land above extreme low water which is subject to tidal action.

I. Inland Wetland

Areas enclosed by the Normal High Water Mark of Inland Waters and areas otherwise identified on the basis of soils, vegetation, or other criteria as Inland Wetlands including but not limited to swamps, marshes or bog.

Structure Terms

J. Structure

Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind.

K. Residential Dwelling Unit

A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes.

L. Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges Over 20 Feet in Length, and Uses Projecting Into Water Bodies.

Temporary: Structures which remain in the water for less than seven months in any period of twelve consecutive months.

Permanent: Structures which remain in the water for seven months or more in any period of twelve consecutive months.

M. Aggrieved Party

A person whose land is directly or indirectly affected by the grant or denial of a permit or variance under this Ordinance, a person whose land abuts land for which a permit or variance has been granted, or a group of five or more citizens of the municipality who represent an interest adverse to the grant or denial of such permit or variance.

N. Emergency Operations

Emergency operations shall include operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.

Town of Penobscot, ME – Land Use Regulations

O. Recent Flood Plain Soils

Recent Flood Plain Soils include the following soils as described and identified by the National Cooperative Soil Survey:

- Alluvial land
- Hadley silt loam
- Limerick silt loam
- Ondawa fine sandy loam
- Podunk fine sandy loam
- Rumney fine sandy loam
- Saco silt loam
- Suncook loamy sand
- Winooski silt loam

P. Privy

A pit in the ground into which human excrement is placed.

Q. Essential Services

Gases, electrical, communication facilities, steam, fuel or water supply, transmission, or distribution systems.

The following paragraphs will help to clarify the Land Use Regulations, Town of Penobscot, Maine, for most purposes.

All shorelands within the boundaries of the Town of Penobscot for a distance of two hundred-fifty feet from the High Water Mark fall into two classifications; Resource Protection Districts and Limited-Residential Area Districts.

All wet lands, natural feeding and spawning areas etc, within the Shoreland Districts are classified as Resource Protection Areas. All other areas within_ the Shoreland Districts are classified as Limited Residential Areas.

All islands in both Northern and Southern Bay are classified Limited-Residential Areas except for Gravel Island, which is too small, and is included in the Resource-Protection District.

There is a small outcropping of land and rocks shown on the map along the shore of Toddy - Pond which also is classified as part of the Resource-Protection District. .

Also the two-hundred-fifty foot area completely surrounding Turtle Pond- is classified in the Resource-Protection District.

All of the rest of the land shown on the map, outside the limits of both the Resource-Protection and Limited-Residential districts are classified as general Development areas, subject to the impact of growth of the town as it may occur.

PLANNING BOARD
TOWN OF PENOBSCOT