



The Office of the City Manager  
Martin Puckett  
Email: mpuckett@presqueisleme.us

## MEMORANDUM

<b>TO:</b>	<b>Honorable City Council</b>
<b>FROM:</b>	Martin Puckett, City Manager
<b>DATE:</b>	February 21, 2023
<b>RE:</b>	<b>March 1st, 6:00pm Council Chambers</b>

### Call to Order

### Roll Call

### Pledge of Allegiance

**Proclamations:** Presque Isle Historical Society: They will be celebrating 60 years on March 23<sup>rd</sup>.

Presque Isle Rotary Club: Celebrating 100 years this April. They are planning a flag raising ceremony at city hall on April 24<sup>th</sup>.

### Public Hearings

1. Approve renewal application for marijuana license for Northern Maine Flower: **Staff recommends approval.**
2. Approve renewal application for liquor license for Confectionately Yours: **Staff recommends approval.**
3. Amend Presque Isle Development Fund By-Laws: PIDF members are recommending revisions to the bylaws. The revisions would streamline the process for loans less than \$15,000, clarifies eligibility, downtown façade & warm loans and makes housing developments eligible. DECD Director will be present to answer questions: **PIDF recommends approval.**
4. Amend Chapter 16 Land Use and Code Development Ordinance: The planning board is proposing changes to the ordinance that represent 12 months of revisions to many portions of the document. The area that has received the most comments and public participation pertains to Maine's Right to Food Constitutional Amendment. The DECD director has provided a detailed memo explaining the amendment and the 4-2-1 vote of the planning board to support allowing livestock in the residential area. Assessing has enclosed a memo with concerns about impacts to property valuations and resident Becky Martinez has included her recommendation for a Chicken Ordinance. I do expect residents to attend the meeting to voice their opinions on this section of the ordinance. **Planning Board recommends approval.**

### Citizen Comments

**Consent Agenda:** Can be approved as presented or individually. **Staff recommends approval**

5. Approve Minutes from February 1, 2023
6. Approve 2023 Warrant #2, #3 #4 and #5
7. Review of Boards and Committees: reappoint corrections for boards and members for assessment, library and planning board.
8. Approve Appointment to Development Fund Board: Chamber recommends Margo Dyer as a representative.
9. Approve Appointment for Alternate on Library Board of Trustees: Amy Holland as an alternate for a term ending 12.31.23.

### **Old Business**

10. 2023 Goal Setting

### **New Business**

11. MSAD #1 Broadband: In a regional effort, SAD 1 member communities are being asked to conduct outreach with residents prior to applying for grants. The DECD Director will provide an overview and background of the County's Broadband Plan and goal of being awarded funds from Maine Connectivity Authority for expansion.
12. 2022 DECD Department Report: Continuing with the 2022 review of departments from last month, the DECD Director will present an economic overview of certain markets in Presque Isle.
13. Land Bank: The DECD Director will present information about legislation enacted last year to grant the authority for municipalities to create landbanks to assist in property remediation. After discussion, staff recommends scheduling a public hearing at the April council meeting.
14. Aroostook Waste Solutions: AWS Executive Director, Mark Draper will provide an update on operations and the transition to a transfer station at the Presque Isle location. A FAQ sheet is enclosed.
15. 2022 Airport Department Review: Airport Director Scott Wardwell will give a review of enplanements and operations for last year. Enplanement trends, multi-year comparison and fuel sales are included.

### **Manager's Report**

#### **Announcements**

#### **Executive Session**

Pursuant to 1 M.R.S.A. § 405(6)(D) to discuss Negotiations

#### **Adjournment**



## **Presque Isle City Council Meeting**

**Wednesday, March 1, 2023**

**6:00 PM**

**Council Chambers**

### **AGENDA**

**Call to Order**

**Pledge of Allegiance**

**Proclamations**

Presque Isle Historical Society  
Presque Isle Rotary Club

**Public Hearing**

1. Approve renewal application for marijuana license for Northern Maine Flower
2. Approve renewal application for liquor license for Confectionately Yours
3. Amend Presque Isle Development Fund By-Laws
4. Amend Chapter 16 Land Use and Code Development Ordinance

**Citizen Comments**

**Consent Agenda**

5. Approve Minutes from February 1, 2023
6. Approve 2023 Warrant #2, #3 #4 and #5 totaling \$1,510,593.80
7. Review of Boards and Committees
8. Approve Appointment to Development Fund Board
9. Approve Appointment for Alternate on Library Board of Trustees

**Old Business**

10. 2023 Goal Setting

**New Business**

11. MSAD #1 Broadband
12. 2022 DECD Department Report
13. Land Bank
14. Aroostook Waste Solutions
15. 2022 Airport Department Review

**Manager's Report**

**Announcements**

**Executive Session**

Pursuant to 1 M.R.S.A. § 405(6)(D) to discuss Negotiations

**Adjournment**

## 2023 Presque Isle Historical Society Proclamation

WHEREAS, Presque Isle was incorporated as a township on April 4, 1859; and

WHEREAS, Presque Isle Historical Society, an all-volunteer not-for-profit corporation, was established on March 23, 1963 serving the residents and visitors of Presque Isle for sixty (60) years; and

WHEREAS, the mission of the Society is to study, promote, and preserve the history, culture, heritage and physical artifacts of Presque Isle; and

WHEREAS, the study of local history is important in that it brings together people interested in history especially that of Presque Isle; the understanding of history is basic to the democratic way of life; it gives us a better understanding of our community, state, and nation; and it promotes a better appreciation of our heritage; and

WHEREAS, since 1993 the Society has discovered, collected, and preserved materials that help illustrate the history of this community and our area, its exploration, settlement, development, activities in both peace and war, its progress in population, wealth, education, arts, science, agriculture, manufactures, trades, and transportation; and

WHEREAS, the Society has operated the 1875 Vera Estey House Museum since 1994; and

WHEREAS, the Society has operated Molly the Trolley since 2011; and

WHEREAS, the Society has operated the Maysville Museum since 2017; and

WHEREAS, the Society serves the community, its residents and visitors with eleven different types of regularly scheduled tours, over 80 presentations on topics of local history, over 40 virtual historic tours available on YouTube, and numerous other events throughout the year; and

WHEREAS, the Society has brought visibility and encouraged tourism to the City of Presque Isle having been recognized by the National Trust for Historic Places with two Distinctive Destinations.

NOW, THEREFORE, be it resolved that the City of Presque Isle Council, fully support and do hereby proclaim April 2023 as Presque Isle Historical Society Month throughout the City, and encourage all citizens of Presque Isle to support the mission of the Society.

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Jacob Shaw, Council Chair

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Kevin Freeman, Council Deputy Chair

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Mike Chasse, Councilor

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Garry Nelson, Councilor

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Doug Cyr, Councilor

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Jeffrey Willette, Councilor

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Craig Green, Councilor

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Martin Puckett, City Manager



# *City of Presque Isle, Maine*

## *Proclamation*

WHEREAS, Presque Isle Rotary Club, founded on April 25, 1923, is celebrating its 100-year anniversary; and

WHEREAS, the Rotary motto “Service Above Self” inspires members to provide humanitarian service, encourage high ethical standards, and promote good will and peace in the world; and

WHEREAS, Rotary funds club projects and sponsors volunteers with community expertise to provide medical supplies, health care, clean water, food production, job training, and education to millions in need, particularly in developing countries; and

WHEREAS, The Presque Isle Rotary Club supports Polio Plus and spearheaded efforts with the World Health Organization, U.S Centers for Disease Control and Prevention, and UNICEF to immunize the children of the world against polio. Polio cases have dropped by 99 percent since 1988; and

WHEREAS, in Presque Isle, there are more than 70 Rotary club members sponsoring service projects to address such critical issues as poverty, health, hunger, illiteracy, and the environment in their local communities, and abroad; and

WHEREAS, Presque Isle Rotary club has partnered with and provided volunteer services to many initiatives, including: The Aroostook County Dialysis Center, Presque Isle Chamber of Commerce, Aroostook House of Comfort, Aroostook Agency on Aging, ACAP, Presque Isle Snowmobile Club, Mantle Lake and Riverside Playgrounds, Sargent Community Center, Forum hockey boards, Nordic Heritage Center, Presque Isle Historical Society, United Way of Aroostook, Hope & Justice Project, GIFT, AR Gould Hospital, Central Aroostook Association, Pregnancy Care Center, St. Apollonia Dental Clinic, Homeless Services of Aroostook, Central Aroostook Humane Society, Northern Maine Fair, Crown of Maine Balloon Fest, and annual academic scholarships to MSAD 1 students, to name a few.

NOW, THEREFORE, the City Councilors of Presque Isle, do hereby proclaim the week beginning Monday, April 24<sup>th</sup>, 2023, as “Presque Isle Rotary Week” and encourage all citizens to join the Council in recognizing our local Rotary club for their service to improving the human condition in local communities here and around the world.

Given under my hand and the seal of the City of Presque Isle, Maine, on this 1st day of March, 2023.

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Jacob Shaw, Chair

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Kevin Freeman, Deputy Chair

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Mike Chasse, Councilor

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Garry Nelson, Councilor

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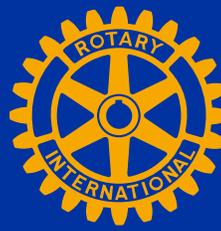
Doug Cyr, Councilor

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Jeffrey Willette, Councilor

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Craig Green, Councilor



## OUR COMMUNITY IMPACT: AUCTION PROCEED RECIPIENTS 2010-2022

Hope & Justice Project  
Pregnancy Care Center  
Presque Isle Community Center  
Presque Isle High School Athletic Boosters  
Presque Isle Youth Hockey  
The Northern Lighthouse  
Aroostook Autism Support Group  
Aroostook County Action Program  
Aroostook House of Comfort  
Aroostook Huskies Football Club  
Atlantic Salmon for Northern Maine  
Aroostook Partners in the Arts

Central Aroostook Humane Society  
Child Advocacy Center  
Crown of Maine Balloon Fest  
Easton School Department  
Francis Malcom Science Center  
Friends of Aroostook  
Going Places Network  
Greater Haystack Trail Association  
Homeless Services of Aroostook  
Hope and Justice Project  
Mark and Emily Turner Memorial Library  
Martha and Mary's Ministries  
Nordic Heritage Center  
Northern Maine Fair  
Grace Interfaith Food Table  
Catholic Charities  
Central Aroostook Association  
Friends of Aroostook

Northern Maine Museum of Science  
Northern Maine Veteran Cemetery  
Aroostook Teen Leadership Camp  
Presque Isle Fire Department  
Presque Isle Garden Club  
Presque Isle Historical Society  
Presque Isle Rotary Scholarship  
Presque Isle Snowmobile Club  
Quoggy Jo Ski Center  
Riverside Playground  
Ronald McDonald House  
Sister Mary O' Donnell Homeless Shelter  
St. Apollonia Dental Clinic  
Star City ATV Club  
UMPI Geology Department  
United Way of Aroostook  
Wintergreen Arts Center  
CANCER

PI ROTARY HAS RAISED OVER  
**\$1.4 MILLION**  
SINCE 2010 THROUGH ROTARY AUCTION

## LOOKING AHEAD TO 2023: A CENTURY OF SERVICE



**Presque Isle Rotary Club** will be celebrating a Century of Service Above Self on April 25, 2023. For 100 years, business leaders and community members have been coming together for one common goal: to create lasting change – across the globe, in our communities, and in ourselves. We have **raised over \$1.4 million for local projects** over the 12 years alone and have participated in several international service projects throughout the world. The PI Rotary Club has presented over 150 Paul Harris Fellow awards since 1973, one of the highest volunteer recognitions in Rotary, to club and community members and has recognized other community leaders for their outstanding contributions to the Presque Isle region by partnering with the local Chamber of Commerce and through the club's own Service Above Self Award.

Plans are well underway for a year-long celebration, with a 100th birthday party being held in April. Below are just a few of our projects and events that are shaping up to take place:

January: Thesaurus Day  
April: Great Big Give Back Finale  
April: Service Above Self Awards  
April: 100th Anniversary Celebration

May: Spring Into Service Day  
May: Aroostook River Fun Run  
ongoing: Great Maine Book Tournament  
August: Crown of Maine Balloon Fest

September: Literacy Tea, with Neighborhood Books  
October: Safe Steps  
October: Purple Pinkie Project  
November: Paul Harris Fellow Event

# **PRESQUE ISLE CITY COUNCIL MEETING**

**For:**

March 1, 2023

## **AGENDA ITEM # 1**

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### **SUBJECT**

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**PUBLIC HEARING:** Renewal application of Marijuana License for Northern Maine Flower, with location at 540 Main Street

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### **INFORMATION**

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- 1) Renewal Application
- 2) Public Hearing Notice

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### **REQUESTED ACTION**

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**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to approve a renewal Marijuana License for Northern Maine Flower, with location at 540 Main Street.

RENEWAL APPLICATION FOR ADULT USE AND MEDICAL MARIJUANA BUSINESS



CITY OF PRESQUE ISLE  
12 SECOND STREET  
PRESQUE ISLE, ME 04769  
TEL: (207) 760-2703  
FAX: (207) 764-2501  
E-MAIL: [panderson@presqueisleme.us](mailto:panderson@presqueisleme.us)

**PLEASE FILL-OUT RENEWAL APPLICATION COMPLETELY**

Date: 1/6/2023

Permit No: \_\_\_\_\_

1. Owner of Property: (If more than one attach a separate page listing all owner's information, see section G.C., must be a Maine Resident) Brad Turner

Physical Location (number of street or road): 540 Main ST

Mailing Address (if different from above): 540 Main ST

Home Phone: 207-212-5149 Work Phone: 207-760-7015 Cell Phone: \_\_\_\_\_

E-Mail: Northern Maine Flower@gmail.com

2. Marijuana Business Classification: MED

3. Maine License Certification #: CGR 28459

4. Registered Business Name to be used: Northern Maine Flower

5. PRIOR Criminal Conviction History of all Owners, Officers, Members, or Employees: (attach separate Pg. if necessary)

Criminal Activity: N/A

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Jurisdiction: \_\_\_\_\_

6. Gross Annual Sales for Prior Year: \$ 2,821,408.69

7. Number of Employees: Full-Time: 2 Part-Time: 6

**PLEASE READ THE FOLLOWING CAREFULLY BEFORE SIGNING APPLICATION**

"I hereby apply for a permit for a marijuana business. I agree, prior to starting any electrical or plumbing work, to secure permits from the electrical and plumbing inspector. I understand that there may be other permits required from other agencies that I must obtain before being allowed to operate. Under MRSA 25, Section 2357 and the City of Presque Isle's Land Use and Development Code a Certificate of Occupancy **MUST** be obtained before the business hereby permitted is used or occupied. I understand that this permit application may be denied if not complete. A complete application may include construction documents as required by the City of Presque Isle. **I understand that if the above information is not accurate this application will be invalid, a Stop Work Order issued, and the City of Presque Isle could levy fines against me for giving false information.**"

[Signature]  
Signature of Applicant

1-11-23  
Date

# CHECKLIST

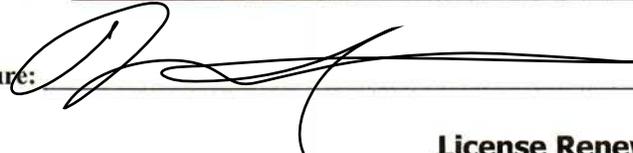
All lines must be completed

	YES	NO	Not Applicable	CEO Initials
Application Fee Submitted:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TST
All Owners / Partners Listed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TST
License Type Listed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TST
ME License Certified:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TST
Criminal History Listed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TST
List of Employees with IDs:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TST
Record of Employee Sales Trainings:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TST
Security Standards:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TST
Odor Plan:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TST
Operating Plan:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TST
Notices:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TST
Signs:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TST
Police Dept. Approval:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Fire Dept. Approval:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

\*\*\*\*\*Office Use Only\*\*\*\*\*

Date Application Received: 2/6/23 Date CEO / Planning Bd. Review:  Approved  Denied

Reason for Denial: \_\_\_\_\_

CEO Signature: 

### **License Renewal Fee**

*Applicant will be responsible for advertisement costs for a Public Hearing before review by the City Council*

Marijuana Store: Annual Operation License Fee: \$2,500.00

Marijuana Manufacturing Facility: Annual Operation License Fee: \$2,500.00

Marijuana Testing Facility: Annual Operation License Fee: \$1,000.00

Adult Use Marijuana Cultivation:

Tier 1: 0 to 500 SF of plant canopy: Annual Permit/Licensing Fee: \$500.00

Tier 2: 501-2,000 SF of mature plant canopy: Annual License Fee: \$3,000.00

Tier 3: 2,001-7,000 SF of mature plant canopy: Annual License Fee: \$10,000.00

Tier 4: > than 7,000SF of mature plant canopy: Annual License Fee: \$30,000.00

Medical Marijuana Cultivation: Annual Operation License Fee: \$5,000.00

Adult Use Marijuana Nursery Cultivation: Annual License Fee: \$350.00

**NOTICE OF PUBLIC HEARING  
CITY OF PRESQUE ISLE LEGAL NOTICE**

**NOTICE IS HEREBY** given that the Presque Isle City Council will be hold a **PUBLIC HEARING** on **March 1, 2023** at **6:00 PM** in Council Chambers at City Hall, 12 Second St. to consider a **Marijuana license**:

**Northern Maine Flower  
540 Main Street**

The public may attend the public hearing or submit written comments. You can obtain more information by contacting the City Clerk's Office at City Hall, 12 Second Street, Presque Isle, ME 04769 or call at 760-2702.

**ADA ASSISTANCE:** Anyone needing special assistance at the public hearing due to a disability should contact the City of Presque Isle's City Clerk at 760-2702 at least two (2) business days prior to the meeting date.

Per City Council  
Kimberly A. Finnemore  
City Clerk

Published Feb. 22, 2023

# **PRESQUE ISLE CITY COUNCIL MEETING**

**For:**

March 1, 2023

## **AGENDA ITEM # 2**

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### **SUBJECT**

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**PUBLIC HEARING:** Approval of Renewal Application for an On-Premises Liquor License to Kelly Mathes, d/b/a Confectionately Yours with location of 2 Reach Road

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### **INFORMATION**

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- 1) Renewal Application
- 2) Public Hearing Notice

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### **REQUESTED ACTION**

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**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to approve Renewal Application for an On-Premises Liquor License to Kelly Mathes, d/b/a Confectionately Yours with location of 2 Reach Road.



4. Indicate the type of license applying for: (choose only one)

- Restaurant (Class I, II, III, IV)       Class A Restaurant/Lounge (Class XI)       Class A Lounge (Class X)
- Hotel (Class I, II, III, IV)       Hotel – Food Optional (Class I-A)       Bed & Breakfast (Class V)
- Golf Course (included optional licenses, please check if apply) (Class I, II, III, IV)       Auxiliary       Mobile Cart
- Tavern (Class IV)       Other: \_\_\_\_\_
- Qualified Caterer       Self-Sponsored Events (Qualified Caterers Only)

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

2 Reach Rd PI ME 04769

6. Is the licensee/applicant(s) citizens of the United States?       Yes       No

7. Is the licensee/applicant(s) a resident of the State of Maine?       Yes       No

**NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.**

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes       No      If **Yes**, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes       No

Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Yes  No

If yes, please provide details: \_\_\_\_\_  
 \_\_\_\_\_

11. Do you own or have any interest in any another Maine Liquor License?  Yes  No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Kelly G Mathes	8/28/77	Presque Isle

Residence address on all the above for previous 5 years

Name: Kelly Mathes Address: 4 Whitney St PI ME 04769

Name: Address:

Name: Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes  No

If Yes, provide name of law enforcement officer and department where employed:

\_\_\_\_\_

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States?  Yes  No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States?  Yes  No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

16. Has the licensee/applicant(s) formerly held a Maine liquor license?  Yes  No

17. Does the licensee/applicant(s) own the premises?  Yes  No

If No, please provide the name and address of the owner:

\_\_\_\_\_

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: \_\_\_\_\_

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Small Cafe and Bakery specializing in custom treats + small bites. 6 tables w/ 24 seats.

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: PIMS

Distance: 1.7 miles

**Section II: Signature of Applicant(s)**

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

*Please sign and date in blue ink.*

Dated: 2/13/23

Kelly J Mathes  
Signature of Duly Authorized Person

\_\_\_\_\_  
Signature of Duly Authorized Person

Kelly J Mathes  
Printed Name Duly Authorized Person

\_\_\_\_\_  
Printed Name of Duly Authorized Person

**Section III: For use by Municipal Officers and County Commissioners only**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: \_\_\_\_\_

Who is approving this application?  Municipal Officers of \_\_\_\_\_

County Commissioners of \_\_\_\_\_ County

- Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine’s liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

**A.** The bureau shall prepare and supply application forms.

**B.** The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

**C.** If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

**D.** If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

**2. Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

**A.** Conviction of the applicant of any Class A, Class B or Class C crime;

**B.** Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

**C.** Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

**D.** Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

**D-1.** Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

**E.** A violation of any provision of this Title;

**F.** A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

**3. Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

**4. Repealed**

**5. Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

#### **Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine**

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
  - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its [Retail Beverage Alcohol Dealers](https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers) permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

## Section V: Fee Schedule

**Filing fee required.** In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

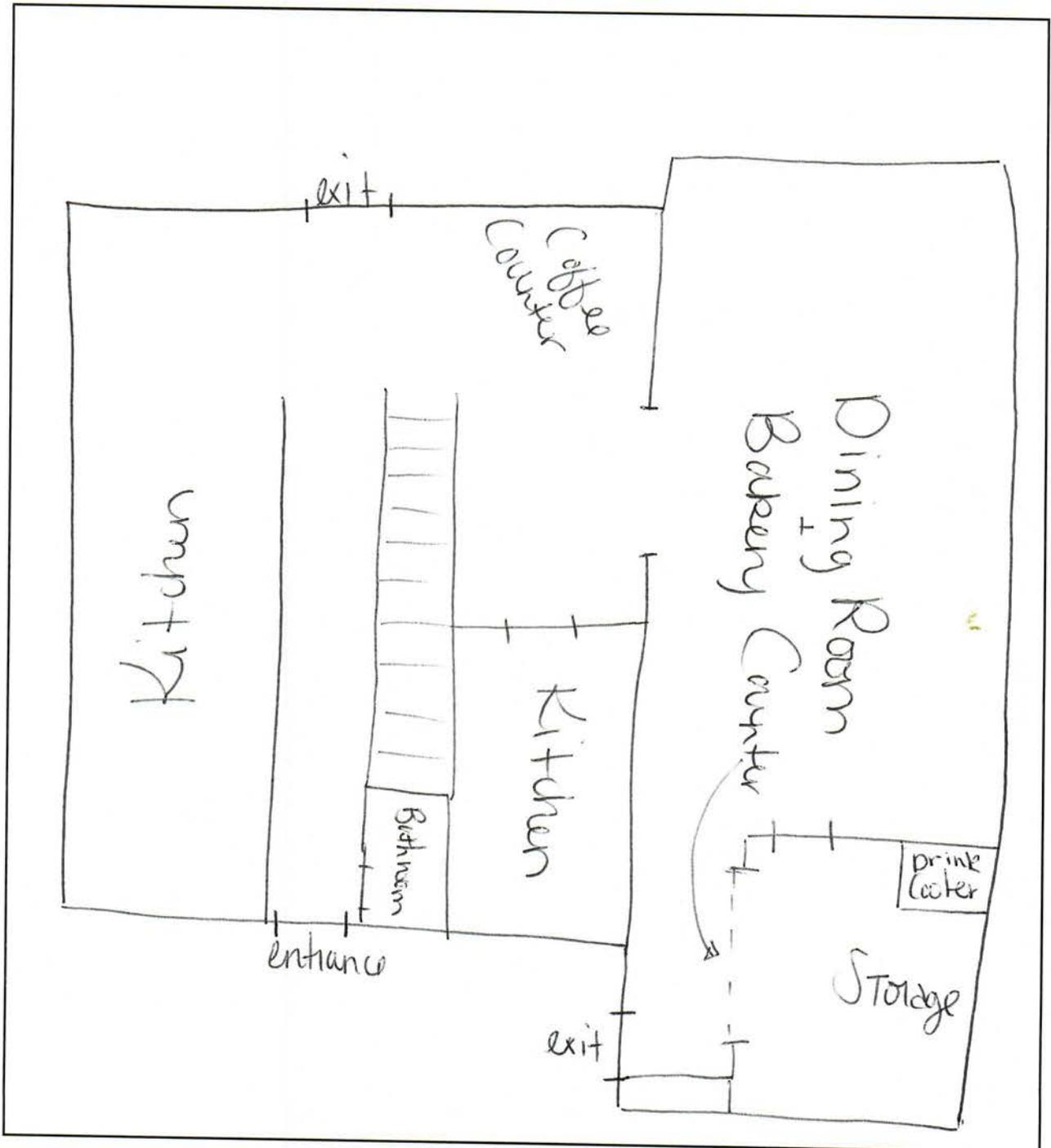
**Please note:** For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

<b>Class of License</b>	<b>Type of liquor/Establishments included</b>	<b>Fee</b>
<b>Class I</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
<b>Class I-A</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only hotels that do not serve three meals a day.	\$1,100.00
<b>Class II</b>	<b>For the Sale of Spirits Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
<b>Class III</b>	<b>For the Sale of Wine Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
<b>Class IV</b>	<b>For the Sale of Malt Liquor Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
<b>Class III and IV</b>	<b>For the Sale of Malt Liquor and Wine Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
<b>Class V</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Club without catering privileges.	\$ 495.00
<b>Class X</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Class A Lounge	\$2,200.00
<b>Class XI</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Restaurant Lounge	\$1,500.00

## Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



**Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities**

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

*All Questions Must Be Answered Completely. Please print legibly.*

1. Exact legal name: The Kitchen + Bath Shop LLC
2. Doing Business As, if any: Confectionately Yours
3. Date of filing with Secretary of State: \_\_\_\_\_ State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Kelly Mathes	4 Whitney St PI	8/28/71	Owner	98
Susan Czosnek	233 State St PI	12/26/53	Owner	1
David Czosnek	233 State St PI	11/14/51	Owner	1

(Ownership in non-publicly traded companies must add up to 100%.)



STATE OF MAINE  
 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
 BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT  
 8 STATE HOUSE STATION  
 AUGUSTA, MAINE 04333-0008



License for the Sale of Liquor

License Number	Issue Date	Expiration Date
RES-2022-14300	06/01/2022	05/31/2023

This License is valid only between the Issue Date and the Expiration Date appearing on this document. This License may be used only for the Named Holder at the Location for which the License was issued. The person or business named in this License is authorized to sell or serve liquor with liquor content as permitted by Maine law for the license type designated in this License.

All licensees shall make available for inspection their licenses at the premises to which these licenses apply. This License or each type of License issued as part of this License is subject to fine, suspension or revocation pursuant to Title 28-A of Maine law. *License fee is non-refundable and the License is non-transferable unless approved by the Bureau.*

Legal Name of Licensee: THE KITCHEN & BATH SHOP LLC  
 Business Name of Licensee: CONFECTIONATELY YOURS  
 Address of Licensee: 2 REACH RD PL.  
 PRESQUE ISLE, ME, 04769

CODE	License Type and Description	FEE
RESM	CLASS IV - RESTAURANT - MALT LIQUOR ONLY	220.00
FF	FILING FEE	10.00

Total Fees: \$ 230.00

*Timothy R. Poulin*

Timothy R. Poulin, Deputy Director  
 Bureau of Alcoholic Beverages and Lottery Operations

CONFECTIONATELY YOURS  
 4 WHITNEY ST PL.  
 PRESQUE ISLE, ME 04769



STATE OF MAINE  
 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
 BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT  
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License for the Sale of Liquor

License Number	Issue Date	Expiration Date
RES-2022-14300	06/01/2022	05/31/2023

This License is valid only between the Issue Date and the Expiration Date appearing on this document. This License may be used only for the Named Holder at the Location for which the License was issued. The person or business named in this License is authorized to sell or serve liquor with liquor content as permitted by Maine law for the license type designated in this License.

All licensees shall make available for inspection their licenses at the premises to which those licenses apply. This License or each type of license issued as part of this License is subject to fine, suspension or revocation pursuant to Title 28-A of Maine law. License fee is non-refundable and the License is non-transferable unless approved by the Bureau.

Legal Name of Licensee: THE KITCHEN & BATH SHOP LLC  
 Business Name of Licensee: CONFECTIONATELY YOURS  
 Address of Licensee: 7 REACH RD PL  
 PRESQUE ISLE, ME, 04769

CODE	License Type and Description	FEE
RESW	CLASS III - RESTAURANT - WINE ONLY	220.00
FF	FILING FEE	10.00

Total Fees: \$ 230.00

*Timothy R. Poulin*

Timothy R. Poulin, Deputy Director  
 Bureau of Alcoholic Beverages and Lottery Operations

CONFECTIONATELY YOURS  
 4 WHITNEY ST PL  
 PRESQUE ISLE, ME 04769



# State of Maine

Department of Agriculture, Conservation & Forestry  
Division of Quality Assurance & Regulations  
28 State House Station, Augusta, ME 04333-0028  
(207) 287-3841

SERIAL NUMBER

144817

LICENSE NUMBER: 2-33259      DATE OF ISSUE: January 21, 2022      DATE OF EXPIRATION: January 1, 2023

*The holder has*  
**Confectionately Yours**  
**Molly Mathes / The Kitchen & Bath**  
**Shop LLC**  
4 Whitney ST  
Presque Isle, ME 04769.

**BAKERY**

Location: 2 Reach RD, Presque Isle

The serial number is valid only between the dates issued and expiration date appearing herein. Only the named holder at the location for which issued may use it.

The person named herein is authorized to sell or manufacture food products, food and/or soft or liquid weighing and measuring devices as permitted by law for the listed authorizations.

This certificate and/or each type of authorization represented is subject to suspension, revocation or annulment as authorized by Maine Revised Statutes.

LICENSE TYPE	DESCRIPTION OF LICENSE AUTHORIZATIONS	FEES
Mobile Vendor	0 to 10	20.00
Small Bakery	0 to 10	25.00
Small Meat	Prepackaged for Direct Sale	10.00
<b>TOTAL:</b>		<b>50.00</b>

Department of Agriculture, Conservation & Forestry

*Amanda Beal*  
Commissioner



Division of Quality Assurance

*Robert J. Paulin*  
Director



STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

TELEPHONE: (207) 624-7220  
FAX: (207) 287-3434  
EMAIL INQUIRIES: [maineliquor@maine.gov](mailto:maineliquor@maine.gov)

Thank you for your interested in becoming a licensed establishment to sell and serve alcoholic beverages in Maine. To avoid any delay in the processing of your application and the subsequent issuance of your liquor license, please use the following checklist to assist you in completing the application. If you are renewing your license, this checklist is useful as well.

- Your application has been completed in its entirety and is legible. For a renewal, please submit your application 30 days prior to the expiration date of your liquor license.
- Your application is signed and dated by a duly authorized person.
- The application is signed and approved by the Town or City Municipal Officers or County Commissioners.
- The license fee submitted is for the correct fee for the license class for which you are applying and includes the \$10.00 filing fee.
  - The check must be made payable to "Treasurer, State of Maine"; both the license and filing fees can be submitted on one check.
  - If the licensee/applicant(s) is in an unorganized township, the application must be approved by the County Commissioners and the \$10.00 filing fee must be paid to them. Please be sure to include a copy of the receipt of payment with your application.
- For a renewal, the dollar amount of your gross income for food, liquor and guest rooms, if applicable must be completed – see Section I.1
- A diagram of the facility to be licensed must accompany **all** applications whether for a new license or the renewal of an existing license
- If you are a registered business entity with the Maine Secretary of State's office like a corporation or a limited liability company, you must complete Section VII of the application. This does not need to be completed if you are a sole proprietor.
- Have you applied for other required licensing from other state and federal agencies? See attached list.

**Important** – all applications whether for a new license or to renew an existing license for an on-premises liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places to have their application approved and signed prior to submitting it to the Bureau for further consideration.

The address to send your completed application to:

1. Mailing address:
  - Bureau of Alcoholic Beverages and Lottery Operations
  - Division of Liquor Licensing and Enforcement
  - 8 State House Station
  - Augusta, ME 04333-0008
2. Courier/overnight address:
  - Bureau of Alcoholic Beverages and Lottery Operations
  - Division of Liquor Licensing and Enforcement
  - 19 Union Street, Suite 301-B
  - Augusta, ME 04330

**The following licenses/permits may be required prior to be licensing as an on-premises licensee with the Bureau**

<b>Obtained ✓</b>	<b>License/Permit</b>	<b>State/Federal Agency to Contact</b>	<b>Telephone Number</b>	<b>Physical Location</b>
	Seller Certificate or Sales Tax Number	Maine Revenue Services <a href="http://www.maine.gov/revenue">www.maine.gov/revenue</a>	(207) 624-9693	51 Commerce Dr, Augusta
	Health License	Health and Human Services <a href="http://www.maine.gov/dhhs">www.maine.gov/dhhs</a>	(207) 287-5671	286 Water St, 3 <sup>rd</sup> floor, Augusta
	Victualer's License	Municipality where premise is located.	Contact your town office or county office	Contact your town office or county office
	Shellfish License	Marine Recourses <a href="http://www.maine.gov/dmr">www.maine.gov/dmr</a>	(207) 624-6550	<ul style="list-style-type: none"> <li>• 32 Blossom Lane, Augusta</li> <li>• 194 McKown Point Rd, West Boothbay Harbor</li> <li>• Lamoine State Park, Lamoine</li> <li>• 650 State St, Bangor</li> <li>• 317 Whitneyville Rd, Jonesboro</li> </ul>
	Dance or Entertainment License	Fire Marshall's Office <a href="http://www.maine.gov/dps/fmo">www.maine.gov/dps/fmo</a>	(207) 626-3882	45 Commerce Drive, Suite 1, Augusta
	Federal I.D. Number	<a href="http://www.irs.gov">www.irs.gov</a>	(800) 829-4933	
	Legal business names for corporations and limited liability companies and "Doing Business As" Names (assumed names)	Secretary of State, Bureau of Corporations, Elections and Commissions <a href="http://www.maine.gov/sos/cec">www.maine.gov/sos/cec</a>	(207) 624-7752	111 Sewall St, 3 <sup>rd</sup> Fl, Augusta
	Retail Beverage Alcohol Dealers Permit	Alcohol and Tobacco Tax and Trade Bureau (TTB) <a href="https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers">https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers</a>	(877) 882-3277	

**Legal Notices**

**NOTICE OF PUBLIC HEARING  
CITY OF PRESQUE ISLE LEGAL NOTICE**

**NOTICE IS HEREBY** given that the Presque Isle City Council will be hold a **PUBLIC HEARING** on **March 1, 2023** at **6:00 PM** in Council Chambers at City Hall, 12 Second St. to consider a **Malt, Spirituous and Vinous Liquor License from:**

**Confectionately Yours  
2 Reach Road**

The public may attend the public hearing or submit written comments. You can obtain more information by contacting the City Clerk's Office at City Hall, 12 Second Street, Presque Isle, ME 04769 or call at 760-2702.

**ADA ASSISTANCE:** Anyone needing special assistance at the public hearing due to a disability should contact the City of Presque Isle's City Clerk at 760-2702 at least two (2) business days prior to the meeting date.

Per City Council  
Kimberly A. Finnemore  
City Clerk

Published Feb. 22, 2023

# PRESQUE ISLE CITY COUNCIL MEETING

For:

March 1, 2023

## AGENDA ITEM # 3

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### SUBJECT

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**PUBLIC HEARING:** Request to amend Presque Isle  
Development Fund By-Laws

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### INFORMATION

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- 1) Memorandum
- 2) Public Hearing Notice

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### REQUESTED ACTION

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**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by  
Councilor \_\_\_\_\_ to adopt the revisions that have  
been made to the Presque Isle Development Fund as  
submitted.



# City of Presque Isle, Maine

The Office of  
Director of Economic & Community Development

**Galen Weibley**

Email: gweibley@presqueisleme.us

## MEMORANDUM

<b>TO:</b>	<b>City Councilors; Martin Puckett, City Manager, &amp; Brad Turner Finance Director</b>
<b>FROM:</b>	Galen Weibley, Director of Economic & Community Development
<b>DATE:</b>	February 17, 2023
<b>RE:</b>	<b>Public Hearing of PIDF By-Law Changes</b>

At the request during the January 20, 2023 PIDF Meeting, the PIDF members reviewed draft changes to the PIDF By-Laws in an effort to update the approval process to streamline approvals and to clarify changes to individual programs.

Revisions to the by-laws have been made as follows:

- Streamline approval process of loan requests lower than \$15,000 to be approved by the PIDF Trustees instead of second approval by the entire council
- Update the year terms for trustees
- Clarifies what indirect relationship means for City employees, Councilors and Trustees
- Provides the option for the City Council to recall the loan to be paid in full should business/developer not be current on their property taxes owed to the City
- Allows for program funding and lending for housing development
- Clarifies WARM Program is capped at \$20,000 per unit instead of unclear amount cap
- Clarifies Downtown Façade Loans require a public hearing by the City Council regardless of loan amount
  - This is because the City's Downtown Redevelopment Program requires a public hearing by the City Council for the use of TIF revenues

After the public hearing portion, city staff is recommending the following motion:

**Suggested Motion: Mr. Chairman, I move that we approve changes to the PIDF By-Laws as submitted.**

### Enclosures

- Ø PIDF By-Laws with markup amendments

**NOTICE OF PUBLIC HEARING**  
**CITY OF PRESQUE ISLE LEGAL NOTICE**

**NOTICE IS HEREBY** given that the Presque Isle City Council will be hold a **PUBLIC HEARING** on **March 1, 2023** at **6:00 PM** in Council Chambers at City Hall, 12 Second St. to consider amending:

**Presque Isle Development Fund By-Laws**

The public may attend the public hearing or submit written comments. You can obtain more information by contacting the City Clerk's Office at City Hall, 12 Second Street, Presque Isle, ME 04769 or call at 760-2702.

**ADA ASSISTANCE:** Anyone needing special assistance at the public hearing due to a disability should contact the City of Presque Isle's City Clerk at 760-2702 at least two (2) business days prior to the meeting date.

Per City Council  
Kimberly A. Finnemore  
City Clerk

Published Feb. 22, 2023

# PRESQUE ISLE CITY COUNCIL MEETING

**For:**

March 1, 2023

## AGENDA ITEM # 4

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### SUBJECT

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**PUBLIC HEARING:** Request to Amend Chapter 16 Land Use and Development Code Ordinance

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### INFORMATION

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- 1) Memorandum
- 2) Land Use and Development Code Ordinance with Changes
- 3) Planning Board Minutes from 10/20/22, 11/17/22, 12/15/22 and 1/19/23
- 4) Cooperative Extension Publications
- 5) Memorandum from Lewis Cousins, Assessor
- 6) Proposed Chicken Ordinance from a Presque Isle Citizen
- 7) Public Hearing Notice

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### REQUESTED ACTION

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**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to adopt the changes to Chapter 16 Land Use and Development as recommended by the Planning Board.



# City of Presque Isle, Maine

The Office of  
Director of Economic & Community Development

**Galen Weibley**

Email: gweibley@presqueisleme.us

## MEMORANDUM

<b>TO:</b>	<b>City Councilors; Martin Puckett, City Manager, &amp; Ruck Currier, City Solicitor</b>
<b>FROM:</b>	Galen Weibley, Director of Economic & Community Development
<b>DATE:</b>	February 17, 2023
<b>RE:</b>	<b>Public Hearing for Changes to Chapter 16 Land Use Code</b>

The Planning Board is considering omnibus changes at their February 16, 2023 meeting that is a product of over 12 months of meetings and multiple public comment and hearing periods to continue making changes to the operations of site plan review and approvals which will allow Presque Isle to continue its reputation as being business friendly. This ordinance will also attempt to strike a balance in Home Rule Authority as it relates to the latest amendment to the Maine Constitution that states that: *“All individuals have a natural, inherent and unalienable right to food, including the right to save and exchange seeds and the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being, as long as an individual does not commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the harvesting, production or acquisition of food.”*

### Summary of revisions to the ordinance are as follows:

- Reorders the various chapters of the Land Use Code to “Articles”
- Permits Mobile homes in the URZ & AHZ and Special Exception in SRZ
- Combines former Chapters 2 (standards) & 3 (Site Plan Review) into Article 2
- Develops clear triggers of development that will be final approval by the Planning Board or internally with the PIDECD Staff
- Establishes a clear process of Preliminary Approval by the PI Development Review Staff and final approval schedule for the Planning Board
  - This increases the communication between departments and outside agencies that are impacted by development
  - The Planning Board will meet twice a month to help expedite approval of site plans which is a much-needed tool by developers given the unpredictable nature of when winter will approach.
- Establishes new standards for development to address, stormwater, solid waste and waste water management, light control, screening and buffering, land use standards
- Creates live links that aid developers in navigating the various cited sections and creates a table of contents that will automatically update as future changes are made to the document.
- New amendment to comply with Maine’s Right to Food Constitutional Amendment that will allow Non-Commercial Keeping of Livestock in the AFFZ & AHZ but Special Exception in all other zones
  - This had much public discussion which can be read in the enclosed minutes

**How Non-Commercial Keeping of Livestock will be Administered/Enforced**

- All residents wanting to keep livestock in residential zones will need to submit a Special Exception Application with the Code Officer
  - Application is submitted with a \$100 application fee and \$150 public hearing fee
    - § Application will include odor plan, plan to manage manure, site layout of enclosed coop/hutch/structure & caged in runs, plan for food storage and operation plan to avoid vermin.
    - § **Species prohibited** in residential areas include by not limited to cows, swine, sheep, goats since they exceed Animal Density and Animal Unit calculations located in the standards section. Roosters, peacocks, guineafowl, geese, ducks are also prohibited because of concerns for the neighbors regarding noise.
    - § **Number of animals** limited to 12 chickens/acre, 7 rabbits/acre (ex: fractional acres mean reduced animals .25-acre lot=3 chickens).
    - § **Animal Unit** is a measure when calculating the total limit of mixture of different animals based on weight (ex: 72 lbs./acre limited in residential areas so a resident may have 1 chicken and 1 rabbit on a .25-acre lot (16 lbs.))
  - After a completed application is received, notice in the Star Herald is submitted to provide the public the opportunity to attend and offer comment on the application. All abutters of the applicant are also notified by certified mail regarding the application submission and details of when the meeting will be.
  - At the **Zoning Board of Appeals Meeting**, an applicant will address the board with their application via the A-R form and additional supporting plans. After the Board offers questions and are satisfied by the plan, the burden of proof is shifted to the residents opposed to offer testimony and substantial evidence (not vague statements) as to why the submitted plans will cause public health concerns. It is this process which will allow for dialogue should alterations to the plan be made by the applicant to lessen the impact on the surrounding neighborhood.

**Updates from Public Hearing of the Planning Board**

The Planning Board met on February 16, 2023 at the Sargent Family Center with 7 out of 8 Planning Board Members present and 15 guests present. Feedback centered on the non-commercial keeping of livestock. Some residents inquired of the process, some supported and opposed the keeping of livestock within the Urban Compact residential areas of (Urban Residential, Suburban Residential, Downtown Retail Business, Business, Retail Business Zones). The following are excerpts after the public hearing from the Planning Board Members who voted 4 in favor (Roope, Gerow, Walton and Engels) 2 Opposed (Farrin & Perry) 1 Abstention (Murchison) to send the final version allowing for the residential keeping of livestock for the City Council to consider adopting.

**Chairman Bruce Roope:** Believes with the change in Maine's Constitutional Amendment we need to strike a balance between Home Rule Authority in lessening the impact on neighbors while honoring the new rights granted under the constitution. Chairman Roope also shared his opposition to the fully enclosed barn structure during public hearing given his experience in agriculture this will only intensify odor.

**Vice-Chairman Gerow:** Considered during the drafting process how the keeping of chickens will be any different from the current keeping of cats and dogs in residential areas. He believes we have added hearing components to address concerns of neighbors regarding noise, smell and number of animals to lessen an impact greater than we currently have for other domestic pets. Mr. Gerow disagreed with the speculative concerns regarding declined assessed values of surrounding properties citing no evidence

**Dick Engels:** Agree that we have a gray area in our current land use code with keeping the definition of Agriculture as status quo. He supports the balance approach of constitutional rights and Home Rule in the provisions.

**Jayne Farrin:** Cited the desire of her family to move to the city life of Presque Isle for its public services (Police, Fire, Utilities) and quality of life of not being surrounded by livestock odors and noise as the reason for moving to Presque Isle. She believes keeping of livestock in residential areas will be a detriment to the quality life for neighborhoods in the residential zones.

**Dave Perry:** Believes there will be negative impact on the neighborhoods where livestock are allowed and that livestock should only be kept in agricultural and rural areas of the community. He agreed with the fully enclosed for barn structures that was suggested during public comment.

**Stacey Walton:** She mentioned the provision of a public hearing for residential areas alleviates her concerns with the future impact of non-commercial keeping of livestock by allowing abutters their due process of demonstrating evidence to the Zoning Board of Appeals members why all submitted plans will cause a detriment to their quality of life.

After the public hearing portion of the meeting, the following motion is recommended by the majority of Planning Board Members.

**Planning Board's Suggested Motion: Mr. Chairman, I move that we adopt changes to Chapter 16 of the Land Use Code as recommended by the Planning Board.**

## **Enclosures**

### **Chapter 16 – Land Use Code Marked Up Ordinance with Amendment Notes**

**Planning Board Minutes (10/20/22, 11/17/22, 12/15/22, 1/19/23)**

**Maine Cooperative Extension Bulletin #1021 *Space Planning for Small Multipurpose Livestock Barns***

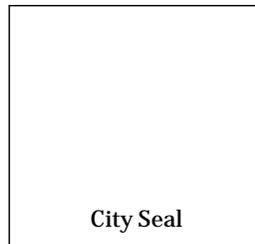
**CHAPTER 16  
CITY OF PRESQUE ISLE**

**LAND USE AND DEVELOPMENT  
CODE ORDINANCE**



Date of Passage: December 19, 1979  
Re-Passed: January 6, 2014  
Amended: July 7, 2014  
Revised: December 7, 2015  
Revised: August 1, 2016  
Revised: September 8, 2018  
Revised: May 1, 2019  
Revised: October 2, 2019  
Revised: January 8, 2020  
Amended: February 2, 2022  
Attest: \_\_\_\_\_

Kimberly A. Finnemore, City Clerk



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## LAND USE AND DEVELOPMENT CODE

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The following Code has been prepared for the purpose of codifying into a single document the various land use regulations and development review procedures ordinarily distributed among the zoning ordinance, subdivision regulations and street acceptance ordinance. This Code is prepared primarily to serve, once adopted, as a land use code. The text is divided into two articles. The first article consists of the basic content of the zoning ordinance; what uses can go where and related procedures for appeal and routine administration.

The second article deals with performance standards for those uses. It is based upon standards currently in use in the City, together with new one reflecting both recent legislation and the need to provide standards where beforehand none existed. This article also sets forth the criteria and procedures for reviewing development proposals of all types in the City.

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**LAND USE AND DEVELOPMENT CODE**

**CITY OF PRESQUE ISLE, MAINE**

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**FINAL**

1993

DATE OF PASSAGE: December 19, 1979

DATE EFFECTIVE: January 1, 1980

## **REVISIONS**

*Revised:*

**Approved by the City Council: January 19, 1980**

*Revised:*

Chapter II, Section III C (3), (4), (5)      Signs - General

**Approved by the City Council: January 15, 1987**

*Revised:*

**Approved by the City Council: May 4, 1987**

*Revised:*

Chapter II, Section II      Parking Loading & Traffic

**Approved by the City Council: August 3, 1987**

*Revised:*

Chapter 1, Section XIII      Retail Business Zone

**Approved by the City Council: October 5, 1987**

*Revised:*

Chapter 1, Section IX & X      Urban Residence - 1 & Urban Residence - 2

**Approved by the City Council: November 20, 1989**

*Revised:*

Chapter I, Section XVI, XVII, XVIII, XIX WPAHZ, WPAFZ, WPBZ & WRPZ  
Chapter II, Section VII Site Design Standards for Watershed Protection  
Chapter III, Section V Watershed Protection Development Plan  
**Approved by the City Council: May 17, 1990**

*Revised:*  
Chapter II, Section VI Mobile Home Parks/Seasonal Trailer Parks  
**Approved by the City Council: November 15, 1991**

*Revised:*  
Chapter I, Section I (E) Rezoning  
Chapter II, Section II (A) (2) Parking Loading & Traffic  
**Approved by the City Council : March 14, 1991**

*Revised:*  
Chapter III, Section III (A) Signs - Residential  
Chapter III, Section V (A) Watershed Protection Development Plan  
**Approved by the City Council: May 16, 1991**

*Revised:*  
Chapter I, Section V Definitions  
Chapter I, Section VIII Suburban Residence Zone  
Chapter I, Section IX Urban Residence Zone - 1  
Chapter I, Section X Urban Residence Zone - 2  
Chapter I, Section XIV Professional Medical Zone  
Chapter II, Section II Parking Loading & Traffic  
**Approved by the City Council : June 13, 1991**

*Revised:*  
Chapter I, Section XII (C) (3) Retail Business Zone  
Chapter I, Section XIII (C) (3) Business Zone  
**Approved by the City Council : September 26, 1991**

*Revised:*  
Chapter 1, Section IV (B) (2) Appeals – Powers and Duties  
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*Revised:*  
Chapter II, Section I Environmental  
**Approved by the City Council: January 1, 1992**

*Revised:*

Chapter I, Section IV (D) (2)	Appeals
Chapter I, Sections VII, VIII, XIX, X, XI, XII, XIII, XIV.D.2	
Chapter I, Section XVI (E) (2)	Watershed Protection Aircraft Hazard Zone
Chapter I, Section XVIII (E) (2)	Watershed Protection Business Zone
Chapter II, Section III (B)	Signs - Nonresidential

**Approved by the City Council: April 16, 1992**

Revised:

Chapter II, Section IV (A)	Appeals
Chapter II, Section VI (B)	Aircraft Hazard Zone
Chapter II, Section III (A)	Signs – Off-Street Parking Standards
Chapter II, Section IV (D)	

**Approved by the City Council: August 16, 1992**

Revised:

Chapter I, Section V	Definitions
Chapter I, Section XI (C)	Resource Protection Zone
Chapter II, Section I (F)	Environmental – Shoreland Area Protection
Chapter II, Section I	Environmental

**Approved by the City Council: October 17, 1994**

Revised:

Chapter I, Section V	Definitions
Chapter I, Section VI (C)	Aircraft Hazard Zone
Chapter I, Section VII (C)	Agricultural Farming Zone
Chapter I, Section VIII (C)	Suburban Residence Zone
Chapter, I, Section IX(C)	Urban Residence Zone - 1
Chapter I, Section X (C)	Urban Residence Zone - 2
Chapter I, Section XII (B)	Retail Business Zone – Permitted Uses
Chapter I, Section XII (C)	Retail Business Zone – Special Exceptions
Chapter I, Section XIV (C)	Professional Medical Zone
Chapter I, Section XVI (D)	Watershed Protection Aircraft Hazard Zone
Chapter I, Section XVII (D)	Watershed Protection Agricultural Farming
Chapter II, Section III (B)	Signs – Off-Street Loading Standards
Chapter II, Section III (C) (3)	Signs - General
Chapter II, Section III (C) (4)	Signs - General
Chapter II, Section III (C) (5)	Signs - General

**Approved by the City Council: May 16, 1996**

Revised:

Chapter I, Section V	Definitions
Chapter I, Section XX	Suburban Commercial Zone
Chapter II, Section II (C) (1)	Parking, Loading & Traffic
Chapter II, Section III (B)	Signs - Nonresidential

Chapter II, Section III (C) Signs - General  
**Approved by the City Council: June 27, 1996**

*Revised:*

Chapter I, Section IV (A) (2), (3), (5) Appeals – Appointment & Composition  
Chapter I, Section IV (B) (4) (b) & (c) Appeals – Powers & Duties  
Chapter I, Section V Definitions  
Chapter I, Section VII, (C) (6) Agricultural Farming Zone  
Chapter I, Section VIII (C) (2) Suburban Residence Zone  
Chapter I, Section IX (C) (2) Urban Residence Zone - 1  
Chapter I, Section X (C) (3) Urban Residence Zone - 2  
Chapter I, Section XII (C) (3) Retail Business Zone  
Chapter I, Section XIII (C) (3) Business Zone  
Chapter I, Section XX (C) (2), (3), (4) Suburban Commercial Zone  
Chapter I, Section XXI (addition) Light Industrial Zone  
Chapter II, Section I, F Sub-sections 5, 9.A.13 Environmental – Shoreland Area  
**Approved by the City Council: September 3, 1997**

*Revised:*

Chapter I, Section V Definitions  
Chapter I, Section VII (C) (13) Agricultural Farming Zone  
**Approved by the City Council: February 2, 1998**

*Revised:*

Chapter I, Section V Definitions  
**Approved by the City Council: April 6, 1998**

*Revised:*

Chapter II, Section III (C) (5) Signs – Access & Parking Layout  
Chapter II, Section III (B) Signs - Nonresidential  
**Approved by the City Council: June 18, 1998**

*Revised:*

Chapter II, Section II (2) Parking, Loading & Traffic  
Chapter II, Section V (A-H) Site Design Standards  
**Approved by the City Council: January 22, 2011**

*Revised:*

Chapter I, Section XXII Residential Office Zone  
**Approved by the City Council: July 2, 2001**

*Revised:*  
Chapter I, Section 1 (C)                      General – Zoning Maps  
**Approved by the City Council: January 7, 2002**

*Revised:*  
Chapter I, Section 1 (C)                      General – Zoning Maps  
Chapter I, Section XII (B)                      Retail Business Zone  
**Approved by the City Council: October 21, 2002**

*Revised:*  
Chapter 1, Section 1 (C)                      General – Zoning Maps  
**Approved by the City Council: December 2, 2002**

*Revised:*  
Chapter I, Section III (D)                      Administration – Building Permit  
Chapter I, Section III (F)                      Administration – Certificate of Use  
Chapter I, Section III (G)                      Administration - Fees  
Chapter I, Section V                              Definitions  
Chapter I, Section XIV (C) (7)                      Professional Medical Zone  
Chapter II, Section III (C) (2)                      Signs - General  
**Approved by the City Council: April 7, 2003**

*Revised:*  
Chapter II, Section III (C) (5)                      Signs - General  
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Chapter I, Section V                              Definitions  
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*Revised:*  
Chapter I, Section 1 (C)                      General – Zoning Maps  
**Approved by the City Council: October 18, 2004**

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Chapter I, Section 1 (C)                      General – Zoning Maps  
**Approved by the City Council: May 3, 2004**

*Revised:*  
Chapter I, Section II                              Non-conformance  
Chapter IV (4)                                      Appeals  
Chapter, I, Section IV (B) (3)                      Appeals – Powers & Duties  
Chapter I, Section VII (D) (2)                      Agricultural Farming Zone

Chapter I, Section VII (C)                      Agricultural Farming Zone  
Chapter I, Section XII (D) (2)                Retail Business Zone  
Chapter I, Section XIII (D) (2)              Suburban Residence Zone  
Chapter I, Section XIV (D) (2)              Professional Medical Zone

**Approved by the City Council: January 19, 2005**

*Revised:*

Chapter I, Section V                              Definitions  
Chapter I, Section VII (C)                      Agricultural Farming Zone

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*Revised:*

Chapter 1, Section 1 (C)                      General – Zoning Maps

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*Revised:*

Chapter I, Section 1 (C)                      General – Zoning Maps

**Approved by the City Council: September 6, 2006**

*Revised:*

Chapter I, Section I (B)                      General – Establishment of Zones  
Chapter I, Section III (F)                      Administration – Certificate of Use  
Chapter I, Section III (G)                      Administration - Fees  
Chapter I, Section XXIII                      Rural Residential Zone

**Approved by the City Council: September 18, 2006**

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Chapter 1, Section 1 (C)                      General – Zoning Maps

**Approved by the City Council: December 4, 2006**

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Chapter I, Section V                              Definitions  
Chapter II, Section I (C) (3)                      Environmental – Mineral Exploration

**Approved by the City Council: July 9, 2007**

*Revised:*

Chapter III, Section III (B)                      Preliminary Plan - Requirements

**Approved by the City Council: August 6, 2007**

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Chapter I, Section IV (A)                      Appeals – Appointment & Composition  
Chapter I, Section XVI (E)                      Watershed Protection Aircraft Hazard  
Chapter I, Section XVII (E)                      Watershed Protection Agricultural Farming  
Chapter I, Section XVIII (E)                      Watershed Protection Business

**Approved by the City Council: July 8, 2008**

*Revised:*

Chapter I, Section XXIII (D) (2) Rural Residential Zone

**Approved by the City Council: October 6, 2008**

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Chapter I, Section V Definitions

Chapter I, Section XXIV Source Water Protection Area

**Approved by the City Council: July 6, 2009**

*Revised:*

Chapter I, Section V Definitions

Chapter II, Section VIII Wind Energy Systems

**Approved by the City Council: October 5, 2009**

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Chapter 1, Section 1 (C) General – Zoning Maps

Chapter I, Section VIII Suburban Residence Zone

Chapter I, Section XXV Industrial Zone – Conditional Zone

**Approved by the City Council: February 1, 2010**

*Revised:*

Chapter I, Section XXVI Rural Residential Zone

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*Revised:*

Chapter I, Section 1 (C) General – Zoning Maps

Chapter I, Section XIII (C) (11) Business Zone – Special Exceptions

**Approved by the City Council: November 1, 2010**

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Chapter I, Section XII (B2&3), (D2&3) Retail Business Zone

Chapter II, Section II (2) & (11) Parking, Loading & Traffic

**Approved by the City Council: January 3, 2011**

*Revised:*

Chapter I, Section 1 (C) General – Zoning Maps

**Approved by the City Council: February 7, 2011**

*Revised:*

Chapter I, Section XXVII General Development Zone

Chapter II, Section (F) (3) Environmental – Shoreland Area Protection

**Approved by the City Council: March 9, 2011**

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Chapter I, Section XIV Professional Medical Zone  
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Chapter I, Section XV Industrial Zone  
Chapter I, Section V Definitions  
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Chapter I, Section XXVII General Development Zone  
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Chapter I, Section XXII Retail Business Zone  
Chapter I, Section XXVIII Downtown Retail Business Zone  
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Chapter II, Section III Signs  
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Chapter I, Section V Definitions  
Chapter I, Section VI Aircraft Hazard Zone  
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Chapter I, Section IV Appeals  
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Chapter I, Section XXII Residential Office Zone  
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Chapter 1, Section V Definitions  
Chapter 1, Section XXI Light Industrial Zone  
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Chapter II, Section I:F Shoreland Area Protection  
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Chapter 1, Section IX Urban Residence Zone - 1  
Chapter 1, Section X Urban Residence Zone - 2  
**Approved by the City Council: July 7, 2014**

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Chapter II, Section VI                      Seasonal Trailer Parks and Campgrounds –  
Mobile Home Parks - Standards for Mobile  
Homes

**Approved by the City Council: December 7, 2015**

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Chapter I, Section V                      Definitions

**Approved by the City Council: August 1, 2016**

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Chapter I, Section I	General
Chapter I, Section II	Nonconformance
Chapter I, Section III	Administration
Chapter I, Section IV	Appeals
Chapter I, Section V	Definitions
Chapter I, Section VI	Aircraft Hazard – AHZ
Chapter I, Section VII	Agricultural Farming & Forestry – AF-FZ
Chapter I, Section VIII	Suburban Residence – SRZ
Chapter I, Section IX	Urban Residence – URZ
Chapter I, Section X	Resource Protection – RPZ
Chapter I, Section XI	Retail Business – RBZ
Chapter I, Section XII	Business – BZ
Chapter I, Section XIII	Industrial – IZ
Chapter I, Section XIV	Watershed Protection Aircraft Hazard – WPAHZ
Chapter I, Section XV	Suburban Commercial – SCZ
Chapter I, Section XVI	Light Industrial – LIZ
Chapter I, Section XVII	Residential Office – ROZ
Chapter I, Section XVIII	Rural Residential – RRZ
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Chapter I, Section XX	Industrial Conditional – IZ-C
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Chapter II, Section II	Parking Loading and Traffic
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Chapter II, Section V Site Design Standards  
Chapter II, Section VII Site Design Standards Watershed Protection  
Chapter II, Section VIII Wind Energy Systems – WES  
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Chapter I, Section I (C)  
Chapter I, Section XVII Residential Office Zone – ROZ  
Chapter I, Section XXII General Development Zone – GDZ  
Chapter II, Section III Signs  
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Chapter I, Section XVI Light Industrial Zone – LIZ  
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*Revised*

Chapter 1, Section V Definitions  
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*Revised*

Chapter 1 Sections VI-XXIII Complete Reformatting of Sections into Tables  
Chapter 1, Section V Definitions  
Chapter 1, Section VI Creation of Purpose of Zones  
Chapter 1, Section VII Creation of Use Table for Zones  
Chapter 1, Section VIII Creation of Standards Table for Zones  
Chapter 2, Section II Off-Street Parking Standards  
Chapter 2, Section III Signs  
Chapter 3, Section IV (D) (7) Final Plan Review  
**Approved by the City Council: February 2, 2022**

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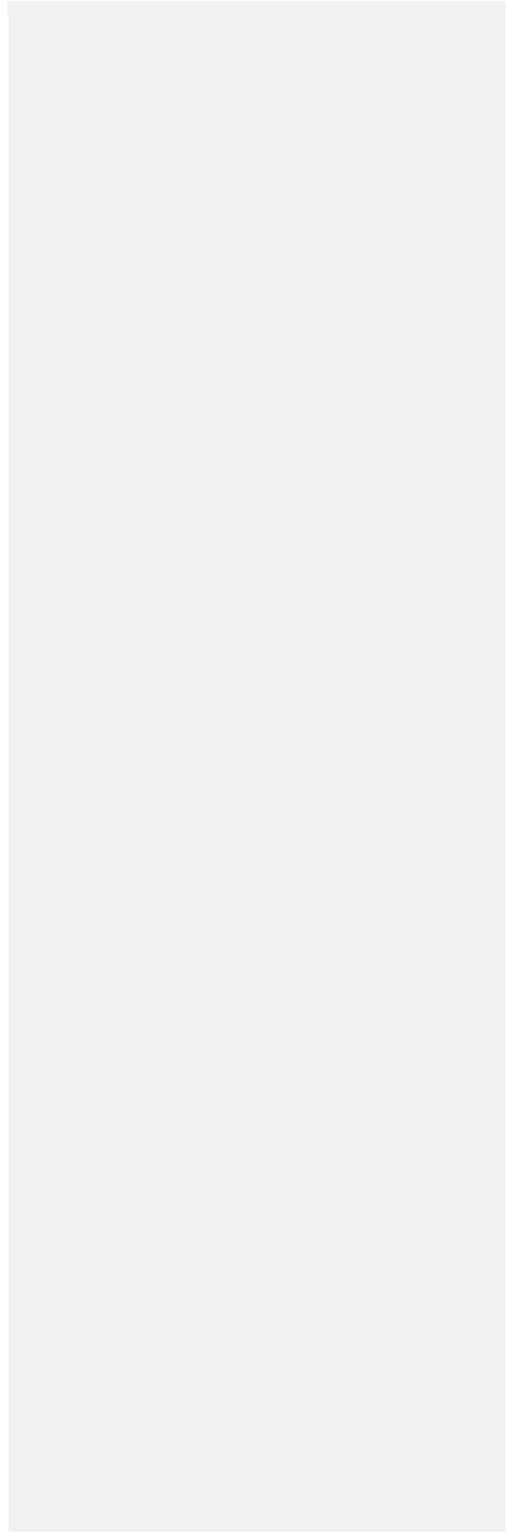
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# **ARTICLE 1 ZONING REGULATIONS**

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## SECTION I GENERAL

### A. PURPOSE

This [Article](#) is designed for all the purposes of zoning embraced in Maine Revised Statutes and has been drafted as an integral part of a Comprehensive Planning process for the City of Presque Isle, Maine, to promote the health, safety and general welfare of its residents. Among other things, it is designed to encourage the most appropriate use of land throughout the City; to promote traffic safety; to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsanitary areas; to provide an adequate street system; to promote the coordinated development of un-built areas; to encourage the formation of community units; to provide an allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources; and to provide for adequate public services.

### B. ESTABLISHMENT OF ZONES

To implement the provisions of this [Article](#), the City of Presque Isle, is hereby divided into the following classes of zones:

Agricultural/Farming	AFZ
Aircraft Hazard	AHZ
Business	BZ
Downtown Retail Business Zone	DRBZ
General Development Zone	GDZ
Industrial	IZ
Residential Office	ROZ
Retail Business	RBZ
Resource Protection	RPZ
Rural Residential	RRZ
Suburban Commercial	SCZ
Suburban Residence	SRZ
Urban Residence	URZ
Source Water Protection Area	SWPA

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## A. ZONING MAPS

The location and boundaries of the above zones are hereby established as shown on a map entitled "Zoning Map of the City of Presque Isle", dated \_\_\_\_\_, prepared by the Presque Isle Planning Board and kept on file at the Presque Isle Municipal Office, which map with all explanatory matter thereon, shall be deemed to be, and is hereby made part of this Code. When uncertainty exists with respect to zoning boundaries as shown upon the above map, the following shall apply;

1. Unless otherwise indicated, zoning boundary lines are the side lines, plotted at the time of adoption of this Code of street, alleys, parkways, waterways, or rights-of-way of public utilities and railroads or such lines extended.
2. Other zoning boundary lines which are not listed in the preceding paragraph shall be considered as lines paralleling a street and at distances from the center lines of such streets as indicated by the Official Zoning Maps on file in the office of the City Clerk. In the absence of a written dimension, the graphic scale on the official Zoning Maps shall be used.
3. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or other circumstances not covered by 1 or 2 above, the Board of Appeals shall interpret the Zoning boundaries.

## B. CONFORMITY

1. No building or structure shall be erected, altered, enlarged, rebuilt, moved or used and no premises shall be used unless in conformity with the provisions of this Code except those existing at the time of adoption of this Code which by the provisions of this [Article](#) become legally nonconforming.
2. The regulations specified by this Code for each class of district shall be minimum requirements and shall apply uniformly to each class or kind of structure or land.
3. Land within the lines of a street on which a lot abuts shall not be considered as part of such lot for the purposes of meeting the area requirements of this [Article](#), notwithstanding the fact that the fee to such land may be in the owner of such lot.
4. No part of a yard, or other space, or off-street parking or loading space about or in connection with any building and required for the purpose of complying with this Code, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

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5. When a lot of record at the time of enactment of this Code is transected by a Zoning District Boundary, the regulations set forth in this [Article](#) applying to the larger part by area of such lot may also be deemed to govern in the smaller area beyond such zoning district boundary but only to an extent not more than fifty (50) linear feet in depth beyond said zoning district boundary.
6. In any district, notwithstanding limitations imposed by other sections of this Code, single lots of record at the effective date of adoption or amendment of this Code may be built upon. This provision shall apply even though such lots fail to meet the minimum requirements for area or width, or both, which are applicable in the district, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulation for the district in which such lot is located. Variance of yard and other requirements not involving area or width shall be obtained only through action of the Board of Appeals.

### C. REZONING

1. The Planning Board may present recommendations to the City Council for rezoning based on conditional or contract zoning or any other type of zoning consistent with the Maine Revised Statutes. For the purposes of this ordinance, “*Conditional zoning*” means the process by which the City Council may rezone property to permit the use of that property subject to conditions not generally applicable to other properties similarly zoned. “*Contract zoning*” means the process by which the property owner, in consideration of the rezoning of the owner’s property, agrees to the imposition of certain conditions or restrictions not imposed on other similarly zoned properties. All such rezoning shall:
  - a) Be consistent with the City’s comprehensive plan;
  - b) Establish rezoned areas which are consistent with the existing and permitted uses within the original zones; and
  - c) Only include conditions and restrictions which relate to the physical development or operation of the property.

The Planning Board shall conduct a public hearing prior to any property being rezoned under this paragraph. Notice of this hearing shall be posted in City Hall at least 14 days prior to the public hearing and shall be published in a newspaper of general circulation within the City of Presque Isle at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice shall also be sent to the owners of all property abutting the property to be rezoned at their last known addresses. This notice shall contain a copy of the proposed conditions and restrictions, with a map indicating the property to be rezoned.

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#### **D. CONFLICT WITH OTHER ORDINANCES**

Wherever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.

#### **E. SEVERABILITY**

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

#### **F. CHANGES AND AMENDMENTS**

No zoning regulations or amendment, thereof, shall be adopted until after the Planning Board of the City of Presque Isle shall have a public hearing thereon at least ten (10) days before it is submitted to the City Council for consideration. Public notice of the hearing shall be made at least ten (10) days prior to such hearing.

#### **G. SCHEDULED MEETINGS**

The City of Presque Isle Planning Board must meet regularly at the times and places specified yearly by the Planning Board, by rule, unless there is no business to be brought before the Board.

#### **H. REPEAL OF PRIOR ORDINANCES**

All prior Zoning Ordinances, Site Design Review Criteria, Subdivision Rules and Regulations, Mobile Home Park Ordinances, Road Construction Standards and Acceptance Regulations for the City, except for the Shoreland Zoning Ordinance of Presque Isle, are repealed as of the effective date of this Ordinance.

## SECTION II NONCONFORMANCE

1. Any lawful use of buildings, structures, premises, land or parts thereof existing at the effective date of this Code and made nonconforming by the provisions of this Chapter or any amendments thereto may be continued subject to the provisions of this section.
2. If any nonconforming use ceases for any reason for a period of one year or more, any subsequent use shall conform to the provisions of this Code.
3. Whenever a non-conforming use is changed to a permitted use, such use shall not thereafter revert to nonconforming status, notwithstanding any other provisions of this Article.
4. Whenever any changes in the exterior character or appearance of any non-conforming use is proposed, excepting normal maintenance, the Board of Appeals shall review all Applications and may, in its sole discretion, grant permission for such proposed changes.
5. Any residential outbuilding, including attached and detached garages, may be replaced provided:
  - a. the new structure has the same use,
  - b. the new structure is constructed no closer to the lot lines than the old structure it replaced,
  - c. the new structure is started within 60 days from date the old structure is removed.

## SECTION III ADMINISTRATION

### A. CODE ENFORCEMENT

It shall be the duty of the Code Enforcement Officer or other person duly authorized by the City Council to enforce the provisions of this Code. If the Code Enforcement Officer shall find that any of the provisions of this Code are being violated, he/she shall notify by certified mail the owner responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, structures or additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; to insure compliance with or to prevent violation of its provisions. The Code Enforcement Officer shall be appointed or reappointed annually at the first City Council meeting of the new year.

### B. LEGAL ACTION AND VIOLATIONS

When any violations of any provisions of this Code shall be found to exist, the City Solicitor, upon notice from the City Manager, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of the provisions of this Code, including seeking injunctions of violations and the imposition of fines, the same to be brought in the name of the City.

For violations of this Code pertaining to the Shoreland Zone, the municipal officers, or their authorized agent, are authorized by the Maine Department of Environmental Protection, (DEP) under the provisions of the Mandatory Shoreland Zoning Act, to enter into administrative consent agreements for the purpose of eliminating violations of this Code and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence found by the Zoning Board of Appeals that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

### **C. FINES**

Any person, firm or corporation, as owner of, or having control of any building, or premises, who violates any of the provisions hereof, or fails to obtain any required licenses, shall, by having committed a violation of this Code and upon conviction be deemed guilty of a civil violation, and shall be subject to penalties in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

### **D. BUILDING PERMIT**

No building or other structure shall be erected, moved, added to, altered, demolished, or site developed, nor shall a discontinued nonconforming use be renewed, without an appropriate permit therefore, issued by the Code Enforcement Officer in accordance with Section 105 et. Seq. of the International Building Code (IBC) as amended. No building permit shall be issued except in conformity with the provisions of this Code, except after written order from the Board of Appeals. The Code Enforcement Officer shall maintain a public record of all building permits. If the building or part is not substantially completed within two years of the issuing of the permit, the permit shall lapse. It may be renewed without charge upon application.

The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals.

No public utility, water district, sanitary district, or any utility company of any kind may install services to any new structure located in the Shoreland Zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous ordinance has been issued by the Code Enforcement Officer. Following installation of service, the company or district shall forward the written documentation to the Code Enforcement Officer, indicating that the installation has been completed.

The Code Enforcement Officer shall keep a complete record of all essential transactions of the Office related to the Shoreland Zone, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biannual basis, a summary of this record shall be submitted to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

## E. APPLICATION

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality.
2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter or authorization from the owner or lessee.
3. All applications shall be dated, and the Code Enforcement Officer shall note upon each application the date and time of its receipt.
4. The application shall include such information as lawfully may be required by the Code Enforcement Officer to determine conformance with and provide for the enforcement of this Code.
5. Whenever on-site subsurface disposal is contemplated, the approval of building permit applications shall be subject to evidence of satisfactory subsurface soil conditions for drainage and sewage disposal, and shall be subject to prior obtainment of a plumbing permit. All systems will comply fully with the Maine State Plumbing Code as may be in effect at the time of application.
6. The Code Enforcement Officer shall approve or deny an application for a Building Permit within 14 working days of receiving said application; failure to approve or deny within 14 days shall constitute denial.
7. No building or structure of any kind shall be erected and no alteration of the natural contour of the land by grading or filling for any purpose shall be permitted in an area subject to periodic flooding.

Deleted: Generally as described in Chapter II, Section D

## **F. CERTIFICATE OF USE AND OCCUPANCY**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Use and Occupancy has been issued therefore by the Code Enforcement Officer and endorsed to the effect that the proposed use of the building or land conforms with the requirements of this Code, building, plumbing, electrical and safety codes and any and all other applicable codes.

No building permit shall be issued until an application has been made for a Certificate of Use and Occupancy, and the Certificate of Use and Occupancy shall be issued in conformity with the provisions of this Code upon completion of the work.

A temporary Certificate of Use and Occupancy may be issued by the Code Enforcement Officer for a period of six months during construction or alterations for partial occupancy of a building, pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

The Code Enforcement Officer shall maintain a public record of all Certificates of Use and Occupancy.

Failure to obtain a Certificate of Use and Occupancy shall be a violation of this Code.

## **G. FEE**

Applications for permits to erect, move, add to, alter, or demolish any building or other structure, site development, or to renew a discontinued non-conforming use, and applications for Certificates of Use and Occupancy shall be accompanied by a fee and non-payment penalties, as may be established from time to time by the Presque Isle City Council.

## SECTION IV APPEALS

### A. APPOINTMENT AND COMPOSITION

1. The Board of Appeals shall be established by the Presque Isle City Council.
2. The Board shall consist of five (5) members; serving staggered 3-year terms, and two (2) alternate member, serving a one-year term. The Board shall elect annually a chairman from its membership. The Board also shall appoint annually a secretary to prepare an agenda, provide proper public notice of each meeting, and keep the minutes of the proceedings of the Board of Appeals. The minutes shall show the vote of each member upon any matter coming before the Board. All minutes of the Board shall be public record. A quorum shall consist of 3 members. All decisions shall be by majority vote of those present and voting, and shall be in writing setting forth in detail the reasons for approval or denial.
3. Appointed members shall continue to serve at the expiration of their term until either a new member has been appointed, or the expiration of ninety (90) days from the end of the term, whichever occurs first.
4. Elected or appointed members of the municipal government or spouses thereof may not serve as a member.
5. A vacancy shall be deemed to have occurred when a member shall fail to attend four (4) consecutive meetings or fails to attend at least 75% of the regular meetings (unexcused by the Chair) during the preceding twelve (12) month period.
6. All members on the Board shall conform with this ordinance.
7. When a member is unable to participate for any reason, the alternate member shall act in the regular member's stead, but only if the alternate has been present for all prior deliberations, if any, on the appeal under consideration; however, the alternate shall not replace a regular member in the further consideration of any appeal upon which the alternate had voted originally on that appeal. The foregoing shall not prevent the alternate member, while acting in the regular member's stead, from acting on any new matters coming before the Board.

## B. POWERS AND DUTIES

Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeals and from the Board of Appeals to the Superior Court in accordance with Maine Law.

The Board of Appeals shall have the following powers and duties;

1. **Administrative Appeals.** To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Code Enforcement Officer in the enforcement of this Code. The action of the Code Enforcement Officer may be modified or reversed by the Board of Appeals, by majority vote.
2. **Special Exceptions.** The Board of Appeals shall approve, deny, or approve with conditions all applications for special exceptions which are specifically listed as special exceptions. Any person or entity who wishes to obtain a local Building Permit pursuant to **Article I, Section III D** of this Code, for an approved or existing use categorized as a special exception, must obtain a special exception from the Zoning Board of Appeals.
3. The applicant shall have the burden of proving that his/her application is in compliance with the requirements of this ordinance that:
  - a. The proposed use is in compliance with state and federal laws.
  - b. The proposed use will not create fire safety hazards because it provides adequate access to the site, or to the buildings on the site, for emergency vehicles.
  - c. The proposed use will not produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any city way so as to impair the vision of the driver or any vehicle upon that city way.
  - d. The provisions for buffers and on site landscaping provide adequate protection to neighboring properties from detrimental features of the development.
  - e. The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of property in the immediate neighborhood as a result of noise, vibrations, fumes, odor, dust or glare.

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- f. The proposed use meets the general standards of [Article II](#), **SECTION II PARKING LOADING AND TRAFFIC**
- g. The proposed use will not cause regular on-street parking.
- h. The proposed use will not have a significant detrimental effect on the value of properties in the immediate neighborhood which could be avoided by reasonable modification of the plan.
- i. The design of the site will not result in significant flood hazards or flood damage and is in conformance with applicable flood hazard protection requirements.
- j. Adequate provision has been made for disposal of wastewater, sewage, and solid waste and for the prevention of ground and surface water contamination.
- k. Adequate provision has been made to control erosion and sedimentation.
- l. Adequate provision has been made to handle storm water run-off and other drainage problems on the site.
- m. Change in elevations of the site will not cause storm water drainage problems to adjoining property.
- n. The proposed water supply will meet the demands of the proposed use and for fire protection purposes.
- o. Adequate provision has been made for the transportation, storage and disposal of hazardous substances and materials as defined by state law.
- p. The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitat.
- q. When located in the Resource Protection Zone, the proposed use meets the standards of [Article II](#) in this ordinance.
- r. The proposed use will protect, maintain, and, where warranted, improve the water quality of the public water supply.
- s. All Special Exceptions shall comply with the Use Standards if applicable in Article 2

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Commented [GW1]: New requirement for A-R form for special exceptions.

4. **Variance Appeals.** To authorize upon appeal a variance from the terms of this ordinance, in conformity with 30-A M.R.S.A. § 4353, especially affecting a particular parcel of land or an existing structure thereon, but not affecting generally the zone in which it is located, where a literal enforcement of the provisions of this ordinance would involve undue hardship or practical difficulty, as differentiated by statute, to the appellant, and where desirable relief may be granted without substantial detriment to the neighborhood and provided there is no substantial departure from the intent or purpose of this ordinance. Variances shall be granted only for a use permitted in a particular zone.

Except as provided in 3-A, 3-B, and 3-C, the Board may grant a variance only where strict application of this ordinance or a provision thereof to the petitioner and his/her property would cause “undue hardship”. The term “undue hardship” as used in this subsection means:

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

5. **Disability Variance:** The Board may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap, as defined by state statute and as amended from time to time. For the purposes of this subsection, the term “structures necessary for access to or egress from the dwelling” is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
  
6. **Set-Back Variance for Single-Family Dwellings:** The Board may grant a set-back variance for a single-family dwelling only when strict application of this ordinance to the petitioner and the petitioner’s property would cause undue hardship. The term “undue hardship” as used in this subsection means:
  - a. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
  - b. The granting of a variance will not alter the essential character of the locality;
  - c. The hardship is not the result of action taken by the applicant or a prior owner;
  - d. The granting of the variance will not substantially reduce or impair the use of abutting property; and
  - e. That the granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

Under this subsection, a variance may be granted only for a single-family dwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage. Under this subsection, if the petitioner has obtained the written consent of an affected abutting landowner, the Board may allow for a variance to exceed 20% of a setback requirement, except for minimum setbacks from a water body or wetland as established in Article II, this Code.

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7. **Variance from Dimensional Standards:** The Board may grant a variance from dimensional standards of this ordinance when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:

- a. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
- b. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
- c. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
- d. No other feasible alternative to a variance is available to the petitioner;
- e. The granting of a variance will not unreasonably adversely affect the natural environment; and
- f. The property is not located in whole or in part within shoreland areas, as described by state statute.

As used in this subsection, "dimensional standards" means and is limited to provisions of this ordinance relating to lot area, lot coverage, frontage, and setback requirements.

As used in this subsection, "practical difficulty" means that the strict application of this ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

A variance application also must meet the requirements of a special exception, as described in [Article I, B POWERS AND DUTIES herein](#),

A copy of all variances granted by the Zoning Board of Appeals in shoreland zones shall be submitted to the Maine Department of Environmental Protection within fourteen (14) days of the decision.

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8. **Recording a Variance:** Variances granted by the Zoning Board of Appeals will receive a certificate from the Code Enforcement Office on which information related to the variance, as determined by state statute and including any conditions imposed by the Board, will be prepared in recordable form. This certificate must be recorded at the Aroostook County Registry of Deeds, Southern Division, Houlton, Maine, within 90 days of the date of final written approval of the variance or the variance is void. The variance is not valid until recorded as described above. The date of the final written approval shall be the date stated on the written approval.
  
9. **Miscellaneous Appeals.** To hear and decide those appeals specifically mentioned herein:
  - a) To consider proposed changes in the exterior or appearance of any nonconforming use, excepting normal maintenance, as described in ~~Article I, SECTION II NONCONFORMANCE 4~~ of this Code; and
  
  - b) To permit variations in the Standards contained in Article II, **SECTION II PARKING LOADING AND TRAFFIC** of this Code.

Miscellaneous appeals must meet requirements required for a special exception.
  
10. **Statement of Findings.** All decisions of the Board of Appeals under this section shall be accompanied by written statement that set forth with particularity the precise reasons why the findings were made.

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### C. APPEAL PROCEDURE

1. In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his appeal within thirty (30) days after receipt of a written decision from the Code Enforcement Officer by certified mail. The appeal shall be filed with the Code Enforcement Officer on forms to be approved by the Board of Appeals, and the aggrieved person shall specifically set forth on said form the grounds for said appeal.
2. In the case of all appeals, the Code Enforcement Officer shall notify by certified mail the owners of property abutting the property for which an appeal is taken, of the nature of the appeal and of the time and place of the public hearing thereon. Notice of all appeals shall be advertised in the Star Herald at least 10 business days in advance of the hearing.
3. For the purposes of this section, the owner of property shall be considered to be the parties listed by the Assessors of Taxes for the City of Presque Isle as 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 of Appeals.
4. Following the filing of an appeal, the Code Enforcement Officer shall notify forthwith the Board of Appeals and the Planning Board, and the appeal shall be in order for hearing at the next meeting of the Board of Appeals following by at least 10 days mailing of notices but within thirty (30) days of the formal appeal.
5. Written notice of the decision of the Board of Appeals shall be sent to the appellant, the Planning Board and the municipal officers within thirty (30) days of the date of the hearing of the appeal.
6. At any hearing, a party may appear by agent or attorney. Hearing shall not be continued to other times except for good cause.
7. The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.
8. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.

9. A right of appeal under the provisions of this Code secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within six months of the date of which the appeal is granted, and if the work or change is not substantially completed within one year of the date on which such appeal is granted, unless as otherwise provided for in the appeal.
10. If the Board of Appeals shall deny an appeal, a second appeal of a similar nature shall not be brought before the Board within one year from the date of the denial by the Board of the first appeal, unless in the opinion of a majority of the Board, substantial new evidence shall be brought forward, or unless the Board finds, in its sole and exclusive judgment, that an error or mistake of law or misunderstanding of facts shall have been made.
11. The appellant shall pay a fee as determined from time to time by the City Council.
12. Approval of a Special Exception by the Zoning Board of Appeals will be site-specific and nontransferable and shall remain in effect until: (1) it is revoked by the City, for cause; (2) the special exception is not used by the applicant(s) for 180 consecutive days; or (3) the applicant(s) granted approval for the special exception relocates to a different address

## SECTION V DEFINITIONS

Except where specifically defined herein, all words used in this Code shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “lot” includes the word “plot”; the word “building” includes the word “structure” the word “shall” is always mandatory; “occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied”.

**Accessory Structure or Building:** An uninhabited building at least five feet distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building(s) or to the principal use of the land and which is located on the same lot as the principal building use. Such accessory buildings in residential districts, shall include tool sheds, wood sheds, detached garages, and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district.

**Accessory Use:** A subordinate use of land or building which is customarily incidental and subordinate to the principal use of the land and which is located on the same lot with the principal building or use.

**Airport Terminal:** structure intended for use or in connection with any public airport, heliport or other location for the landing or taking off of aircrafts

**Adult Daycare Facility:** Care, activities, and protection maintained or carried out on a regular basis by a person or a combination of persons in a private dwelling or other facility, for consideration, for any part of a day for three (3) or more adults, 19 years of age or older, who are not blood relatives and who are coming to the facility for the express purpose of participating in this adult daycare facility.

**Aggrieved Party:** An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Code; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

**Agriculture:** The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. **Agriculture does not include Non-Commercial Keeping of Livestock, forest management and timber harvesting activities.**

Commented [GW2]: Added language to clarify change of use and close loophole in Land Use Code

**Agricultural & Forestry-related Businesses:** An establishment or business that engages in the commerce of agricultural or forestry related sales and services.

**Agritourism Activity:** Means any agricultural activity carried out on a farm or ranch that members of the general public are allowed to view or participate in, including farming, ranching, historical and cultural activities, harvest-your-own activities and attractions related to farming or ranching. An activity is an agritourism activity whether or not the participant pays to view or participate in the activity.

**Animal Density:** Number of animals allowable for the pasturage, non-commercial keeping of livestock or feedlot purposes, measured in Animal Units per acre.

Commented [GW3]: DECD Staff: Added clarification for new use

**Animal Unit:** An animal unit (AU) is the equivalent of 1,000 lbs. of animal per acre. For smaller species numerous animals can be added up to determine the number of animals allowable under the maximum animal density for a given zone.

**Apartment Building:** A building arranged, intended, or designed to be occupied by three or more families, each living in an independent dwelling unit.

**“Assisted Living” Housing:** A form of non-institutional residential housing consisting of private apartments, in which congregate-type services may be made available by the operator to residents for a fee beyond the basic shelter costs. Those medical/mental health services, as appropriate to the needs of the individual resident, shall be provided by persons certified or licensed by the State of Maine.

**Automotive Graveyard:** A yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 101, subsection 42, or parts of the vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations

**Automotive Recycler:** A facility that processes and recycles automotive vehicles

**Aviation-Related Business:** An establishment or business that engages in commerce or serving of the aviation industry.

**Basal Area:** The area of cross-section of a tree stem at DBH (diameter breast height) and inclusive of bark.

**Bed and Breakfast Inn:** A building of residential character other than a hotel, motel, or boarding house, which is compatible with the neighborhood, used for, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for business purposes

**Best Management Practices:** Procedures designed to minimize the impact of certain activities or land uses on groundwater quality and quantity, and shall include best management practices relating to groundwater quality as developed by the State of Maine Department of Agriculture, Conservation & Forestry pursuant to 38 MRSA Section 410-J.

~~**Billboard:** The surface of any building or structure which is available for hire for advertising purposes.~~

**Boat Launching Facility:** A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

**Building:** Any structure having a roof supported by columns of walls, and intended for the shelter, housing, or enclosure of persons, animals or chattel. Each portion of a building, separated from other portions by a firewall, shall be considered as a separate structure.

Commented [GW4]: Delete, no use in the land use code besides here

**Business & Professional Offices:** An establishment for professional, executive, and administrative offices, including those of accountants, lawyers, architects, engineers, drafting offices, insurance agents, real estate agents, and other occupations which are of similar character to those enumerated, but not including barbers, beauty parlors, cosmetologists, or other service establishments

**Campground:** Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

~~**Chemical Storage:** Chemical storage includes storage in tanks (above and underground), in drums of different sizes, and in bags or in bulk (in piles or silos). Chemical storage includes chemicals in quantities larger than those intended for normal homeowner(s) purposes. Homeowner(s) use of chemicals is not included in this definition. (Examples include petroleum products, solvents, agricultural chemicals such as fertilizers and pesticides, waste chemicals, manure and road salt. Normal domestic heating oil tanks with a capacity of 333 gallons of liquid or less are not included in this definition.)~~

Commented [GW5]: definition for Chemical Storage can be found no where in the Code.

**Clear-cut:** Any timber harvesting on a forested site greater than 5 acres in size which over a ten-year period results in an average residual basal area of trees over 6 inches in diameter of less than 30 square feet per acre, unless one or both of the following conditions exist:

- If, after harvesting, the average residual basal area of trees over 1 inch in diameter measures at 4.5 feet above the ground is 30 square feet per acre or more, a clear-cut does not occur until the average residual basal area of trees 6 inches or larger measure at 4.5 feet above the ground is less than 10 square feet per acre; or
- After harvesting, the site has a well-distributed stand of trees at least 5 feet in height that meets the regeneration standards applicable under 12 MRSA, C. 805, Section 8869, Subsection 1. (Chapter 4 of Maine Forest Service Rules Chapter 20).

**Code Enforcement Officer:** A Code Enforcement Officer (CEO) is defined under 30-A MRSA § as a person employed by a municipality to enforce all enabling state laws and local ordinances in the following areas: Shoreland zoning, land use regulations, internal plumbing, subsurface waste water disposal, and building standards.

~~**Commercial Firewood Processing:** The conversion of timber into wood stove size with the intent to sell to others.~~

Commented [GW6]: Delete No intended use in the code

**Commercial Use:** The use of lands, buildings, or structures, other than a “home occupation”, defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, to include rental properties that are not owner occupied.

**Community Living Arrangements:** A housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement may include a group home, foster home or intermediate care facility. In order to implement the policy of this State that persons with disabilities are not excluded by municipal zoning ordinances from the benefits of normal residential surroundings, a community living arrangement is deemed a single-family use of property for the purposes of zoning.

**Community Water System:** Community water systems provide water to 25 or more year-round residents and have 15 or more service connections.

**Congregate Housing:** Non-institutional residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired or socially isolated residents; the individuals are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing shall include only those facilities which have been certified by the State of Maine as meeting all certification standards and guidelines for congregate housing facilities, as promulgated by the Department of Human Services pursuant to the provisions of the Maine State Statutes.

**Corner Lots: In districts where yards are required:**

Such corner lots located at the intersection of two streets, shall be deemed to have a side rather than a rear yard between the principal building and the abutting property on the side street. Such side yard shall not be less than the side yard requirements of uses located on the side street.

All such side yards described above shall conform with the specific regulations related to yard space and related building height contained in the district provisions of this Code.

**Coverage:** The percentage of the plot or lot area covered by the building area.

**Daycare/Home Babysitting Facility:** A house or place in which a person or a combination of persons maintain or otherwise carry out a regular program, for consideration, for any part of a day providing care and protection for three (3) or more children under the age of 16.

**Development:** A change in land use involving alteration of the land, water, vegetation, or the addition or alteration of structures or other construction not naturally occurring.

**Diameter Breast Height (DBH):** The diameter of a standing tree measured 4.5 feet from ground level.

**Dimensional Requirements:** Numerical standards relating to spatial relationships including but not limited to set back, lot area, shore frontage and height.

**Disability:** A disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions, or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or, in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation, or related services.

**Dog Daycare:** A facility that supervise, feed, water, and care for dogs for the day with no overnight stays. Dog Daycares may also offer services in grooming and training for dogs under their care.

**Drive-in Theater:** An establishment or business on open land that is configured to accommodate patrons remaining in their automobiles for cultural enrichment activities, including cinema and musical performances. This use permits a concession and refreshment stand as an accessory use.

**Drive-through Establishment:** Under this Code, is an establishment or business whose primary purpose is to produce / sell a tangible commodity with a drive through window feature. This definition shall not include banks which are defined herein.

**Driveway:** A vehicular access-way less than five hundred (500) feet in length serving two lots or less.

**Dwelling:** A building, including mobile homes, designed or used as the living quarters for one or more families. The term shall not be deemed to include motel, rooming house, or trailer.

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

~~**Essential Services:** The construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service furnishing of such services.~~

**Expansion of a Structure:** An increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

**Expansion of Use:** The addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

**Family:** One or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a rooming house or motel.

~~**Floodway:** The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100 year flood without cumulatively increasing the water surface elevation by more than one foot in height.~~

**Floor Area:** The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Commented [GW7]: Delete not used anywhere in Code, delete

Commented [GW8]: Definition not used anywhere in Code, delete

Commented [GW9]: Definition not used in Code, delete

**Forest Management Activities:** Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

**Forest Products:** Logs, pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings, biomass fuel wood, fuel wood, or other products commonly known as forest products, but does not include Christmas trees, maple syrup, nursery products used for ornamental purposes, wreaths, bough material, cones, or other seed crops.

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

**Freshwater Wetland:** Those areas that are inundated by surface of groundwater with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

**Front Yard:** An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot as it abuts the street.

~~**Functionally Water Dependent Uses:** Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and which cannot be located away from these waters. — These uses include, but are not limited to, commercial and recreational fishing and boating facilities and industrial uses requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site.~~

**Funeral Home:** A business that offers funeral ceremonies and embalming services

**Gasoline Service Station:** Any building or location which supplies motor vehicles with gasoline or oils, or provides for motor vehicle repair or maintenance. This does not include those uses which repair or maintain small engines such as lawn mowers, chain saws, snowmobiles and the like.

Commented [GW10]: Definition not used in rest of the code

Commented [GW11]: Added "Service" to make uniform in Code

**Grandfather Clause** – A provision in a statute that exempts an activity or structure from new regulations that would otherwise prevent engagement in the activity or use of that structure.

**Great Pond:** An inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Code, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner, other than the City of Presque Isle.

**Height of Building:** The vertical measurement from average mean grade of the building to the highest point of the roof beams in flat roofs; to the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves.

**Height of a Structure:** The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

**Home Occupation Type A:** An occupation operated from a dwelling with no customer traffic or heavy commercial deliveries are allowed on the site.

**Home Occupation Type B:** An occupation operated from a dwelling with light customer traffic.

**Homeless Shelter:** Refers to a facility that offers temporary residence for homeless individuals and families in individual dwelling units or a communal setting.

**Hospice:** Refers to the care given to patients who are terminally ill and approaching the end of life. The service provided under hospice care includes nursing care, social services, physician services, spiritual support and counseling, trained volunteer support, physical occupational and speech therapies, respite care, inpatient care, bereavement, support and home health aides and homemaker services. It basically provides an option for patient's, whose life expectancy is six months or less to live their end days to the fullest, with purpose, dignity, grace and support. Hospice care provides palliative care rather than curative treatments.

Commented [GW12]: New Definition for Homeless Shelter

**Household Pet:** A domesticated animal, such as a dog, cat, bird, rodent (including a rabbit), fish, or turtle, that is traditionally kept in the home for pleasure rather than for commercial purposes. Common household pet does not include reptiles (except turtles). If this definition conflicts with any applicable State or local law or regulation defining the pets that may be owned or kept in dwelling accommodations, the State or local law or regulation shall apply. This definition shall not include animals that are used to assist persons with disabilities.

**Hotel:** A building in which lodging or boarding and lodging capabilities are provided for more than 20 persons, offered to the public for compensation and in which ingress and egress to and from rooms and made primarily through and inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public on contradistinction to a lodging house or a motel, which are herein separately defined.

~~**Individual Private Campsite:** An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fireplaces, or tent platforms.~~

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

**Junk Yard:** A lot or part thereof, exposed to the elements, which is used for the sale or for the storage for sale of secondhand products or materials, or for the storage of any three or more automobiles or trucks which cannot pass the State inspection test in their existing conditions.

**Kennel:** Kennel shall include both boarding and breeding kennels as defined by Title 7 MRSA Chap. 717 §3907 and as regulated by the State of Maine Department of Agriculture, Food and Rural Resources.

↓  
**Livestock:** Any domestic species of cattle, sheep, swine, goats, llamas, alpacas, horses, or fowl (to include but not limited to chickens, roosters, ducks, geese, Guineafowl and peacocks), which are normally and have historically, been kept and raised on farms. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur, and animals such as horses, llamas and alpacas regardless if used or not used for work and/or pack animals.

**Lot:** A parcel of land in single ownership occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this Code, and having frontage upon an approved street or private right-of-way.

**Lot Area:** The area of land enclosed within the boundary lines of a lot, minus land

Commented [GW13]: Definition not used in Code

Deleted: **Large Scale Water Production Facility:** Large scale water production facilities shall include Community Water Systems as well as facilities operated by private enterprise drawing high volumes of potable or food-grade water from wells located in the City's SWPA, including holders of NTNCWS permits.

below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

**Manufactured Housing:** A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For the purposes of this ordinance, two types of manufactured housing are included. Those two types are:

- Those units constructed after June 15, 1976, commonly called “newer mobile homes”, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit;
- This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.;
- Those units commonly called “modular homes”, which the manufacturer certifies are constructed in compliance with Maine Title 10, Chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

**Market Value:** The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

**Marijuana Business:** As defined by [Chapter 59A](#) “Adult Use & Medical Marijuana Businesses Ordinances”.

~~**Medically related Business Offices and Organizations:** Business offices and membership organizations in which no retail trade is conducted with the general public and in which no stock of goods is maintained for sale to customers. These businesses and organizations must demonstrate a direct relationship with medical and/or dental patients and/or care providers, or equipment necessary for the provision of care to medical and/or dental patients. These businesses and organizations include but are not limited to offices for equipment manufacturers’ representatives, insurance agencies, financial service businesses, and labor unions that represent health care providers.~~

**Medium and Large Utility and Community Wind Energy System:** A wind energy system, including all equipment, machinery, and structures, that:

- a) Is used to convert and then store or transfer energy from the wind into usable forms of energy intended primarily for off-site consumption and may transfer excess energy into the regulated power grid;
- b) Has a nameplate capacity of 100 kw or more, as defined by the MPUC; and
- c) Has a total height of 120 feet or more.

~~**Meteorological Tower (Met Tower):** Includes the tower, base plate, anchors, guy cabled and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purposes of this Section, Met Towers are those towers erected on a temporary basis primarily to collect data relevant to the siting of Small Wind Energy Systems.~~

**Minimum Lot Width:** The closest distance between the side lot lines of a lot.

**Mineral Exploration:** Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

**Mineral Extraction:** Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Moved down [1]: All establishments must follow the requirements and be accepted in only the allowable zones mentioned in Chapter 59A.

Commented [GW16]: Definition not used in the Code

Commented [GW17]: Definition not used in Code

**Mobile Home Park:** A parcel of land under unified ownership approved by the Planning Board for the placement of 3 or more manufactured homes.

**Mobile Home Subdivision or Development:** A parcel of land approved by the Planning Board for the placement of manufactured houses on individually owned lots.

**Multi-Unit Residential:** A residential structure containing three (3) or more residential dwelling units.

**Motel:** A building or group of detached or connected buildings designed or intended or used primarily for the providing of sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed to be a motel.

**Municipal and Governmental Uses:** Buildings or land used by a local, state or federal political entity. This term does not include school administrative districts which fall under the definition of "School".

**Nacelle:** The cover of the electrical generator on a tower.

**Net Residential Acreage:** The gross available acreage less the area required for street or right of ways.

**Net Residential Density:** Net residential density shall mean the number dwelling units per net residential acre.

**Net Retail/Commercial Acreage:** The gross available acreage, less the area required for street or right of way.

**Net Retail/Commercial Density:** The number of retail/commercial buildings per net retail/commercial acre.

**New or Used Vehicle Dealer:** As defined by Maine Statute, Title 29-A Chapter 9 §851.

**Non-Commercial Keeping of Livestock:** Shall mean the keeping of livestock for the non-commercial purpose of food generation (meat, eggs, or milk). This definition does not include therapy, emotional support or service animals with the exception of miniature horses which are protected by the American Disabilities Act and defined as having a height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.

**Non-conforming Lot:** A single lot of record which, at the effective date of adoption or amendment of this Code, does not meet the area, frontage, or width requirements of the district in which it is located.

Commented [GW18]: New definition for non-commercial keeping of livestock

**Non-conforming Use:** A building, structure or use of land legally existing at the time of enactment of this Code, and which does not conform to the regulations of the district or zone in which it is situated,

**Normal High Water Line:** That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

**Non-Transient Non-Community Water Systems:** Provide water to 25 or more end users including factories, prisons, offices, schools and other institutions, whether for drinking water or for water used in food product processes.

**Nursing Home:** is a place of residence for people who suffer from physical or mental disabilities, and who require constant nursing care to perform their daily living activities such as taking a bath, getting dressed and going to the bathroom. Persons who cannot be cared at home and who do not require a hospitalization is taken to nursing homes. A skilled nursing home even provides physical, occupational, and other rehabilitative therapies following an accident or illness. Nursing home services include services of: nurses, nursing aides and assistants; physical, occupational and speech therapists; and service of social workers and recreational assistants.

**Parking Space:** A parking space shall mean an area not less than 10 feet wide and 20 feet long for perpendicular and diagonal parking and 9 feet wide and 24 feet long for parallel parking exclusive of drives or aisles leading to streets and usable for the storage or access thereto shall be construed as to be usable for the storage or access thereto shall be construed as to be usable year-round.

**Permanent Foundation:** Means all of the following:

- full concrete or masonry foundation;
- a poured concrete frost wall or a mortared masonry frost wall with a concrete footing below the frost line, with or without a concrete floor;
- a reinforced, floating concrete pad for which the Code Enforcement Officer may require an engineer's certification if it is to be placed on soil with high frost susceptibility; and
- any foundation which, pursuant to the City's building code, is permitted for other types of single-family dwellings.
- Mobile Home Foundations: (See Article II, SECTION VI MOBILE HOME PARKS)

**Person:** An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Deleted: ¶

Commented [GW19]: Community Water Systems not used anywhere else in Code.

Commented [GW20]: Updated standards in Article 2

Commented [GW21]: Updated standards in Article 2

~~Portable Sign: Any sign that is not permanently anchored or secured to a building and not have supports or braces permanently secured in the ground, including but not limited to "sandwich boards" and signs mounted on wheels so as to be capable of being pulled by a motor vehicle from one location to another. But does not include temporary banners, posters or similar signs made of nonpermanent materials.~~

**Pre-School:** A public or private institution that provides instruction to children who are 3-5 years of age

**Principal Structure:** A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

**Principal Use:** A use other than one which is wholly incidental or accessory to another use on the same premises.

**Public Facility:** Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

**Public Utility:** As defined by statutes.

~~Raising of Livestock or Fowl: Shall mean the keeping, boarding or holding of cattle, horses, pigs, sheep, cows, chicken, geese, etc., for commercial or personal (non-commercial) use.~~

**Rated Nameplate Capacity:** The maximum rated output of electric power production equipment. The manufacturer typically specifies this output with a "nameplate" on the equipment.

**Rear Yard:** An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot as it abuts the street.

**Recent Flood Plain Soils:** The following soil series as described and identified by the National Cooperative Soil Survey:

- HaA HADLEY SILT LOAM, LEVEL
- HaB HADLEY SILT LOAM, UNDULATING
- Wn WINOOSKI SILT LOAM

**Recreational Facility:** A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat-launching facilities.

**Recreational Vehicle:** A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and

Commented [GW22]: Not used in Code

Commented [GW23]: Not used in code, should it?

Commented [GW24]: Maybe Site Public Utility Definition of State with reference?

Commented [GW25]: No use in the Code

which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

**Replacement System:** A system intended to replace:

- ~~An existing subsurface sewage disposal system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or~~
- ~~Any existing overboard wastewater discharge.~~

**Research & Development Facility:** A laboratory or other facility for carrying on investigation on the natural, physical, or social sciences, or engineering and development of end products as an extension of such investigation. Such a facility does not engage in the manufacture or sale of products, except as incidental to the main purpose of research and investigation.

**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, but not recreational vehicles.

**Residual Basal Area:** The sum of the basal area of trees remaining on a harvested site.

**Restaurant:** An establishment that offers sit down or take-out food service that is cooked on the premise. This definition does not allow for the use of a drive-through window or service.

**Rip-rap:** Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

Commented [GW26]: Not used in Code, delete

**River:** A free-flowing body of water, including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

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

**Rooming House:** Any dwelling in which more than three persons, whether individually or as families are housed for compensation with or without meals. This shall be deemed to include fraternities, sororities and school dormitories.

**Rotor Diameter:**

- a) Horizontal Axis Small Wind Energy Systems: The cross sectional dimension of the circle swept by the rotating blades.
- b) Vertical Axis Small Wind Energy Systems: The cross sectional of the circle swept by the furthest outreaching part of the blade.

**Sales Establishment:** Under this Code, is an establishment or business whose primary purpose is to produce and/or sell a tangible commodity.

**School:** As defined by Maine state statute

**Seasonal Trailer Park:** An area occupied or designed to be occupied by trailers for seasonal use only from May through October.

**Service Establishment:** Under this Code, is a business whose primary purpose is to provide and sell a service or intangible commodity to the end-user rather than goods, but may include the limited sale of goods specifically related to that business.

~~Service Drop: Any utility line extension which does not cross or run beneath any portion of a water body provided that:~~

- ~~1. In the case of electric service
  - ~~— The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and~~
  - ~~— The total length of the extension is less than one thousand (1,000) feet.~~~~
- ~~2. In the case of telephone service
  - ~~— The extension, regardless of length, will be made by the installation of telephone wire to existing utility poles, or~~
  - ~~— The extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.~~~~

Commented [GW27]: Not used in Code, delete

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**Setback:** The nearest horizontal distance from either the lot line or the normal high water line to the nearest part of a structure, road, parking space or other regulated object or area.

**Shore Frontage:** The length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

**Shoreland Zone:** The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; or within one hundred (100) feet, horizontal distance, of the normal high-water line of a stream or tributary stream.

**Side Yard:** An open unoccupied space on the same lot with the building situated between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.

**Sign:** Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

**Site Development:** Any grubbing of stumps, brush, or rocks; stripping of topsoil; cutting or filling of land; or any combination of the aforementioned measure, whether or not they are intended to be preliminary to development.

~~**Skid Trail:** A route used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing.~~

~~**Slash:** Bark, branches, tops, chunks, cull logs, uprooted stumps, and broken or uprooted trees and shrubs left on the ground as a result of a timber harvesting operation, right-of-way construction or maintenance, and land clearance.~~

**Solar Electric Generation Facility:** An establishment or business that engages in the commercial electric generation using solar panels to supply Maine's power grid.

**Small Wind Energy Systems (SWES):** A wind energy system including all equipment, machinery, and structures, that:

- a) Is used to convert and then store or transfer energy from the wind into usable forms or energy intended primarily for on-site consumption, but may transfer excess energy into the grid in accordance with applicable state laws and regulations;
- b) Has a nameplate capacity of 25 KW or less; and
- c) Has a total height of 60 ft. or less

**Source Water Protection Area:** Defined by 30-A MRSA §2001, sub-§ 20-A.

**Special Exception:** A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as special exceptions as made in Article I of this Code.

**Stream:** A perennial free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams, as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another waterbody or wetland within a Shoreland Zone.

**Street:** A way established or maintained under public authority, or a sixty-eight (68) foot wide private way approved by the Planning Board and plotted, dedicated and recorded, or a way shown on a plan of a subdivision duly approved by the Planning Board.

**Street Frontage:** The width of the lot as it fronts the street.

Commented [GW28]: Not used in Code anymore (maybe when timber harvesting was in ordinance?).  
Delete

Commented [GW29]: Same as previous comments.  
Delete

**Structure:**

1. Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.
2. Any production or piece of work, artificially built up or composed of parts and joined together in some definite manner.

**Subdivision:** As defined by state statutes.

**Subsurface Sewage Disposal System:** A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit or the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, Subchapter 1.

~~**Sustained Slope:** A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.~~

**Temporary Structure:** Any structure usually lacking a permanent foundation, not connected to water and sewer, and that can be readily movable and used or intended to be used for a period not to exceed 180 consecutive days.

Deleted: Structures and Uses Extending over or beyond the normal high-water line or within a Wetland:¶

¶

**Temporary:** Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.¶

¶

**Permanent:** Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.¶

Commented [GW31]: Not used in Code, suggest deletion

**Timber Harvesting:** The cutting or removal of at least 50 cords, or equivalent, of timber on a contiguous ownership during a calendar year for the primary purpose of selling or processing forest products, 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.

**Total Height:**

- a. Horizontal Axis Small Wind Energy Systems: The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
- b. Vertical Axis Small Wind Energy Systems: The vertical distance from ground level to the highest point of the Small Wind Energy System.

**Tower:** The monopole (freestanding or guyed) structure that supports a wind generator.

**Tributary Stream:** A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined, as depicted on the most recent U.S.G.S. 7.5 minute maps of Presque Isle. This definition does not include the term "stream" as defined elsewhere in this Code.

**Transportation Terminal:** A facility or premise for the receipt, transfer, short-term storage, or dispatching of goods and/or persons by ground, rail, or air to include train depot, commercial bus depot, commercial vehicle drop and hook yards, commercial vehicle servicing areas, and areas used for extended parking of commercial motor vehicles or trailers other than incidental to a primary business use.

**Upland Edge:** The boundary between upland and wetland.

**Variance:** A variance is a relaxation of the terms of this Code where such variance will not be contrary to the public interest and where, a literal enforcement of the Code will result in unnecessary or undue hardship.

**Veterinary Hospital:** A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, and birds or fowl. No long term outdoor boarding of animals is permitted except in the Agricultural Farming & Forestry Zone.

**Vegetation:** All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1\2 feet above ground level.

**Volume of a Structure:** The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

**Waterbody:** Any great pond, river, or stream, as defined herein.

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

**Well:** A well is a hole, shaft, casing and/or pipe which has been dug, drilled, and/or placed in-ground for the purposes of extracting or monitoring water.

**Wellhead:** The wellhead is the specific location of a well.

**Wetlands:** Those areas that are inundated by surface or groundwater with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

**Wetlands Associated with Great Ponds and Rivers:** Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

**Wetlands Not Associated with Great Ponds and Rivers (Non-Significant):** Wetlands less than 10 acres in size, not contiguous with, nor adjacent to a great pond, river or stream, nor within the Shoreland zone of a Waterbody and which are not hydraulically connected to a waterbody.

~~**Wind Energy Related Non-Operational:** Some or all of the components of a Wind Energy System which the owner shall certify is constructed for educational purposes only.~~

Commented [GW32]: Not used in Code, suggested deleted

Commented [GW33]: Deletion of Term since not used in the Code

**Wind Turbine:** The blades, rotor, and associated mechanical and electrical conversion components mounted on top of the tower.

**Yard:** An unoccupied space, open to the sky, on the same lot with a building or structure.

## SECTION VI PURPOSES OF ZONES

### AIRCRAFT HAZARD - AHZ

To protect the airport from adverse developmental effects, and, to prohibit large concentrations of people. To this end no building or premises shall be used and no building or structure shall be erected which is intended in whole or in part for any industry, trade, manufacturing, or commercial purposes or for other than one or more of the following specified purposes.

### AGRICULTURAL/FARMING & FORESTRY-AF-FZ

Much of the prevailing character of the City of Presque Isle is rural and is actively being farmed. It is the intent of this Section to protect the natural rural quality, farmland and forested properties from development sprawl by prescribing the most appropriate uses and standards. To provide non-pedestrian-oriented areas adjacent to the developed urban areas of Presque Isle which will sustain both housing and a diversity of other low-density uses that contribute to the City's total employment base, while sustaining services needed by the City's residents and agricultural and forestry-related businesses. Consistent with this stated goal, commercial development shall not exceed the standards allowable herein.

### SUBURBAN RESIDENCE-SRZ

To provide areas adjacent to the developed urban areas of Presque Isle for future residential growth consistent with economic utility servicing. To this end, residential development shall not exceed the net residential density allowable herein and may preferably occur in accordance with the provisions of Article II, SECTION IV RESIDENTIAL DEVELOPMENT STANDARDS of the Code.

### URBAN RESIDENCE

To preserve and/or maintain the physical, aesthetic and social quality of Presque Isle's residential neighborhood areas and, as well as residential character in those area(s) so designated and consistent with this stated goal, to provide therein for the location of a variety of residential uses in accordance with the standards of this Code. To this end, residential development shall not exceed the net residential density allowable herein and may preferably occur in accordance with the provisions of Article II, SECTION IV RESIDENTIAL DEVELOPMENT STANDARDS, of this Code.

**RETAIL BUSINESS-RBZ**

To provide local sales, services and business space within the City of Presque Isle to serve the daily needs of residents and workforce and visitors both within the immediate area and the broader region.

**BUSINESS-BZ**

To provide general retail sales, services and business space within the City of Presque Isle in locations capable of conveniently serving community-wide and/or regional trade areas.

**INDUSTRIAL - IZ**

To provide areas within the City of Presque Isle for manufacturing, processing, treatment, wholesaling and distribution operations, research, and commercial uses to which all the performance standards set forth in this Code shall apply.

**SUBURBAN COMMERCIAL-SCZ**

To provide non-pedestrian-oriented areas adjacent to the developed urban areas of Presque Isle which will sustain both housing and a diversity of other low-density uses that contribute to the City's total employment base, while sustaining services needed by the City's residents and businesses. Consistent with this stated goal, commercial development shall not exceed the standards allowable herein.

**RESIDENTIAL OFFICE ZONE - ROZ**

To provide a transition zone in which residential uses and limited office uses are permitted. This zone recognizes that certain areas of Presque Isle along arterial and collector streets that have been predominately residential in nature are facing increased pressures for commercial development. The purpose of this zone is to provide for a mixture of residential and office uses that will be compatible with the traditional residential character and building design of the area.

**RURAL RESIDENTIAL ZONE - RRZ**

To maintain safe and healthful conditions, to prevent and control water pollution sources, to preserve the natural qualities and beauty of shore front properties, and to protect the village character from development sprawl and density overload in areas of high residential density that pre-dated the adoption of this Code. To this end, the following shall apply.

**SOURCE WATER PROTECTION AREA (SWPA)**

To protect the wells used to supply drinking water to the City of Presque Isle, as well as certain other large scale production wells serving private enterprise, from potential contamination sources and land uses which may pose a threat to the quality of the ground water being extracted within the Source Water Protection Area, consistent with **30-A MRS §2001, sub-§ 20-A**, as amended.

**GENERAL DEVELOPMENT ZONE - GDZ**

To provide space for commercial and industrial activities, within the City of Presque Isle and the Shoreland Zone of the Presque Isle Stream, in existing locations that are intensively developed. Such area shall not be established or expanded based solely on residential uses.

**DOWNTOWN RETAIL BUSINESS ZONE - DRBZ**

To restore traditional development potential to Downtown properties having frontage on the City's core pedestrian network by placing 1970's era zoning limitations now known to be in appropriate for the downtown setting, such as excessive parking and setback requirements, with form-based code intended to maximize ground floor potential commercial space, mixed use on upper floors and enhance pedestrian circulation.

## SECTION VII USE TABLE OF ZONES

Below is the established list of **permitted uses (P)** and **special exceptions (ZBA)** for the various zones for the City of Presque Isle. Any use that is **blank** for a zone is considered prohibited within that zone. The City is prohibited from offering substitutions for a use which is prohibited for a particular zone with a similar defining use which is allowed. **Additional standards (BOLD)** for uses can be referenced in Article 2 of this Code.

**\*= SWPA uses are required to follow the U.S. EPA's Source Water Protection Practice Bulletins before obtaining City approval.**

Commented [GW34]: DECD Staff: Added sentence to reference additional use standards for developers.

Land Use Table													
	AHZ	AFFZ	SRZ	URZ	RBZ	BZ	IZ	SCZ	ROZ	RRZ	GDZ	SWPA*	DRBZ
<b>Uses</b>													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	P
Adult Daycare Facility	P	P	ZBA	ZBA	P	P		P	P	ZBA	P	P	P
Aged & Congregate Housing			ZBA	ZBA					P				
<b>AGRICULTURE</b>	P	P										P	
Agricultural & Forestry-related Businesses	P	P				P	P	P		ZBA		P	
Agritourism Activity	P	P											
Airport Terminals	P						P						
Apartments				P	P	P			P		P		P
Assisted Living Housing			ZBA						P				
Automotive Graveyards	P	P											

	AHZ	AFFZ	SRZ	URZ	RBZ	BZ	IZ	SCZ	ROZ	RRZ	GDZ	SWPA*	DRBZ
Automotive Recyclers	P	P											
Aviation-related Business	P						P						
Bank & Financial Institutions					P	P			P				P
<b>BED &amp; BREAKFAST INN</b>	P	P	P	P		P		P	P	P	P	P	P
Business & Professional Office					P	P	P	P	P		P		P
Campgrounds	P	P											
Cemeteries	P	P	P					P					
Commercial Parking Lot or Parking Garage	ZBA				P		P						P
Community Living Arrangements	P	P	P	P	P	P		P	P	P	P	P	
Daycare/Home Babysitting Facility	P	P	ZBA	ZBA	P	P		P	P	ZBA	P	P	P
<b>DOG DAYCARE</b>	P	P				P		P					
Dog Kennel	P	P											
Duplex			P	P	P	P			P		P	P	
Drive-in Theater	P	P											
Drive-Through Establishment					P	P			ZBA				
Funeral Home				ZBA	P	P		P	P		P		

	AHZ	AFFZ	SRZ	URZ	RBZ	BZ	IZ	SCZ	ROZ	RRZ	GDZ	SWPA*	DRBZ
Gasoline Service Station					ZBA	ZBA		ZBA			ZBA		
Golf Course	P	P										P	
HOME OCCUPATION TYPE A	P	P	ZBA	ZBA	P	P		P	P	P	P	ZBA	P
HOME OCCUPATION TYPE B	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA		ZBA	ZBA		ZBA		ZBA
Homeless Shelter									ZBA				
Hospice			ZBA			P		P	P				
Hospital			ZBA						P				
Hotel						ZBA							ZBA
Manufacturing						P	P						
MARIJUANA BUSINESSES		P			P	P	P	P	P		P		P
MINERAL EXPLORATION AND EXTRACTION	ZBA	ZBA											
Mobile Homes	P	P	ZBA	P		ZBA			P			P	
Motel					P	P							P
Municipal & Governmental Uses	P	P	P	P	P	P	P	P	P	P	P	P	P
New and Used Vehicle Dealer					P	P		P					
Non-Commercial Garage or Storage Building	P	P	P	P		P		P	P	P		P	
NON-COMMERCIAL KEEPING OF LIVESTOCK	P	P	ZBA	ZBA									

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Commented [GW35]: DECD Staff: Added Citation to Use Standards which can be clicked for cross referencing

Commented [TSP36]: Mobile Homes in URZ to Permitted and NP/ZBA in the SRZ. Add Permitted Use to AHZ  
Add Mobile Home Park with ZBA for SRZ?  
Add Modular Homes

Commented [GW37]: Proposed use table of zones for Non-Commercial Keeping of Livestock

Deleted: Section Break (Next Page)

	AHZ	AFFZ	SRZ	URZ	RBZ	BZ	IZ	SCZ	ROZ	RRZ	GDZ	SWPA*	DRBZ
Nursing Homes			ZBA						P				
Overhead Electric Utility Distribution Facilities			ZBA	ZBA			P		ZBA	ZBA			
Pre-School	P	P	ZBA	ZBA		P		P	P		P	P	
Place of Assembly	P	P	ZBA	ZBA	P	P		P	P		P		P
Private Recreation	P	P	ZBA	ZBA		ZBA		ZBA	ZBA	P			
Public Recreation	P	P	P	P		ZBA		P	P	P			
Public Utility Facilities		P	ZBA	ZBA	ZBA	P	P		ZBA				
Repair Garage					P	P	P	ZBA					
Research & Development Facilities						P	P		P				
Restaurant					P	P		P			P		P
Rooming House			ZBA	ZBA	ZBA				ZBA		ZBA		
Sales Establishment					P	P	P	P	ZBA		P		P
School			P	P					P				
Service Establishment					P	P	P	P	P		P		P
Single-family dwellings	P	P	P	P	P	P		P	P	P	P	P	
Ski Slopes	P	P											
Solar Electric Generation Facility	P	P	P			P	P	P					
Theater					ZBA	ZBA							P
Transportation Terminal						ZBA	P						

	AHZ	AFFZ	SRZ	URZ	RBZ	BZ	IZ	SCZ	ROZ	RRZ	GDZ	SWPA*	DRBZ
Underground Public Utility Facilities			P	P				P	P	P	P		P
Veterinary Hospital		P				P							
Warehousing						P	P						
<b>WIND ENERGY SYSTEMS (SWES)</b>		P											

## SECTION VIII STANDARD TABLE FOR ZONES

### Business & Commerce Zones

	AHZ	AFFZ	RBZ <sup>1</sup>	BZ <sup>1</sup>	IZ	SCZ	DRBZ <sup>1, 2</sup>
Front Yard	40 ft	40 ft	30 ft	30 ft	50 ft	30 ft	none
Side & Rear	30 ft	30 ft	10 ft	30 ft	30 ft	30 ft	none
Side & Rear Setback if Abutting Residence Zone	NA	NA	15 ft	40 ft	50 ft	NA	NA
Lot Size	60,000 sq ft	1 Acre	none	none	none	1 Acre	none
Street Frontage	200 ft	200 ft	none	75 ft	none	100 ft	none
Building Coverage	15%	15%	none	none	none	15%	none
Building Height <sup>3</sup>	35 ft	75 ft	75 ft	75 ft	none	35 ft	75 ft

### Residential & Environmental Zones

	ROZ	RRZ	SRZ	URZ	SWPA <sup>4</sup>	GDZ <sup>5</sup>
Front Yard	30 ft	30 ft	30 ft	15 ft	40 ft	*
Side & Rear	10 ft	15 ft	10 ft	10 ft	30 ft	*
Lot Size <sup>6</sup>	7,000 sq ft	1 Acre	10,000 sq ft	7,000 sq ft	1 Acre	*
Business Use Floor Space Limit <sup>6</sup>	3,000 sq ft	2,000 sq ft	2,000 sq ft	2,000 sq ft	2,000 sq ft	none
Min Lot Size per additional dwelling unit	4,000 sq ft	NP	5,000 sq ft	4,000 sq ft	NP	NP
Street Frontage	50 ft	200 ft	75 ft	50 ft	200	*
Building Coverage	25%	25%	25%	25%	15%	*
Building Height <sup>3</sup>	35 ft	35 ft	35 ft	35 ft	35 ft	*

<sup>1</sup> Setback & density exemption for residential uses shall be the same as for those in the Urban Residential Zone (URZ)

<sup>2</sup> In an effort to preserve store fronts of the downtown retail business area, no residential units shall be constructed, expanded, or added onto the entire first floor and street view of facades.

<sup>3</sup> In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in the Current Airport Master Plan

<sup>4</sup> Development is advised to follow the most recent Best Management Practices for Groundwater Protection Publication issued by the State of Maine

<sup>5</sup> Shall meet the shoreline setbacks & other zoning standards for the "General Development I District" by DEP Chapter 1000 Rules. Standards include a reduced setback of 25 feet from the shoreline for principal & accessory structures.

<sup>6</sup> Excluded from this density & space limit requirements include Hospitals, Nursing Homes, Hospice, and Aged, Congregate, & Assisted Living Housing

Commented [GW38]: Changed from "Road" to Street frontage for better enforcement clarification.

Commented [TSP39]: Road Frontage in URZ should be 50ft

Change NA to NP



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**ARTICLE 2 GENERAL STANDARDS OF PERFORMANCE**

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Commented [GW40]: Reformatted old Chapters to Articles so when citing provisions of the Ordinance, it will read .... You are in violation of the City's Chapter 16 Land Use Code, Article 2 Section II, A, 1...



## SECTION I ADMINISTRATION & APPLICABILITY FOR DEVELOPMENT REVIEW

Commented [GW41]: Added old Chapter 3 into the new Article 2 which clearly introduces development admin and review processes before proceeded to individual standards and requirements of certain land uses

### A. PURPOSE

The purpose of this Article of the Land Use and Development Code is to provide uniform procedures and standards for observance by the Planning Board, other Officers of the City, and developers in regulating new development of all kinds in the City of Presque Isle.

### B. AUTHORITY

In accordance with the provisions of Maine Revised Statutes, the following regulations governing the development of the City are adopted by the City of Presque Isle.

### C. ADMINISTRATION

Article 2 General Standards of Performance shall be administered by the Planning Board & City Staff when reviewing development plans and subdivision applications that meet the applicability as set forth herein.

#### 1. Applications

- a. Applications for Subdivision, Site Plan Review, and Change of Use shall be promulgated by City Staff and may be revised as needed.
- b. When changes are made to the applications, City Staff shall report such changes to the Planning Board

Commented [GW42]: Language will remove application forms from ordinance to allow Staff to make changes as needed to address changes in a quick manner.

#### 2. Right of Experts

- a. In case of doubt, the Code Enforcement Officer may employ such independent recognized consultant necessary, after prior notification to and at the expense of the applicant, to assure compliance with all requirements of this Code related to the public health, safety and welfare and the abatement of nuisances. The estimated costs of such studies shall be deposited with the City prior to their undertaking.

#### D. DEFINITIONS

Except where specifically defined herein or in Article 1, all words used in this Code shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “lot” includes the word “plot”; the word “building” includes the word “structure” the word “shall” is always mandatory; “occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied”.

**Collector Streets** shall mean any street that carries the traffic to and from the major arterial streets to local access streets, or directly to destinations, or to serve local traffic generators.

**Commercial Development** shall mean a change in land use involving alteration of the land, water, vegetation, or the addition, removal or alteration of structures of other construction not naturally occurring on properties that serve as a point of commerce. This definition shall include mixed residential and commercial uses on the same property.

**Commercial Use** shall mean the use of lands, building, or structures the intent and result of which activity is the production of income from buying and selling of goods and/or services, to include rental properties that are not owner occupied.

**Local Residential Street** shall mean any street which affords direct access to houses and places of business which do not generate significant amount of traffic. These streets are always to be designed and constructed so as to discourage through traffic of any type

**Institutional Development** shall mean activities involving but not inclusive to construction, renovation, demolition of structures or improvements on a property that serve a public good. This definition applies for similar activities for non-profit or social clubs or public benefit entities whether on private or publicly owned property.

**Impervious Area** shall mean an area that is a building, parking lot, roadway or similar constructed area. "Impervious area" does not mean a deck or patio.

**Residential Development** shall mean a change in land use involving alteration of the land, water, vegetation, or the addition, removal or alteration of structures of other construction not naturally occurring on properties that serve as residential habitation. This definition shall not include mixed residential and commercial uses on the same property.

**Residential Use** shall mean the use of lands, building, or structures the intent and result of which activity is the habitation by persons.

Commented [GW43]: New section to add definitions into Article 2 to help clarify terms used in this part of the code.

Commented [GW44]: Moved from previous Section 5 labeled Site Design Standards (Road Standards now)

Commented [GW45]: New definition for trigger. Used "Development" definition language in Article 1

Commented [GW46]: New definition for trigger. Used "Development" definition language in Article 1

Commented [GW47]: Moved definition from previous Section V Site Design Standards section (Now Public Road/Street Standards)

Commented [GW48]: New definition for trigger. Used "Development" definition language in Article 1

Commented [GW49]: From MRSA Title 38 Definitions

Commented [GW50]: New definition for trigger. Used "Development" definition language in Article 1

**E. APPLICABILITY**

The following types of development will follow the standards and review processes of Article 2 unless meeting the definition of **Final Review by the Development Review Staff** in which case internal staff review and building permit review will be administered by the City's Development Review Staff to ensure compliance with all applicable sections of Article 2. **If any development prompts two or more triggers in the columns below, the developer shall undergo review by the Planning Board for the entire project.**

Commented [GW51]: New Trigger language for which development is reviewed by the Planning Board and by City Staff

Commented [GW52]: Closes loopholes with development that may meet more than one definition.

**Final Development & Subdivision Plans  
Review by the Planning Board**

1. **Subdivision Applications**
  - Subdivision as defined by Maine Statutes to include creation of three or more units
2. **Commercial Development**
  - All new commercial development or expansion of business footprint that exceeds 1,000 sq. ft of new impervious area, 500 square feet of new floor space
3. **Institutional Development**
  - All non-profit, governmental or organizational development consisting of 1,000 sq. ft of new impervious area
4. **Change of Use**
  - All use changes from residential to commercial use
5. **Residential Development**
  - All residential development of Multi-unit, apartment or major proposed residential development consisting of more than 2 new dwellings regardless of the number of parcels.

**Final Plan Review by the Development  
Review Staff**

1. **Subdivision Applications**
  - Division of land consisting of no development or the triggering of subdivision as provided by State law.
2. **Commercial Development**
  - All Commercial developments less than Planning Board's Commercial Development Review requirements.
3. **Institutional Development**
  - New road extensions or utility lines as built by the City entities and public utility entities
4. **Change of Use**
  - Any use change from commercial to residential
5. **Residential Development**
  - A single dwelling or duplex on a single lot

## F. REVIEW STANDARDS

Below are the standards for reviewing all Subdivision, Site Plan Development or Change of Use Applications as triggered by **Section I E above**

### 1. Staff Conference Meeting

- a. Prior to formal application for approval, the developer may appear before the Code Enforcement Officer & City Staff to discuss the proposed development. No binding commitments shall be made between the City and the developer at this conference. At that meeting the developer shall appear with information sufficient to:
  - i. Locate the site and identify the zoning classification.
  - ii. Describe the site: its area, shape, and existing features, both natural and man-made.
  - iii. Describe the general intent of development.
- b. City Staff shall respond generally by indicating to the developer its concerns and by making suggestions as to what may or may not be possible.

### 2. Preliminary Plan Review

- a. Written application for approval shall be filed with the City's Department of Economic & Community Development, together with the Preliminary Plan, the Monday prior to the next Development Review Staff meeting. To contribute to the costs of administration and inspection, a fee in accordance with the City Council's established fee schedule shall be filed with the application. No fees shall be refundable.
- b. The Preliminary Plan submitted by the developer shall consist of a paper copy and an electronic copy of all materials necessary to provide the following information. Where practical, sheet size of drawings shall be 24" X 36". The developer may request a waiver of requirements not relevant or not of substantial import to his proposal, in which case he shall list them.
- c. Members of the City's Development Review Staff shall consist of the City's Economic & Community Development Director, DECD Support Staff, Code Enforcement Officer, Public Works Director, City Engineer, City Assessor, Fire Chief, Police Chief, Industrial Council Director (If applicable to IZ), & Utility District Superintendent (If applicable Public Sewer/Water Development on site).
  - i. The Preliminary Plan Review meeting of the Development Review Staff shall take place 4 weeks prior to the next regularly scheduled Planning Board Meeting.
- d. Preliminary plan approval requires the consent of each department involved with the review. Modifications to a Preliminary Plan will require approval by the majority of the Development Review Staff

Commented [GW53]: Added Code Officer's suggestions for change to Preliminary process to be internal review by staff

Commented [GW54]: Defined Review Staff for Preliminary Review to include stakeholders to development

- e. Preliminary Plans will include the following information:
- i. Names of: Project, Owner, Developer, Surveyor and/or Engineer and/or Architect.
  - ii. Graphic and written scale, north point and date.
  - iii. Location within the City, abutting owners, boundaries of tract with accurate distances and bearings.
  - iv. Zoning District classification, proposed uses, special exceptions and variances required.
  - v. As applicable: building areas, lot areas and lot coverage ratios: net residential density ratios; street frontages; front, side and rear setbacks; buffer strips; and distances between structures.
  - vi. Proposed dedications to open space or public use, and proposed restrictive covenants.
  - vii. Proposed construction schedule and phasing of improvements.
  - viii. Identification, approximate dimensions locating and sizing major features of the development as proposed for approval, including as applicable, street, drives, maneuvering space, parking areas, number of spaces, easements and rights-of-way, both within and adjacent to the development; lots or other divisions of land; heights and shapes of existing and proposed structures; and other improvements and facilities.
  - ix. Widths and cross sections, including curbs and sidewalks, longitudinal profiles and radii of curves of all existing and proposed streets as prescribed in Article 2, **SECTION V DESIGN STANDARDS FOR PUBLIC ROADS & STREETS** of this Code; sight lines and angles of intersection of traveled ways; directions of traffic flow; means of access for general, service and emergency vehicles.
  - x. Existing and proposed topography in contours of two-foot intervals with all elevations referred to U.S.G.S. datum, or known bench marks at the discretion of the Board and indicating all grading and filling.
  - xi. Location and boundaries of soil areas and their names in accordance with the National Cooperative Soil Survey Classification, and identifying each soil for any separate area of one acre or larger in size. Such study shall be undertaken or approved as to its accuracy by a certified soil scientist, geologist, or soils engineer.

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Commented [GW55]: New updated cross referencing

- xii. Location of any tests or studies made, such as sample borings, bearing studies, etc.
- xiii. Location of existing and proposed modification of natural features such as water bodies, springs, streams, swamps and wetlands, woodlands, cleared areas, trees over 5-inch diameter, gullies and ravines, ledge and outcroppings.
- xiv. Proposed planting, *including* buffer and screening provisions and integration with natural features.
- xv. Existing pattern of surface drainage, modifications proposed to it, flow on and from existing and proposed paved areas.
- xvi. Location, size and type of existing and proposed sanitary and storm sewers identifying direction of flow. Description of proposed disposal of storm water and sewage, if connection to public storm and sanitary sewers is not proposed.
- xvii. Location, size and type of existing and proposed water supply for both general consumption and fire protection.
- xviii. Location of existing and proposed electric and telephone service.
- xix. Proposed means of snow removal, garbage and trash collection, and facilities necessary thereto.
- xx. Proposed storage areas, *including* facilities for maintenance of the proposed development.
- xxi. Proposed outdoor recreation facilities.
- xxii. Proposed conservation provisions.
- xxiii. Where application is made for approval of development of only a portion of a larger tract, the developer shall submit a plan indicating their general form of future development over the remainder, and its relationship to the proposed development as submitted for approval.
- xxiv. All other information and standards that are applicable in this Article's Sections following

Commented [GW56]: Catch all provision to ensure all standards are being followed for proposed development.

### 3. Final Plan Review

- a. A request for Final Approval shall be made by the developer in writing to the Planning Board, and shall be accompanied by the Final Plan, a

Performance Guarantee and other materials as described herein, the Monday prior to the next Development Review Staff meeting.

- b. Final Plan submission requires the approval of the Preliminary Plan by the Development Review Staff unless requesting expedited request under **Section F.5.a**
- c. The Development Review Staff shall review Final Plans two weeks prior to the next scheduled Planning Board Meeting.
  - i. Any revised plans to address staff comments shall be received no later than 10 calendar days from the next scheduled Planning Board Meeting.
  - ii. Final revisions of plans submitted by the deadline referenced in **Section F.3C.i** above shall consist of one electronic copy and a number of copies as determined by staff to prepare for the meeting packets of the Planning Board.
- d. The Planning Board shall review the Final Plan of the proposed development as submitted. It shall verify the provision of all information as required under the above subsections, and the provision of any additional information requested during the Preliminary Review. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.
- e. The Final Plan shall be accompanied by the following documents as applicable:
  - i. Private restrictions and easements, conditions of sale and trusteeships, and their periods of existence.
  - ii. A statement from the Superintendent of the **Presque Isle Utilities District** of conditions on which the District will supply water, and approving the size and location of mains, valves and hydrants proposed.
  - iii. A statement from the Fire Chief of the City of Presque Isle approving the number, size and location of hydrants and their supply mains proposed.
  - iv. A statement from the Public Works Director or his designee if connection to public storm sewers is proposed, approving the location, diameter, slope and invert elevations of the storm sewers proposed.
    - 1. Statements of approval of the means of sanitary sewerage proposed from the appropriate State Agencies having jurisdiction, together with evidence of suitability of soil

Commented [GW57]: New cross reference

Commented [GW58]: Updated term to say utilities instead of Water District

and/or water bodies to dispose of the effluent from the proposed treatment of sanitary wastes and from storm water runoff.

2. Offers of cession in a form certified as satisfactory by the City Solicitor of all land included in streets, highways, parks or other open space ultimately to be dedicated for public use, or not specifically reserved by the developer.
  3. Proof from the Zoning Board of Appeals of the granting of an appeal for a variance or special exception, if required, and any conditions imposed.
- f. The Planning Board shall approve or deny the Final Plan, taking into consideration the general and specific requirements listed under this Article.
- g. No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.
- h. The Planning Board shall issue a written notice directed to the applicant through its minutes or otherwise, of its decision within 30 days after application for Final Approval has been submitted.
- i. The approval of a Final Plan by the Planning Board shall not be deemed an acceptance by the City of the dedication of any street, or other public way or grounds.
- j. The approval of a Final Plan shall be attested on the two copies of the signatures of a legal majority of the members of the Planning Board.
- k. Two signed copies of the Final Plan as approved shall be retained by the Planning Board (1) and the City Assessor (1). If any subdivision of land is proposed in the Final Plan, all material required to be recorded by the Aroostook County Registry of Deeds shall be so submitted by the developer within ninety days of the date of written notice of approval by the Planning Board.
4. Performance Guarantee
- a. The Final Plan shall be accompanied by a Performance Guarantee, or at the approval of the Planning Board, a Conditional Agreement. A Performance Guarantee may be tendered in the form of either a certified check payable to the City of Presque Isle, a savings account passbook issued in the name of the City, or a faithful performance bond running to the City of Presque Isle and issued by a surety company acceptable to the City Manager. It shall be in an amount of money to be determined by the City Manager with the advice of various City departments and agencies to be sufficient to cover the cost of at least furnishing, installing, connecting and completing all of the street grading,

Commented [GW59]: Changed to Two copies

Commented [GW60]: Changed from Clerk to City Assessor

paving, storm drainage, utilities, and other improvements for public benefit or use specified in the Final Plan. It shall be conditioned upon the completion of all such improvements within two years from the date of such check or bond. A Conditional Agreement, if acceptable in lieu of a Performance Guarantee, shall be endorsed by the Planning Board on the Final Plan, and shall provide that no lot or parcel of land may be conveyed, and that no permit may be issued by the Building Inspector for any building on any portion of the development until the completion of all street grading, paving, storm drainage, utilities and other improvements for public benefit or use specified in the Final Plan. Completion shall be determined by the Municipal Officers to their satisfaction, who shall receive written certification signed by the City Manager, the Planning Board and the Public Works Director, and the Superintendent of the Presque Isle Utilities District that all improvements assured by the Performance Guarantee have been constructed in conformance with the Final Plan and all applicable codes and ordinances. In addition, the developer shall furnish at his own expense the signed certification by a registered surveyor or civil engineer that all permanent bounds or monuments have been installed and are accurately in place in the locations designated in the Final Plan.

Commented [GW61]: Changed from Water

5. Expedited Review Process Requests

- a. As to any intended development, the developer or his authorized agent may request expedited approval by the City by consolidating the Preliminary Plan into the Final Plan. The Final Plan shall not be considered by the Planning Board until the developer has received from the City Staff a written notice that a legal majority of the City's Development Review Staff have approved the Final Plan and any modified Final Plan must be submitted by the deadlines referenced above.
- b. The requirements may be waived by the Planning Board in accordance with **Subsection G** following.

Commented [TSP62]: Change process. Staff level review of preliminary plan.

## G. VARIATION OF STANDARDS

1. A variation in the strict application of this Article or a provision thereof may be permitted only where in the opinion of the Planning Board, strict application to the developer and his property would cause undue hardship, or would not be in the best interest of the City, or would be waived according to **Section G.2** below.
2. The Planning Board may waive the procedures leading up to the Final Approval required under **Section F.5** of this Article when, in its opinion, the development is not of potential impact so as to require governance by this Article or such request in writing to the Planning Board without appearing in person before it. In so waiving the requirements of those sections, the Planning Board shall nonetheless require a satisfactory description of the nature and extent of the development proposed in drawings and otherwise as necessary to provide a basis on which to give approval. The documents necessary to making applications for a Building Permit may be sufficient for this purpose.

Commented [GW63]: New Cross reference

## H. ENFORCEMENT

When the violation of any provision of this Article shall be found to exist, the City Solicitor, upon notice from the City Manager, is hereby authorized and directed to institute in the name of the City, any and all actions and proceedings that may be appropriate or necessary to the enforcement of the provisions of this Article.

## I. FINES

Any person, firm, corporation or other legal entity who conveys or offers to convey, including by rental or lease, land within a proposed development as governed by this Code before receiving Final Approval as required by this Article shall be punished by a fine of not more than \$1,000 for each conveyance, offering or agreement. Any person, firm, corporation or other legal entity who otherwise violates any of the provisions of this Article shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than \$100.00 for each offense. Each day such a violation is continued after notification thereof shall constitute a separate offense. All fines collected under this Article shall inure to the City of Presque Isle.

## J. CONFLICT WITH OTHER ORDINANCES

In any case where a provision of this article is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of this Code, the provision which established the higher standard for the promotion of health and safety shall prevail.

## K. APPEAL

An appeal from any order, relief, or denial of the Planning Board may be taken by any party to Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80 B. The hearing before Superior Court shall be a trial **de novo** without jury.

## L. SEVERABILITY

The invalidity of any section, subsection, paragraph, sentence, clause, phrase or work of this Code shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase or word of this ordinance; to this end, the provisions of this ordinance are hereby declared to be severable.

## SECTION II PARKING LOADING AND TRAFFIC

### A. OFF-STREET PARKING STANDARDS

1. Off-street parking, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any district.

The following minimum off-street parking and loading requirements shall be provided and maintained in case of new construction, alterations and changes of use. Such parking may be provided in spaces each 10 feet wide and 20 feet long for perpendicular, diagonal parking, and queuing lanes and 9 feet wide and 24 feet long for parallel parking, or spaces dimensioned as may be required to suit the particular use or in garages. All spaces shall be accessible from lanes or adequate size and location

For all Business and Commercial parking list below: one (1) parking space will be required for each regular employee, plus the following requirements:	
Adult Daycare Facility	1 space per 4 clients
Aged & Congregate Housing	1 space per each residential unit
Bank & Financial Institutions	1 space per 200 sq. ft. of floor area *Drive-through window feature requires a queuing lane of 4 parking spaces per lane
Bed & Breakfast	1 space per each sleeping room
Business & Professional Office	1 space per 500 sq. ft. of floor area
Community Living Arrangements	1 space per residential unit
Daycare/Home Baby Sitting Facility	1 space per each room used as a daycare
Dog Daycare	1 space for each 500 sq. ft. of floor area
Dog Kennel	1 space per 4 kennels
Drive-Through Establishment	After calculating the primary use in this chart, the following queuing lane requirements are as follows: <ul style="list-style-type: none"> <li>· Restaurants: A queuing lane of 17 spaces from the place of order</li> <li>· Other non-restaurant uses: Drive-through window feature requires a queuing lane of 4 parking spaces per lane</li> </ul>

Dwellings: Apartments, Duplex, Mobile Homes or Single-Family	2 spaces per residential unit
Funeral Home	1 space for every 150 ft. of floor area devoted to patron use
Gasoline Service Stations & Repair Garage	1 space for each 500 sq. ft. of floor area used for service work
Homeless Shelter	1 space per each 10 beds
Hospice	1 space per each 4 beds
Hospital	1 space per each 4 beds
Hotel	1 space per each sleeping room
Manufacturing & Warehousing	1 space per 10,000 sq. ft of floor area
Motel	1 space per each sleeping room
New & Used Vehicle Dealer	1 space reserved for customers per each 30 vehicles displayed on lot
Nursing Homes	1 space for each 4 beds
Pre-School	1 space per each room used as a nursery or pre-school
Place of Assembly	1 space for every 150 ft. of floor area devoted to patron use
Research & Development Facilities	Minimum five spaces or 1 space for every 4 seats in meeting room
Restaurant	1 space for every 3 seats
Rooming House	1 space per residential unit
Sales Establishment	1 space for each 300 sq. ft. of floor area
School*	<i>Elementary</i> 6 spaces <i>Middle</i> 6 spaces <i>Senior High</i> 15 spaces <i>Colleges &amp; Universities</i> 1 space per 7 seats in classrooms
Service Establishment	1 space for each 500 sq. ft. of floor area
Theater	1 space for each 3 seats
Transportation Terminal	1 space for each 3 seats of the terminals major carrier and 1 space for each rented vehicle to be based on-site
Veterinary Hospital	5 Spaces
<b>* Standards for school parking do not include gym and auditorium spaces that hold gatherings. Include these additional spaces per Place of Assembly space.</b>	

Apartment Buildings

2 parking spaces per dwelling unit, however this requirement may be met with annual overnight parking permit (OPP)

2. Required off-street parking in all districts shall be located on the same lot as the principal building or use except that where it cannot reasonably be provided on the same lot, the Board of Appeals may authorize residential off-street parking to be located on another lot within 300 feet of the residential uses served as measured along lines of public access. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required. (See SECTION A.10.)
3. Required off-street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within 100 feet measured along lines of public access, except where the off-street parking cannot be provided within these limits, the Board of Appeals may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along lines of public access. Such parking areas shall be held under the same ownership or lease, and evidence of such control or lease shall be required. Such lots shall be located within business or industrial districts.
4. Where off-street parking for more than six vehicles is required or provided on a lot in a Residential Zone and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met:
  - a. A continuous guard curb, rectangular in cross section, at least six inches in height and permanently anchored, shall be provided and maintained at least five feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or line involved, either above or below the impact surface.
  - b. Where such off-street parking shall abut a lot in residential use or an unoccupied lot which is located in a Residential or Agricultural Zone, a chain link, picket or sapling fence, not less than 48 inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

Commented [GW64]: New cross reference

5. Where off-street parking for more than six vehicles is required or provided on a lot in any business zones, the following requirements shall be met:
  - a. Where vehicles are to be or may be parked within ten feet of any street line, a continuous guard curb, rectangular in cross section, at least six inches in height and permanently anchored, shall be provided and maintained at least five feet from the street line between such off-street parking and that part of the street line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided and maintained between such off-street parking and that part of the street line involved so that the bumper of vehicles cannot project beyond its face toward the street line involved, either above or below the impact surface.
  - b. Where such off-street parking shall abut a lot in a residential use or an unoccupied lot which is located in a Residential or Agricultural Zone, a chain link, picket or sapling fence, not less than 48 inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.
6. Where off-street parking for more than six vehicles is required or provided, the following construction requirements shall apply.
  - a. Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalk shall be approved by the Code Enforcement Officer. When access to parking areas is available from more than one street, the location of points of ingress and egress shall have the approval of the Planning Board.
  - b. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a sub-grade consisting of gravel or equivalent materials at least six inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability to fine gravel.
  - c. A system of surface drainage shall be provided in such a way that the water run-off shall not run over or across any public sidewalk or street.
  - d. Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.

Commented [TSP65]: Combine 5 and 6?

7. The Board of Appeals may, in specific cases of hardship, reduce the requirements for off-street parking where it is clearly demonstrated that such reduction will not detract from neighborhood values, inconvenience the public or increase congestion in the streets.
8. The Board of Appeals may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use of patrons or employees among such establishments.
9. This sub-section shall apply only to the Residential Zones (SRZ), (URZ) & (ROZ) of this Land Use and Development Code–Chapter 16.

No vehicle shall be parked upon any residential property, in the aforementioned zones, that is not currently and properly registered and used by the occupant(s) or owner(s) of his dwelling or his invited guests; except when that vehicle is housed or contained in a garage or other structure that complies with the existing building codes of the City.

10. This sub-section shall apply only to that portion of the Retail Business Zone (RBZ) located between Howard/Roberts Streets to the South and Church Street to the North:
  - a. Parking requirements for all uses may be fulfilled by parking spaces located on property owned by others if located within 500 feet of the proposed development. If ownership is not located on the same lot as the principal building or use, then evidence of control or lease agreement shall be required.
  - b. Parking requirements for residential uses may be located on property owned by the City with an Overnight Parking Permit (OPP) issued annually by the Presque Isle Police Department (PIPD).

## B. OFF-STREET LOADING STANDARDS

1. In those districts where off-street loading is required, the following minimum off-street loading bays or loading berths shall be provided and maintained in the case of new construction, alteration, and changes of use:

Office Buildings and Hotels with a gross floor area of more than 100,000 square feet:

1 Bay

Commented [GW66]: **REVISION** Change the loading dock to 20% and 2 bays required for over 25k sq ft. For retail warehouses 3 bays for 50k sq ft and greater and 100% of the other 100% 1 bay for each 100k sq ft

Retail, wholesale and industrial operations with a gross floor area of more than 5,000 square feet:

5,001 to 40,000 sq. ft.	1 bay
40,001 to 100,000 sq. ft.	2 bays
100,001 to 160,000 sq. ft.	3 bays
160,001 to 240,000 sq. ft.	4 bays
240,001 to 320,000 sq. ft.	5 bays
320,001 to 400,000 sq. ft.	6 bays

Each 90,000 square feet over 400,000 square feet, 1 additional bay.

2. Each loading bay shall have minimum dimensions of 70 feet by 14 feet and may be located either within a building or outside and adjoining an opening in the building. Every part of such loading bay shall be located completely off the street. In case trucks, trailers, or other motor vehicles larger than the dimensions of the minimum loading bay habitually serve the building in question, additional space shall be provided so that such vehicle shall park or stand completely off the street.
3. The provisions of this section for off-street loading shall not be construed as prohibiting incidental curbside business deliveries, dispatches, or services provided that they are in compliance with all applicable State and local traffic regulation.
4. The Zoning Board of Appeals shall have full authority to waive the requirements of this Section where it may be shown that appropriate parking and loading spaces will be maintained sufficient for the intended use.

### C. ACCESS AND PARKING LAYOUT

1. To limit the proliferation of access points from parking areas to public highways and the resultant strip development, traffic hazards, congestion and other manifestations of commercial or industrial sprawl, each developer in all zones shall be required to prepare and implement plans to ameliorate visual and safety concerns associated with highway development. The Planning Board shall review all plans and proposals under the terms of Article 2 of this Code and together with the Presque Isle Department of Public Works, shall approve or deny plans prior to the obtainment of a building permit. The following standards shall be considered.

Ingress and egress shall be controlled and limited and shall consider:

- a. Sight distances along the Public Right of Way
  - b. Effects on adjacent public access points
  - c. Overall traffic safety considerations
  - d. Turning movements of vehicles contemplated to be using the facility
  - e. Snow removal
  - f. Aesthetic and visual sighting from the Public Right of Way
  - g. Traffic signalization requirements
2. Where sufficient land is available, all traffic turning movements will be accomplished off the public traveled way.
  3. The City of Presque Isle reserves the right to designate all ingress and egress points to the public highway and to select areas for the grouping and placement of signs and traffic directions.
  4. All traffic flow in parking areas shall be clearly marked with signs and/or surface directions at all times.
  5. All parking spaces shall be clearly marked.
  6. Off-street parking shall be constructed in accordance with Maine State Department of Environmental Protection (DEP) standards and guidelines.

#### D. CORNER CLEARANCES

For purposes of traffic safety in all districts, no building or structure other than public utility structures and traffic control devices may be erected and no vegetation other than shade trees may be maintained above a height of three feet above the plane through the curb grades of intersecting streets within a triangle two sides of which are the edges of the public ways for twenty feet measured from their point of intersection or in the case of rounded street corners, the point of intersection of their tangents. The City of Presque Isle shall not be held to be responsible for violations which lead to accidents.↓

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Deleted: R.O.W.

Commented [GW68]: PW Director: Suggested change

Deleted: R.O.W.

Deleted: The City shall direct, however, a continuous program designed to identify intersections having traffic safety problems.

## SECTION III SIGNS

All exterior and commercial interior signs may display attached, detached, or projecting signs, single or double-faced, identifying uses or goods sold or services rendered on the premises by the following requirements:

### A. GENERAL

1. All signs may be illuminated only by non-flashing lights. All illumination shall be designed so as to prevent direct or obstructive lighting of the public way(s) or nearby residential areas. This may be accomplished by shielding, directional lights or by colored and/or interior illumination techniques. Any signs erected shall be placed no closer than 20 feet from any side property line.
2. Signs shall require a permit and shall be installed in compliance with Chapter 31, "Signs", Section 3107 of the International Building Code (IBC), as amended. Applications for sign permits shall be accompanied by a fee, as may be established from time to time by the Presque Isle City Council.
3. Business Directional Signs installed under this section of the Presque Isle, Maine Land Use & Development Code shall abide by the "Maine Department of Transportation Chapter 200 – Regulations for the installation of Official Business Directional Signs" and amendments thereto.
4. No Maine Department of Transportation (MDOT) Official Business Direction signs shall be permitted within the designated Urban Compact area of the City of Presque Isle, Maine, *except* in the following locations and only with the written approval of the Code Enforcement Officer:
  - a) U.S. Rte. 1 (Main Street) between Rice Street and Maysville Street – (east side);
  - b) U.S. Rte. 1 (Main Street) between the southerly end of the Aroostook River bridge and Parsons Road Connector – (west side);
  - c) U.S. Rte. 1 (Main Street) between the northerly end of the Aroostook River bridge and Reach Road – (east side).
5. Signs advertising the availability of lots in approved subdivisions are regulated under the provisions of Article 2, SECTION IV RESIDENTIAL DEVELOPMENT STANDARDS A.16
6. Detached signs shall not extend to an elevation greater than twenty-five (25) feet above the ground upon which they are erected.
7. Projecting signs shall not extend beyond the street line. No attached sign or supporting structure shall extend above the level of a roof or parapet or the level

of the eaves on other types of roofs.

8. Within any Business Zone (BZ), Retail Business Zone (RBZ), or Suburban Commercial Zone (SCZ), contiguous, separately-owned parcels, one of which **must** be a corner lot at the intersection of two streets, may display permitted signage for on-premises, non-residential uses on one or both parcels. No more than two (2) on-premises, non-residential use signs may be displayed on either parcel for any two (2) abutting properties. Written agreements for sign placement must be executed by and between the property owners prior to placement of signage off-premises.

9. All signage must follow the following square requirements:

Zone	Signage Square Footage Limit
<b>Agricultural Forestry &amp; Farming Zone</b>	Commercial Use: 50 sq. ft per business Residential Use: 3 sq. ft
<b>Airport Hazard Zone</b>	Commercial & Residential uses: 3 sq. ft
<b>Business Zone</b>	Commercial Use: 4 sq. ft per foot of street frontage not to exceed 400 sq. ft Residential use: 3 sq. ft
<b>Downtown Retail Business Zone</b>	Commercial Use: 2 sq. ft per foot of street frontage not to exceed 200 sq. ft.
<b>General Development Zone</b>	Commercial & Residential Uses: 3 sq. ft
<b>Industrial Zone</b>	Commercial Use: 400 sq. ft
<b>Retail Business Zone</b>	Commercial Use: 4 sq. ft per foot of street frontage not to exceed 400 sq. ft Residential use: 3 sq. ft
<b>Residential Office Zone</b>	Commercial Use: 30 sq. ft Residential Use: 3 sq. ft
<b>Rural Residential Zone</b>	Commercial & Residential Uses: 3 sq. ft
<b>Source Water Protection Area</b>	Commercial & Residential Uses: 3 sq. ft
<b>Suburban Commercial Zone</b>	Commercial Use: 30 sq. ft
<b>Suburban Residential Zone</b>	Commercial & Residential Uses: 3 sq. ft
<b>Urban Residential Zone</b>	Commercial & Residential Uses: 3 sq. ft

## SECTION IV RESIDENTIAL DEVELOPMENT STANDARDS

Commented [GW70]: Renamed Section

### A. RESIDENTIAL DEVELOPMENT

In all Residential Districts the following special provisions may apply subject to the conditions set forth herein.

Notwithstanding other provisions of this Code relating to space and bulk, the Planning Board in reviewing and approving proposed residential developments located in Presque Isle, may modify said provisions relating to space and bulk to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

Innovative approaches to residential layout and environmental design shall be subject to the following criteria:

1. The purpose and intent of this Land Use and Development Code shall be upheld.
2. There shall be compliance with **ALL** State and local codes and ordinances.
3. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered.
4. There shall be no approval of any proposed development which exceeds the allowable net residential densities permitted in the purposes of this Code, net residential density space available for residential development after deduction of vehicular rights-of-way and land not buildable because of drainage, subsurface conditions, or other natural impediment.
5. Residual open space shall be usable for recreational or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life and wildlife cover. The use of any open space may be further limited or controlled at the time of final approval where necessary to protect adjacent properties or uses. Residual open space shall be dedicated to the recreational amenity and environmental enhancement of the development and shall be recorded as such. Such dedications may include private covenants or arrangements to preserve the integrity of open spaces and their use for agricultural or conservation purposes.

6. The developer shall take into consideration the following points, and shall illustrate the treatment of spaces, paths, roads, service and parking areas and other features required in his proposal.
  - a. *Orientation*: building and other improvements shall respect scenic vistas and natural features.
  - b. *Streets*: access from public ways, internal circulation and parking shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment, snow clearance, street maintenance, delivery and collection services. Streets shall be laid out and constructed consistent with local requirements.
  - c. *Drainage*: adequate provision shall be made for storm waters, with particular concern for the effects of any effluent draining from the site. Erosion resulting from any improvements on the site shall be prevented by landscaping or other means.
  - d. *Sewage Disposal*: adequate provision shall be made for sewage disposal, and shall take into consideration soil conditions and potential pollution of surface or ground waters.
  - e. *Water Supply*: adequate provision shall be made for both ordinary use as well as special fire needs.
  - f. *Utilities*: all utilities shall be installed underground wherever possible. Transformer boxes, pumping stations and meters shall be located so as not to be unsightly or hazardous to the public.
  - g. *Recreation*: facilities shall be provided consistent with the development proposal.
  - h. *Buffering*: planting, landscaping, disposition and form of buildings and other improvements, or fencing and screening shall be utilized to integrate the proposed development with the landscape and the character of any surrounding development.
  - i. *Disposition of Buildings*: shall recognize the need for natural light and ventilation.
7. For purposes of this section, the tract or parcel of land involved must be either in single ownership, or the subject of an application filed jointly by the owners of all the property.

8. The developer shall file with the City at the time of submission of final plans a performance guarantee. This may be tendered in the form of a certified check payable to the City, a savings account passbook issued in the name of the City, or a faithful performance bond running to the City and issued by a surety company acceptable to the municipality. The conditions and amount of such check, passbook or performance bond shall be determined by the Manager of the City with the advice of various departments or agencies concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage, and utilities or other improvements specified in the final plan, and shall guarantee the satisfactory completion of all specified improvements.
9. Common open space shall be dedicated after approval of the project. There shall be no further subdivision of this land, nor buildings constructed upon it without further planning review and which would cause the new residential density to exceed the density permitted in that district.
10. The common open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that it:
  - a. shall not be used for future building lots
  - b. a part or all of the common space may, at the option of the City, be dedicated for acceptance by the City for operation as a municipal recreation facility.
11. If any or all of the common open space is to be reserved for use by the residents, the formation and incorporation by the developer of a neighborhood association shall be required prior to final plat approval.
12. Covenants for mandatory membership in the association setting forth the owners' rights and interest and privileges in the association and the common land, shall be approved by the Planning Board and included in the deed for each lot.
13. This neighborhood association shall have the responsibility of maintaining the common open space(s).
14. The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open spaces, neighborhood recreational facilities and City assessments.
15. The developer or sub-divider shall maintain control of such open space(s) and be responsible for their maintenance until development sufficient to support the association has taken place or, alternatively, the objectives of clustering have been met. Such determination shall be made by the Planning Board upon request of the Neighborhood Association or the developer or sub-divider.
16. Upon presentation to the Code Enforcement Officer of evidence that approved residential subdivision plans have been recorded at the Aroostook County Registry of Deeds, Southern Office, the developer shall be granted permission to erect within the boundaries of the subdivision not more than one (1) double-faced

sign or two (2) single-faced signs advertising lots for sale within that subdivision.  
The signs shall meet the following criteria:

- a. The sign(s) shall not exceed thirty-two (32) square feet in area, and shall not be illuminated;
- b. Sign(s) shall be located outside the public right-of-way;
- c. Sign(s) shall be erected in such location(s) as to avoid interfering in any way with the use and/or enjoyment of adjacent properties, both within and outside the subdivision;
- d. The top of the sign shall not exceed six (6) feet in elevation above the ground;
- e. As lots are sold within the subdivision, it will be the responsibility of the developer to move the sign, as necessary, to comply with the provision of this Code;
- f. If the developer fails to comply for any reason with any or all of the provisions of this section, permitted signage within the subdivision may be limited to individual-lot real estate signage allowed under Article 2, Section III of this Code.

## **SECTION V DESIGN STANDARDS FOR PUBLIC ROADS & STREETS**

### **A. MINIMUM STANDARD FOR STREET DESIGN AND CONSTRUCTION**

The design of streets shall provide for proper continuation of streets from adjacent development and for proper projection of streets into adjacent un-subdivided and open land.

### **B. ACCEPTANCE OF STREETS AND WAYS**

1. A street or way constructed on private lands by the owner(s) thereof and not dedicated for public travel prior to the date of enactment of this ordinance shall be laid out and may be accepted as a public street or way by the City Council only upon the following conditions:
  - a. The owner(s) shall give the City a deed to the property within the boundaries of the street at the time of its acceptance by the City.
  - b. A plan of said street or way shall be recorded in the Aroostook County Registry of Deeds at the time of its acceptance.
  - c. A petition for the laying out and acceptance of said street or way shall be submitted to the City Council upon a form to be prescribed by the Presque Isle Public Works Director. Said petition shall be accompanied by a plan, profile and cross section of said street or way as follows:

- i. A plan drawn, when practicable to a scale of 40 feet to 1 inch, and to be on one or more sheets of paper not exceeding 24 inches by 36 inches in size. Said plan shall show the north point, the location and ownership of all adjoining lots of land, passage ways, street lights and electric lines, boundary monuments, water ways, topography and natural drainage courses with contour at not greater than 2 feet intervals, all angles, bearings, and radii necessary for the plotting of said street and lots and their reproduction on the ground, the distance to the nearest established street or way, together with the stations of their side lines. The plan of said street or way shall describe provisions for storm drainage.
- ii. A profile of said street or way drawn to a horizontal scale of 40 feet to 1 inch, and a vertical scale of 4 feet to 1 inch. Said profile shall show the profile of the sidelines and centerline of said street or way and the proposed grades thereof. Any buildings abutting on said street or way shall be shown on said profile.
- iii. A cross section of said street or way drawn to a horizontal scale of 5 feet to 1 inch and a vertical scale of 1 foot to 1 inch.
- iv. The location and size of the proposed water and/or sewer mains in accordance with this Code and the location of all curb cuts, actual or planned.
- v. The Planning Board with the advice of the Public Works Director shall determine the adequacy of the provisions for storm drainage.
  1. The Planning Board may require the developer, at his expense, to provide detailed plans and specifications for storm drainage.
  2. All costs for storm drainage facilities shall be borne by the developer.
  3. When said street has been accepted, said storm drainage facilities shall be added to the City at no cost to the City.
  4. Streets with curb and gutter drainage instead of ditches shall have typical stone, fabric, and perforated pipe under drains on each side as approved by the Public Works Director or City Engineer.

2. Said street or way shall be previously constructed in accordance with the following specification.

a. *General:* All streets shall intersect at right angles wherever possible, but under no circumstances shall they intersect at an angle of less than sixty (60) degrees. "T" intersections formed on opposite sides of the same collector street shall not be closer than 200 feet centerline to centerline. Street lines at intersections and curbs shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. Curves in general shall have a minimum center line radius of 100 feet. Curb lines radii at street intersections should be at least 25 feet. A dead-end street or cul-de-sac shall be provided with a suitable turnaround at the closed end. When a turning circle is used, it shall have a minimum inside radius of 75 feet. Grades of all streets shall be reasonable minimum, but in no case shall the grade be less than 1% or more than 8%, unless specifically approved by the Planning Board and the PresqueIsle Public Works Director. The construction of all streets will include the removal of all stumps, roots, brush, perishable materials, and all trees not intended for preservation. All loam, loamy material and clay shall be removed from the street or way to the depth specified by the Presque Isle Public Works Director. All streets shall have a crown to provide for proper drainage. The crown shall be a minimum of 1\8" per running foot to a maximum of 1\4" per running foot of roadway width. The right-of-way lines of all streets shall be marked with one half inch extra heavy black iron or extra heavy galvanized pipe sufficient to reproduce the right-of-way lines.

b. *Local Residential Streets:* All local residential streets shall have a minimum street right-of-way width of 68 feet. The street shall be graded to a subgrade of not less than 12 inches in the roadway location and driveway areas, and not less than 8 inches in the sidewalk area below finish grade on the plans, profiles and cross sections of said street or way. The subgrade shall be carefully shaped and thoroughly compacted before subbase gravel is set in place. When a minimum length of 300 feet (or the entire length of the street if it is less than 300 feet long) has been excavated to subgrade and this subgrade properly prepared for the subbase gravel, the Presque Isle Public Works Director or City Engineer shall be notified. Written approval of the subgrade must be obtained from the Public Works Director or City Engineer prior to the placing of gravel. The subbase shall be built to a minimum thickness of 18 inches of Maine Department of Transportation (Maine DOT) spec 703.06 (b), type D or approved subbase gravel with no stones over six (6) inches. The sub-base shall be placed in lifts not to exceed nine (9) inches in thickness and compacted to 95%.

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Commented [GW72]: PW Director: Suggested changes are to clarify operational changes by Department.

The proposed revisions are to

(1) allow the Public Works Director or City Engineer, depending on their availability and capability, to work with the developer on street construction, and

(2) to clarify language and eliminate ambiguity regarding the materials to be used in street construction.

The City reserves the option to require a layer 3" to 4" thick of crushed Maine Department of Transportation 703.06 (a), Type A base gravel or approved equal to be placed on top of the subbase. This option shall be exercised at the discretion of the Public Works Director or the City Engineer when either has determined there appears to be an excess amount of three (3)" to six (6)" stones. When this option is exercised the subbase gravel thickness may be reduced accordingly, upon approval by the Public Works Director or City Engineer. No frozen gravel shall be used. The developer is responsible, at his/her expense, for any and all necessary tests and reports needed to certify compaction results and materials gradation and shall provide copies to the Public Works Department. The developer shall also provide any other supervision or inspections necessary to ensure compliance with this Article. The developer shall provide at his/her expense 2 inches of 19.5 mm hot bituminous binder pavement and 1.25 inches of 9.5 mm rolled hot bituminous surface pavement, as specified by the Public Works Director or City Engineer. The City may require a tack coat to be placed between the binder and surface course. The developer shall certify that all pavement is properly placed and compacted and shall provide proof of same to the Public Works Department. All asphalt shall be PG 64-28, minimum.

- Deleted: thin
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- Deleted: or screened

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The 68-foot minimum width of the street right-of-way shall be divided in the following manner:

- i. A 24 foot paved roadway
- ii. The side having the parking space (subject at the discretion of the City Council).

Deleted: shall also have (in order); and at option of City Council

A curbing made of a material approved by the Public Works Director or City Engineer, with a minimum height of 6 inches; and

Commented [GW74]: PW Director: Suggested rewording to make the language easier to understand

A five (5) foot wide sidewalk, unless adequate pedestrian walkways are provided elsewhere. All walkways shall conform to the requirements of the Americans with Disabilities Act.

Commented [GW75]: PW Director: Suggested change to language

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- c. *Collector Streets:* All collector streets shall be designed and constructed in accordance with the specifications for local residential streets, as a minimum, except that paved traveled surface shall be at least 32 feet in width. The City may require up to 18 inches of Maine DOT 703.06(b), Type D or approved subbase gravel, 6 inches of Maine DOT spec 703.06(a), Type A or approved gravel, 2.5 inches of 19.5mm hot bituminous binder pavement and 1.5 inches of 9.5mm rolled hot bituminous surface pavement on streets expected to carry heavy trucks. The City also may require additional Right-of-Way and street width to carry anticipated traffic loads, sidewalks, parking, etc.

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3. All engineering work, inspection and supervision for the construction of the street and sidewalks, and storm sewers, and ditches shall be performed by the developer at his expense.
4. All underground utilities shall be constructed before any road material is placed. This shall include all residential connections installed to the property lines.
5. Whenever it shall be deemed necessary by the Planning Board, after consulting with the Presque Isle Public Works Director, that a storm sewer shall be constructed to serve the street under consideration, such storm sewer shall be completed before the gravel or road material is placed thereon. Said sewer shall be built by the developer in accordance with the following method:
  - ā The developer shall cause the storm sewers and appurtenances, including catch basins, to be built to the specifications of the Maine Department of Transportation. When said street has been accepted, said sewers shall be deeded to the City as a public sewer at no cost to the City.
6. The Presque Isle Utilities District shall determine the size of the water main to be installed. The Chief of the Presque Isle Fire Department must, in writing, certify that adequate water service for sufficient fire protection exists. It shall be the policy of the City to cause the installation of such fire hydrants as may be required for the fire protection at the same time as the installation of the water main.

#### C. ACCEPTANCE OF STREETS AND WAYS REQUIRED BY THE PUBLIC INTEREST

Notwithstanding the provisions of any other Section hereof, the City may at any time lay out and accept any street or way in the City of Presque Isle, Maine as a public interest so requires. The cost of said street or way may be borne by said City.

No street or way shall be laid out and accepted by the City Council until the Planning Board and the Presque Isle Public Works Director or City Engineer shall have made a careful investigation thereof, and shall have reported to the City Council their recommendations in writing with respect thereto. The final decision rests with the City Council.

Commented [GW76]: DECD Staff: Moved this section from a section which was deleted below regarding the Acceptance of Streets and ways.

#### D. CURBS

Curbing of a type approved by the Presque Isle Public Works Director may be required by the Planning Board on both sides of any proposed street.

#### E. EASEMENT

The Planning Board may require easements for sewerage, other utilities, drainage, and stream protection. In general, easements shall not be less than twenty feet in width. Wider easements may be required.

**F. “AS BUILT” PLANS**

The developer shall provide “as built” plans showing all public facilities (i.e. streets, drainage facilities, and utilities) to the Planning Board and Public Works Director prior to acceptance by the City Council.

**G. PRIVATE STREETS AND WAYS**

Private streets and ways may be constructed within the City of Presque Isle upon showing by the applicant that the public health, safety and welfare will be maintained. It shall be clearly demonstrated, in written form, that the proposed private street will be adequately maintained, provided sufficient spaces for emergency vehicle access, will conveniently serve its intended properties and will not exceed the maximum permissible lengths established by the City.

## SECTION VI MOBILE HOME PARKS SEASONAL TRAILER PARKS AND CAMPGROUNDS

### A. LICENSES

No person, firm, or corporation shall establish or maintain a Mobile Home Park, Seasonal Trailer Park or Campground within the City of Presque Isle without a license issued in conformity with the provisions of this Code. A Mobile Home Park, Seasonal Trailer Park, or Campground in existence prior to the adoption of this Code may be enlarged only if the extension complies with the terms as specified herein.

1. Application for a Mobile Home Park shall be filed jointly with the Code Enforcement Officer and with the Department of Economic & Community Development shall, in turn, present said subdivision application to the City of Presque Isle Planning Board for review as a subdivision. The Planning Board shall review the plan of the proposal and approve; approve with conditions, or deny approval of the proposal on the basis of standards contained herein ~~in~~ this Code. The Planning Board shall inform the Code Enforcement Officer of its decision and he shall act on the application.
2. Application for a Seasonal Trailer Park and/or Campground, along with a detailed site plan and evidence of compliance with State of Maine licensing requirements, shall be filed with the Code Enforcement Officer who will review and approve, approve with conditions, or deny approval of the proposal on the basis of standards contained herein.
3. The City Council is hereby authorized to seek revocation of any license issued by the State Regulatory Agency pertaining to such park, if after due investigation they determine the holder thereof has violated any of the provisions of this or any applicable Code, law or statute.

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## B. TRAILER PARKS AND CAMPGROUNDS

In any district where campgrounds or trailer parks are permitted under the terms of this Code, campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following regulations and minimum standards shall apply:

1. A campground may not be constructed on less than 5 acres of land.
2. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
3. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond or a river, and one hundred (100) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
4. Each tent site must be provided with a masonry or metal fireplace approved by the Fire Chief.
5. Spaces in campgrounds and trailer parks may be used by travel trailers, equivalent facilities constructed in or on automotive vehicles, tents, or other short-term shelter devices.
6. A trailer park or campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Plumbing Code and the Maine Department of Human Services.
7. Tent sites shall contain a minimum of 400 square feet. There shall be a minimum of 30 feet between tent sites.
8. Trailers shall be so parked in spaces that:
  - a. There will be a minimum of 15 feet between vehicles.
  - b. There will be a minimum of 15 feet between all trailers and the exterior boundary of the park.
  - c. There will be a minimum of 25 feet between all trailers and all public rights-of-way located inside the boundaries of the trailer park or campground. Setbacks from roads outside the trailer park will be a minimum of 150 feet.
9. The storage, collection, and disposal of refuse shall not create health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution.

## C. MOBILE HOME PARKS

Except as stipulated below, mobile home parks or subdivisions shall be constructed and installed in accordance with the following minimum standards and in accordance with Article II of this Code and all applicable state laws. Mobile home parks shall provide areas for the location and development of manufactured housing, as defined in this Code.

**NOTE:** Mobile home parks are not permitted in a Watershed Protection Zone.

### 1. PARK ADMINISTRATION

The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites. Park management shall conform to state laws.

Compliance with this ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.

### 2. OWNERSHIP

Where a developer elects to create a mobile home park where all land is under new ownership, the park plan shall show lots and the developer shall demonstrate that the development standards described herein are met.

### 3. CONVERSION OF PARK

No lot in a mobile home park may be sold or conveyed without the prior approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirements of the zone in which it is located.

### 4. LOT SIZE, WIDTH, AND DENSITY

#### a. Lots Serviced by Public Sewer

A mobile home lot served by public sewer shall consist of a minimum lot area of six thousand five hundred (6,500) square feet and shall have a minimum frontage of sixty-five (65) feet.

#### b. Lots Served by Individual Subsurface Sewage Disposal System

A mobile home lot served by an individual subsurface sewage disposal system shall consist of a minimum lot area of twenty thousand (20,000) square feet and shall have a minimum frontage of one hundred (100) feet. It shall be the responsibility of the owner/developer to submit an assessment of the impacts of park development on ground water quality. This assessment shall be prepared by a Certified Geologist or Registered Professional Engineer.

c. Lots Served by a Central Subsurface Waste Water Disposal System

A mobile home lot served by a central subsurface waste water disposal system shall consist of a minimum lot area of twelve thousand (12,000) square feet and shall have a minimum frontage of seventy-five (75) feet. The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one unit per 20,000 square feet of total park area. It shall be the responsibility of the owner/developer to submit an assessment of the impacts of park development on ground water quality. This assessment shall be prepared by ground water quality. A Certified Geologist or Registered Professional Engineer shall prepare this assessment.

d. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.

e. Lots within a Shoreland Zoning-controlled area shall meet the lot area, lot width, setback, and frontage requirements for that zone.

f. The overall density of the mobile home park shall be the combined area of its mobile home lots plus:

- The area required for road rights-of-way;
- The area required for buffer strips, if any;
- For areas served by public sewer, an open space area for storage and recreation equal to 10% of the combined area of the individual lots; and
- The area within the Shoreland Zoning setback.

5. SETBACKS

g. Manufactured homes in a mobile home park shall maintain the following front, side, and rear yard setbacks:

1. Fifteen feet (15) from front lot line;
2. Ten (10) feet from side and rear lot lines.

h. A minimum 20-foot separation shall be maintained between all manufactured homes in all directions. The Planning Board may allow side yard setbacks to be reduced to five (5) feet, provided a distance of twenty (20) feet is maintained between units for the purpose of providing more usable yard space on one side on the home.

6. FOUNDATIONS

All manufactured housing located within a mobile home park shall be placed on a permanent foundation, as defined in this Code.

## 7. UTILITY REQUIREMENTS

All mobile home parks shall provide permanent electrical, water, and sewage disposal connections to each mobile home, in accordance with applicable state and local rules and regulations.

## 8. BUFFER STRIPS

Buffer strips, not to exceed 50 feet, shall be required in those areas where the adjacent residential density, either as built or as required in Article I of this Code, is less than half of the mobile home park density.

No structures, streets, or utilities may be placed in the buffer strip, except that they may cross a buffer strip to provide services to the park.

**NOTE:** Lots may extend into the buffer strip but structures may not.

## 9. OPEN SPACE

For mobile home parks served by public sewer, the Planning Board may not require that an area greater than 10% of the total area devoted to individual lots be set aside for open space and/or recreation. Such space shall be accessible and usable by all residents of the park. Parking space, driveways and streets, and buffer areas are not considered usable open space; community recreation buildings, pools, and courts are recorded as such on the park plan. The owner or operator of the mobile home park shall be responsible for the maintenance of the open space(s).

The Planning Board, at its discretion, may reduce the requirement for open space if a public park is located within 1/2 mile of the mobile home park and is easily accessible.

Except as herein noted, the standards for open space(s), as found in Article II, **SECTION IV RESIDENTIAL DEVELOPMENT STANDARDS** of this Code, shall apply.

## 10. ROAD STANDARDS

The layout and general development plan for major and minor access streets and driveways within the mobile home park, together with the locations and dimensions of access junctions with existing public streets, roads, and rights-of-ways, shall be approved by the Presque Isle Planning Board. Documentation of other required permits and approvals shall be presented prior to final Planning Board approval.

- a. Privately owned roads within a mobile home park shall be designed by a State of Maine registered Professional Engineer, and shall, as a minimum, be built according to the road standards developed and adopted by the Maine Manufactured Housing Board.
- b. Roads within a mobile home park which are to be offered for acceptance by the City of Presque Isle shall be designed and constructed in accordance with the specifications established in Article II, **SECTION V DESIGN STANDARDS FOR PUBLIC ROADS & STREETS**, of this Code.
- c. All private two-way roads within a mobile home park shall have a minimum right-of-way of 23 feet, of which 20 feet shall be paved. On-street parking shall be prohibited, unless a minimum eight foot parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking lane is located.
- d. All private one-way streets within a mobile home park shall have a minimum right-of-way of 18 feet, of which 14 feet shall be paved. On-street parking shall be prohibited, unless a minimum eight-foot parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking lane is located.
- e. For mobile home parks expected to generate 200 trips per day or less (industry standards indicate that each unit in a mobile home park can be expected to generate 5 trips per day), paving may be accomplished through the use of either hot bituminous pavement or chip-sealing, installed in accordance with accepted paving industry standards.
- f. For mobile home parks expected to generate in excess of 200 trips per day, paving shall be accomplished with hot bituminous pavement, installed in accordance with accepted paving industry standards.
- g. For mobile home parks expected to generate in excess of 200 trips per day, there shall be at least two entrances from public streets or roads.
- h. No mobile home lot may have vehicular access directly onto a public street, road, or way that is outside the bounds of the mobile home park.

## 11. REFUSE DISPOSAL

Each mobile home lot shall be provided with an area for refuse storage. Within a maximum of 150 feet from each mobile home lot, there shall be a fly-tight, watertight, and rodent-proof container capable of storing the amount of refuse that the mobile home for which it was designed could generate in one week. The park management shall dispose of refuse from said containers by transporting the refuse in a closed truck to the City disposal facility at least once each week.

## D. PERFORMANCE STANDARDS FOR MOBILE HOMES

### 1. General Requirements.

- a. No mobile home shall be utilized for any purpose other than a single family dwelling. A mobile home not meeting all requirements of this ordinance in which the use as a single family dwelling is discontinued for a period of six (6) months must be removed from the lot and properly disposed of. The Code Enforcement Officer may extend this period no more than three (3) months.
- b. All mobile home units to be located within the City of Presque Isle from outside of the City and any mobile home unit from within the City to be relocated to another lot within the City shall be on a permanent foundation ~~(such as 18" gravel or equivalent and required tie-downs)~~, have residential siding; have a pitched roof covered with shingles or other material as required by the Maine Uniform Building and Energy Code (MUBEC), meets the requirements of Section 2. Below, and be approved by the Code Enforcement Officer. The design and construction requirements contained herein shall be applied to all units moved or relocated within the City.
- c. Any mobile home unit to be relocated to the City of Presque Isle from outside of the City and any mobile home unit from within the City to be relocated to another lot within the City shall have all required improvements completed and certifications for the mobile home unit prior to moving the unit to any lot. Under no circumstances shall the mobile home unit be occupied until a building permit has been obtained by the Code Enforcement Officer and a Certificate of Occupancy been issued by the Code Enforcement Officer. If there are any questions concerning the movement or placement of a mobile home unit in the City the owner or applicant shall contact the Code Enforcement Officer.

Commented [GW78]: Code Officer: suggests removal of language due to not meeting definition for "Foundation".

- d. It shall be unlawful to locate / relocate any mobile home unit in the City without first obtaining a building permit issued in conformity with this ordinance from the Code Enforcement Officer. An application for a building permit shall be obtained from and returned to the Code Enforcement Office in writing and be signed by the applicant. Such application shall include information as lawfully may be required and shall include a site plan.
- e. A mobile home may be permitted on the site of a construction project for not more than two (2) consecutive six (6) month periods provided that a special permit is issued by the Code Enforcement Officer for each six (6) month period. Such permit may only be issued if the Code Enforcement Officer is satisfied that:
  - i. The mobile home is a necessary convenience for the construction project and is clearly subordinate to such project; and
  - ii. No health hazards or problems of sanitation will be caused by improper disposal of sewage from the mobile home.

## 2. Mobile Homes

The following standards shall apply to all mobile homes built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act or 1076, US Code, Title 42, Chapter 70, to be located on an individual lot or in a mobile home park in the City.

## 3. Exit Facilities – Exterior Door.

- a. Required egress doors shall not be located where a lockable interior door must be used to exit.
- b. Homes shall have a minimum of two (2) exterior doors not less than 12' from each other as measured in any straight line direction regardless of length of travel between doors. One of the required doors must be accessible from the doorway of each bedroom without traveling more than 35'.

#### 4. Exit Facilities – Egress Windows and Devices.

Homes shall have the following emergency egress facilities:

- a. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one (1) outside window or approved exit device. If an exit window or device is installed it shall be listed in accordance with procedures and requirements of NFPA Life Safety Code 101.
- b. The bottom of the window shall not be more than 44” above the floor.

#### 5. Fire Detection Equipment.

- a. At least one operating smoke detector shall be installed in the home in the following locations:
  - i. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area and in each bedroom.
  - ii. When located in hallways, the smoke detector shall be between the return air intake and the living area.
  - iii. The smoke detector shall not be placed in a location that impairs its effectiveness.
  - iv. Smoke detectors shall be labeled as conforming to the Underwriters Laboratory Standards No. 217, Third Edition, 1985.
  - v. Each smoke detector shall be installed according to its listing.

6. Kitchen

- a. The cabinet area over the cooking range or cook tops shall be protected by a metal hood with not less than a 3" eyebrow projecting horizontally from the cabinet face.
- b. The metal hood shall not be required if there is an oven installed between the cabinet and the range.
- c. Ranges shall have a vertical clearance above the cooking top of not less than 24" to the bottom of the combustible cabinets.

7. Roof Loads.

All mobile homes with roofs added after construction shall require the Code Enforcement Officer to inspect the roof to determine that the roof can hold one hundred (100) pounds per square feet.

8. Heating and Fuel Burning System.

A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA 31 Installation of Oil Burning Equipment as adapted by the Board, or other applicable standards.

9. Electrical System.

A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that electrical systems is safe and meets the requirements of the National Electrical Code in effect on the date the home was constructed.

## SECTION VIII STORMWATER & EROSION/SEDIMENT CONTROL

Commented [GW79]: New standard for Stormwater and erosion sediment control

### A. PURPOSE

The purpose of this section is to ensure development taking place within the City meets the minimum stormwater and erosion standards as established herein to protect the health and safety of the public from the negative impacts of flooding and water pollution.

### B. STORMWATER RUNOFF/SNOW & ICE CONTROL

1. Drainage systems, including detention basins, drainage ways, and storm sewer systems, shall be maintained in order to insure they function properly.
2. Chemicals and wastes shall be stored in such a manner as to prevent rainfall from contacting them.
3. Runoff from parking lots should be diverted to stormwater drains where applicable.
4. Snowmelt from parking lots should be diverted to stormwater drains.
5. Parking lots should be maintained on a yearly basis.
6. Sand/salt mixtures with a reduced portion of salt should be used for snow and ice control.

### C. SOIL SUITABILITY

1. In all districts, the approval of building permit applications shall be subject to evidence of satisfactory subsurface soil conditions for sewage disposal, and where on-site septic disposal is proposed, shall be subject to prior obtainment of a plumbing permit.
2. The requirements and standards of the State of Maine Department of Environmental Protection, Maine Department of Human Services and latest revised edition of the State Plumbing Code shall be met.

### D. PREVENTION OF EROSION

1. No person shall perform any act or use of the land in a manner which would cause substantial or avoidable erosion, create a nuisance, or alter existing patterns of natural water flow in the City. This shall not affect any extra active operations complying with the standards of performance specified elsewhere in this Code.

2. All development shall generally comply with the provisions of the “Environmental Quality Handbook, Erosion and Sediment Control” published by the Maine Soil and Water Conservation Commission. Special consideration will be given to the following:
- a. Select a site with the right soil properties, including natural drainage and topography, for the intended use.
  - b. Utilize for open space uses those areas with soil unsuitable for construction.
  - c. Preserve trees and other vegetation wherever possible.
  - d. Hold lot grading to a minimum by fitting the development to the natural contour of the land; avoid substantial areas of excessive grade.
  - e. Spread jute matting or straw during construction in critical areas subject to erosion.
  - f. Construct sediment basins to trap sediment from run-off waters during development. Expose as small an area of subsoil as possible at any one-time during development and for as short a period as possible.
  - g. Provide for disposing of increased run-off caused by changed land formation, paving and construction, and for avoiding sedimentation of run-off channels, on or off the site.
  - h. Plant permanent vegetation and install structures as soon as possible for the purpose of soil stabilization and revegetation.
  - i. All logging roads shall be located, constructed and maintained in conformance with the erosion prevention provisions of the “Permanent Logging Roads for Better Woodlot Management” published by the U.S. Department of Agriculture.

## **E. FLOOD PLAIN AREA**

Land along rivers, streams and ponds which is subject to flooding through storm or seasonal action, called flood plain areas, may be used for woodland, grassland, agriculture or outdoor recreational use. The Code Enforcement Officer shall maintain a map showing known flood plain areas, and no building shall be constructed herein. Flood plain areas shall be considered as those areas within the 100-year frequency flood plain as identified by an authorized Federal or State agency, or where such identification is not available, are located on flood plain soil identified and described

in the Northeastern Aroostook County Soil Survey to comprise the following solid types: Hadley (Ha); Winooski (Wn); Mixed Alluvial (Mn).

## F. STORMWATER PLAN

Prepared by a Maine **Professional** Engineer analyzing the proposal's impact on existing stormwater facilities and watersheds. The stormwater management plan shall include a map of all watersheds significantly impacted by the proposal and identify all areas of existing or anticipated flooding, locations of existing and proposed culverts, pipes, detention ponds, and flow restrictions to be affected by the proposal. The stormwater management plan shall comply with the review criteria found in this Ordinance.

### 1. Stormwater Management Plan Standards

- a. Adequate provision shall be made for disposal of stormwater generated within the development, and any drained ground water, through a management system of swales, culverts, underdrains, and storm drains.
- b. All components of the stormwater management system shall be installed at the developer's expense and designed to infiltrate, detain, or retain water falling on the site so as to limit peak discharge rates to predevelopment levels for the 2-year, 10-year, and the 25-year frequency, 24-hour duration storms, based on rainfall data for Presque Isle, ME.
- c. The proposed stormwater management system shall be designed by a Maine Professional Engineer.
- d. The design of piped or open channel systems shall be based on a ten (10) year flow frequency without overloading or flooding beyond channel limits. In addition, the areas expected to be flooded by runoff of a twenty-five (25) year frequency shall be designated, and no structures shall be planned within such area.
- e. Rights-of-way or easements shall be designated for all components of the stormwater management system lying outside of established road lines. Wherever the storm drainage system is not within the right-of-way of a public road, perpetual easements shall be provided to the City allowing maintenance and improvement of the system. Such rights-of-way shall be at least twenty-five (25) feet in width.
- f. The stormwater management system shall take into consideration the upstream runoff which must pass over or through the development site. The system shall be designed to pass upstream flows generated by a twenty-five (25) year frequency through the proposed development without overloading the system or flooding areas not specifically planned for such flooding.
- g. Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the development. The applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased stormwater flows.
- h. Where permanent embankment type storage or retention basins are planned, the basins

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shall be designed as outlined in the Natural Resources Conservation Service Engineering Field Manual or other appropriate references.

- i. Any grading or other construction activity on the site shall not cause unreasonable alteration of natural drainage ways such that drainage, other than that which occurred prior to development, shall adversely affect adjacent parcels of land and that drainage ways flowing from adjacent parcels of land to the development site shall be impeded.
- j. The developer shall maintain all components of the stormwater management system until it is formally accepted by the City, or is placed under the jurisdiction of a legally created association that shall be responsible for the maintenance of the system. The charter of such an association must be acceptable to the Planning Board.
- k. The stormwater management system shall be fully coordinated with project site plans, including consideration of road patterns, pedestrian ways, open space, building siting, parking areas, recreational facilities, and other utilities, especially sanitary wastewater disposal facilities.
- l. When the construction of a development is to occur in phases, the planning of the stormwater management system should encompass the entire site which may ultimately be developed, and not limited to an initial or limited phases of the development.
- m. The minimum pipe size for any storm drainage pipe shall be fifteen (15) inches for driveway entrances and eighteen (18) inches for cross culverts unless approved otherwise by the Public Works Director or City Engineer. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two (2) feet. Minimum depth of cover material shall be 24" from the pipe crown. Pipe shall be bedded in a fine granular material, containing no stones larger than three (3) inches, lumps of clay, or organic matter, reaching a minimum of six (6) inches below the bottom of the pipe extending to six (6) inches above the top of the pipe. Outlets shall be stabilized against soil erosion by stone rip-rap or other suitable materials which reduce water velocity. Catch basins shall be installed where necessary and located at the curb line.
- n. The physical, biological, and chemical properties of the receiving waters shall not be unreasonably degraded by the stormwater runoff from the development site.

Commented [GW81]: PW Director: Suggested addition to the section

## G. STORM DRAINAGE CONSTRUCTION STANDARDS

1. Materials
  - a. Storm drainage pipes shall conform to the requirements of MDOT Standard Specifications for Highways and Bridges, latest edition, materials specifications §706 for non-metallic pipe and §707 for metallic pipe. Plastic (polyethylene) pipes shall not be installed except in closed systems such as road underdrains unless otherwise approved by the Public Works Director or City Engineer. Bituminous coated steel pipes shall not be used.
  - b. Where the storm drainage pipe is to be covered by ten (10) feet or more of fill material, pipe material with a fifty (50) year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinylchloride (PVC) pipe, and corrugated aluminum alloy pipe.

2. Pipe Gauges.

Metallic storm drainage pipe shall meet the following thickness requirements depending on pipe diameter:

Inside Diameter	Material	
	Galvanized Aluminum/Zinc Coated or Corrugated Aluminum Alloy	CMP Aluminum Coated Polymer Coated Corrugated Metal Pipe) CMP
15" - 24"	14 Gauge	16 Gauge
30" - 36"	12 Gauge	14 Gauge
42" - 54"	10 Gauge	12 Gauge
60" - 72"	8 Gauge	10 Gauge

Commented [GW82]: Definition of CMP = Corrugated metal pipe added

3. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing by action of the Planning Board, after consultation with the Director of Public Works or City Engineer.
4. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.
5. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris, or foreign matter and shall be kept clean until final acceptance.

## SECTION IX SOLID & HAZADOUS WASTE MANAGEMENT

Commented [GW83]: New standard for solid & hazardous waste management

### A. PURPOSE

The purpose of this standard is to provide uniform policies to address adequate wastewater, solid waste and water supply to development within the City.

### B. SOLID WASTE DISPOSAL

1. Refuse cans shall be provided which have tight fitting covers and provision shall be made for the regular removal of refuse from the park and any condition which may provide harborage for rodents shall be prevented.
2. The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes. A copy of the application shall be provided to the Public Works Director or City Engineer for timely review and comment.
  - a. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
  - b. All hazardous waste shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.
  - c. All commercial and industrial developments shall devote floor space suitable to accommodate two (2) recycling containers designed to hold at least one cubic yard of recyclable materials.
3. If additional solid waste from the proposed development exceeds the capacity of the City's solid waste facility, causes the City's facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the City to exceed its contract with a non-city's facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license. The Planning Board may not require the alternate arrangement to exceed a period of five (5) years.

Deleted: solid waste coordinator

Commented [GW84]: **PW Director**: Suggested change

### C. WATER SUPPLY REQUIREMENTS

1. Public Water Supply
  - a. Any development within 1000 feet of a public water supply, at its nearest point, shall connect to the public water supply system.
  - b. When a development is to be served by a public water supply system, the complete system within the development, including fire hydrants, shall be installed at the expense of the developer. The size and location of mains, gate valves, hydrants, service connections shall be reviewed and approved in writing by the Presque Isle Utilities District (PIUD). Service provided shall be a minimum of 20 psi. and 500 gallons per minute. The Fire Chief shall review the system for minimal provision of service.

- c. A proposed development shall not generate a demand on the source, treatment facilities, or distribution system of the PIUD beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the development. The developer shall be responsible for paying the costs of system improvements necessary to the District's system improvement plan, as necessary, to alleviate existing deficiencies.
- d. The public water supply system(s) plan and related equipment for the development shall be designed by a Maine Registered Professional Engineer in full compliance with the requirements for drinking water within the State of Maine and shall be approved by the Planning Board. Any improvements are subject to PIUD review and approval.

Commented [GW85]: **PIUD Superintendent: Suggested amendment to add**

## 2. Private Individual Wells

- a. When a proposed development is not within 1000 feet of a public water supply, at its nearest point, the water supply shall be from individual wells.
- b. Dug wells shall be prohibited. The applicant shall prohibit dug wells by deed restrictions and a note on the final recording Plan.
- c. Wells shall not be constructed within 100 feet of the traveled way of any road. If located downhill from the road, or within 50 feet of the traveled way of any road, or if located uphill of the road, this restriction shall be included as a note on the final recording Plan and deed restriction to the affected lots.
- d. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
- e. Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface water disposal areas in compliance with the requirements for drinking water within the State of Maine and with the "State of Maine Subsurface Wastewater Disposal Rules".

Commented [GW86]: **PW Director: Recommends changes since this language is redundant with A.1.a above**

Deleted: The developer may install and connect to the public water supply system totally at their own expense and in conformance with the standards and specifications of the PIUD.

Commented [GW87]: **PW Director: Recommends changes to clarify**

Deleted: Due to the increased chance of contamination from surface water,

Deleted: d

## 3. General Requirements for Septic/Sewage Disposal Systems

- a. Sewer/septic systems shall be designed by a Maine Registered Professional Engineer using sound engineering practices. On-site sewage disposal shall be according to the State of Maine Subsurface Wastewater Disposal Rules.
- b. Construction of sewers and septic systems shall be carefully inspected to insure proper installation.
- c. Septic systems and related piping shall be tested for leakage and certified by the LPI that they are water tight prior to use. Sewer systems shall be tested for leakage, according to State standards or municipal ordinance/District regulations.
- d. Provisions shall be made to maintain sewer and septic systems.

- e. Sewers and drainage systems shall be designed to insure that stormwater does not enter sanitary sewers.
- f. For cluster systems, 1000 gallon septic tank capacity shall be provided for each 300 gallons of flow. Design flows for leachfields shall be less than 2500 gallons per day.
- g. Chemicals, industrial wastes, floor drains and stormwater drains (i.e. roof drains) shall not be discharged to septic systems.

4. Public Sewage Disposal

- a. Any non-residential or subdivision development within 1000 feet of a public sewage disposal system, at its nearest point, shall make provisions for connection to the public system. When public sewage disposal service shall not be available at the time of construction, a “capped system” may be installed within the development, at the discretion of the Planning Board and after consultation with the Presque Isle Utilities District (PIUD), to allow future connection when service becomes available without excavation within the right-of-way of any road within the development.
- b. When a development is proposed to be served by the public sewage system, the complete collection system within the development, including manholes and pump stations, shall be installed at the expense of the applicant.
- c. The PIUD shall certify that providing public sewage service to the proposed development is within the capacity of the system’s existing collection and treatment system or improvements planned to be complete prior to the construction of the development.
- d. The PIUD shall review and approve the construction drawings for the public sewage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the District.
- e. The public sewage disposal system(s) and related equipment for the development shall be designed by a Maine Professional Engineer in full compliance with the requirements of the “State of Maine Subsurface Wastewater Disposal Rules” and shall be approved by the Planning Board.

5. Private Sewage Disposal

- a. When a proposed development is not within 1000 feet of a public sewage disposal system, at its nearest point, connection to the public system should not be encouraged. Sewage disposal shall be by a private subsurface wastewater disposal system. The developer may install and connect to the public sewage disposal system totally at their own expense and in conformance with the standards and specifications of the PIUD.
- b. The applicant shall submit evidence of site suitability for subsurface wastewater disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the "State of Maine Subsurface Wastewater Disposal Rules".
- c. The Site Evaluator shall certify, in writing, that all test pits which meet the requirements for a new system represent an area large enough to install a disposal area on soils which meet the "State of Maine Subsurface Wastewater Disposal Rules".
- d. On lots in which the limiting factor has been identified as being within 12-15 inches of the surface, exclusive of shoreland areas, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the Plan and restricted so as not to be built upon.

## SECTION X SCREENING & BUFFERING STANDARDS

Commented [GW88]: New Standard on screening

### A. PURPOSE

The purpose of this section of standards is to provide uniformity screening and buffering standards for residential subdivisions and commercial development.

### B. SITING & BUFFERING STANDARDS

1. Buildings shall be oriented with respect to views and scenic vistas, natural landscape features, topography, south facing slopes (wherever possible), and natural drainage areas, in accordance with an overall plan for site development and landscaping. **A site inspection shall be conducted by the Planning Board prior to approval.** Once approved, the plan shall not be altered in any manner, without prior approval of the Planning Board.
2. Buildings shall be designed and planned to protect bedroom windows from light invasions by vehicle headlights or glare from existing outdoor lighting or illuminated signs, where allowed, insofar as practical.
3. Where parking spaces or storage areas are located in areas abutting existing residential properties, a permanent wood or masonry screen, at least 4 feet high, shall be erected along the property line, in addition to the "green" perimeter strip described below.
4. Other than any land within shoreland zoning, a "green" vegetative perimeter strip, not less than 20 feet wide, shall be maintained with grass, bushes, flowers, scrubs, and/or trees alongside all lot or rear lot lines of the property as a whole, and (except for entrance and exit driveways) along the entire frontage of such lot. Such "green" strip shall not be built upon, paved, or used for parking or storage. There shall be no removal of trees over 4" in diameter within this buffer. In the shoreland zoning area, vegetation shall be retained in its natural state.
5. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. Adequate provision shall be made for storm waters, with particular concern for the effects of erosion from the site. Erosion resulting from any improvements to the site shall be prevented by landscaping or other means. The Planning Board may require that an erosion and sedimentation control plan be made and that the developer take appropriate measures to prevent and correct soil erosion in the proposed development.
6. All utilities shall be installed underground, whenever possible. Transformer boxes, pumping stations, and meters shall be located so as to not be unsightly, hazardous to the public, or detract from the natural beauty of the development.

Commented [GW89]: Not sure if this is needed

## SECTION XI EXTERIOR LIGHTING STANDARDS

Commented [GW90]: New Standards for Exterior lighting

### A. PURPOSE

To protect the surrounding community, new residential subdivision and commercial development shall follow the following standards that allow for the installation of safe exterior lighting for the property while shielding the impact on neighboring parcels.

### B. GENERAL STANDARDS

Lighting may be used which serves security, safety, and operational needs, but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Dark sky technology (directing light downward) must be applied to all new residential and commercial development.

1. The maximum height of free-standing lights shall be the same as the principal building, but not to exceed forty (40) feet.
2. The Planning Board shall determine the necessity for lighting of parking areas.
3. Exterior lighting shall be shielded in such a manner as not to create a hazard or nuisance to the adjoining properties or to the traveling public.
4. Direct or indirect illumination shall not exceed 0.6 foot-candles upon abutting residential properties.
5. Required Light Levels:
  - a. Parking areas or lots: An average of one and one-half (1.5) foot-candles throughout.
  - b. Intersections of parking areas or lots: Three (3) foot-candles.
  - c. Maximum at property lines: One (1.0) footcandle.
  - d. In residential areas: Average of six-tenths (0.6) footcandle.

## SECTION XII LAND USE STANDARDS

### A. PURPOSE

The Purpose of this section is to offer additional standards that are directed for specific uses as defined by this Ordinance. These standards shall apply to uses that are being reviewed by the Planning Board, Zoning Board of Appeals, & City Staff under this Ordinance with the strictest standards being required when approving all plans and permits.

### B. AGRICULTURE

1. All agricultural activities must be conducted in accordance with all applicable laws, rules, and standards, including but not limited to: the Right to Farm Law [17 M.R.S.A., Section 2805] and the Maine Nonpoint Source Control Program [38 M.R.S.A. c. 3, subsection-C:I].
2. Agricultural practices shall be conducted to minimize solid erosion, sedimentation, contamination, and nutrient enrichment of ground and surface waters.
3. 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 Solid and Water Conservation Commission in July, 1972, or subsequent revisions thereof.
4. Manure shall not be stored or stockpiled within one hundred (100) feet horizontal distance, of a great pond or a river, or within one hundred (100) feet horizontal distance of other water bodies, tributary streams, or wetland. Within five (5) years of the effective date of this section of the Code all manure storage areas within the Shoreland Zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.
5. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the Shoreland Zone shall require a Solid and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Code.
6. There shall be no new tilling of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this section of the Code and not in conformance with this provision may be maintained.
7. After the effective date of this section of the Code, newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal

Commented [GW91]: New section to reorganize all land uses standards into one section by alphabetical order.

distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

### **C. BED & BREAKFAST INN**

The following use standards are required for all Bed & Breakfast Inn operations as defined in Article 1:

1. the general public can stay overnight;
2. provides guests with a limited menu serving only a breakfast meal prepared in the home;
3. requires a Lodging license from the Maine Department of Health & Human Services under 10-144 Chapter 206 regardless of the number of rooms
4. provides temporary lodging for less than thirty (30) days;
5. provides such temporary lodging in four (4) or more rooms for guests;
6. has a manager of the inn residing on the premises; and
7. does not provide the accessory uses associated with a hotel/motel.

### **D. DOG DAYCARE**

1. These facilities shelter dogs indoors and have adequate space for a fenced run outside.
2. Owners of dog daycares must supply a mitigation plan for animal waste in addition to the other control plans set forth in the Land Use Code.

### **E. HOME OCCUPATION TYPE A**

All Home occupation Type A as defined in Article 1 shall follow the following standards:

1. The activity clearly is incidental, secondary, and accessory to the use of the dwelling for residential purposes;
2. No more than 25% of the floor area of the dwelling, not to exceed 500 square feet, shall be used for the home occupation, or, a detached accessory building of not more than two hundred (200) square feet in area may be used for such home occupation;
3. One person outside of the dwelling may be employed in the home occupation;
4. No storage of explosives or highly flammable or extremely hazardous materials, as defined by the U.S. Environmental Protection Agency, is allowed on the premises;

**F. HOME OCCUPATION TYPE B**

All Home occupation Type B as defined by Article 1 shall follow the following standards:

1. The activity clearly is incidental, secondary, and accessory to the use of the dwelling for residential purposes;
2. No more than 25% of the floor area of the dwelling, not to exceed 500 square feet, shall be used for the home occupation, or, a detached accessory building of not more than two hundred (200) square feet in area may be used for such home occupation;
3. One person outside of the dwelling may be employed in the home occupation;
4. No heavy commercial deliveries are allowed on the site;
5. No storage of explosives or highly flammable or extremely hazardous materials, as defined by the U.S. Environmental Protection Agency, is allowed on the premises;
6. The storage and delivery of goods, stock, and/or materials is allowed only for items manufactured, produced, created, or grown as product(s) of the home occupation and which are to be sold off-premises. All other sales, display, stock, and/or materials are prohibited;
7. No more than five (5) clients per day, and only two (2) clients at a time, are allowed on site;
8. Motor vehicle and bicycle parking necessitated by the conduct of any home occupation shall be provided on site;

**G. NON-COMMERCIAL KEEPING OF LIVESTOCK**

The following use standards are required for the Non-Commercial Keeping of Livestock as defined in Article 1:

1. **Species Prohibited in Residential Zones**
  - a. Roosters, Guinea fowl, peacocks, turkey, geese, ducks, goats, cows, horses, sheep, pigs, are prohibited in residential zones (URZ, SRZ, SCZ, DRBZ, GDZ, BZ, & ROZ)
2. **Animal Density**
  - a. The following Animal Unit (AU) table shall limit the total concentration of animals on a property for non-commercial purposes. An animal unit (AU) is the equivalent of 1,000 lbs. of animal per acre. For smaller species numerous animals can be added up to determine the number of animals allowable under the maximum animal density for a given zone. Fractional acres will take the limit and adjust accordingly. *If fractional animal, the animal is prohibited on the parcel proposed to be occupied.*

Zone	AFFZ	AHZ	BZ	DRBZ	GDZ	IZ	RBZ	ROZ	RRZ	SCZ	SRZ	URZ
Max AU Allowed for animals not defined	.144	.144	.072	.072	.072	.072	.072	.072	.072	.072	.072	.072
<b>Common Animal Limits per Acre (X=Prohibited)</b>												

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**Commented [GW92]:** New Standards for non-commercial keeping of livestock

**Commented [GW93]:** Clearly regulates noise of animals and large animals from causing negative impact to surrounding abutters. Pigs and bovine species have a long history of crossing over pathogens to humans in heavy residential communities.

**Commented [GW94]:** *PB Members Gerow & Roope: Added species as list prohibited in residential areas.*

**Commented [GW95]:** Animal density will limit the impact and number of animals on the properties and residential communities where manure, odor and flies can cause health concerns.

**Commented [GW96]:** *PB Member Gerow: Suggested addition of definition for AU to aid in understanding the meaning of the term.*

**Commented [GW97]:** This clause is used if the animal species is not mentioned underneath to aid the city staff in determining the maximum limit of populations of the animal.

Article 2

Chickens (6 lbs.)	24	24	12	12	12	12	12	12	12	12	12	12
Rabbits (10 lbs.)	14	14	7	7	7	7	7	7	7	7	7	7
Cows (1000-1400 lbs.)	1	1	X	X	X	X	X	X	X	X	X	X
Pigs, Sheep, Goats	3	3	X	X	X	X	X	X	X	X	X	X

Commented [GW98]: DECD Staff: Updated Weight based on Maine Cooperative Extension Table

Commented [GW99]: Provision addresses concerns regarding odor and flies

Commented [GW100]: This provision addresses manure, animals running at large and prevents spread of disease to the neighborhood.

Commented [GW101]: This section adds prevention standards that will reduce the risk of disease-ridden vermin from being attracted to communities.

3. **Manure Management**

- a. A manure management plan must be supplied to the City.
- b. Keeping livestock in residential zones (URZ, SRZ, SCZ, DRBZ, GDZ, BZ, & ROZ) will require the owner to remove animal waste every seven (7) days during trash collection.
- c. The AHZ & AFFZ may compost manure on site if fly and odor controls are not causing complaints from abutters.

4. **Running-at-Large Prohibited**

- a. All livestock are prohibited from running at large in the community whether on landowner's property or abutters and animals must be confined with fencing or caging on premise.
- b. Chickens and rabbits kept in residential zones and urban compact (URZ, SRZ, SCZ, DRBZ, GDZ, BZ, & ROZ) must be confined within an enclosed hutch or coop structure with or without a caged run and shall not be located near an abutting residential dwelling.
  - i. Caged runs shall meet the setbacks of zones
  - ii. All structures housing livestock shall follow specs outlined as guidance from the Maine Cooperative Extension

5. **Rodent & Vermin Mitigation**

- a. All food shall be kept in a secure chew-proof container for all food and treats on the premise that keeps livestock.
- b. Treats and table scraps (pieces of fruit and vegetable) provided to livestock shall be cleaned up daily by owner before dusk.
- c. All eggs shall be collected twice daily (morning & evening) to prevent access by vermin
- d. All coop and hutches that have access to a caged run shall be closed at night daily to prevent access by vermin.
- e. The use of scratch grains for poultry shall be limited to use in the morning to avoid excess grains to be available to vermin at dusk.
- f. Use of culling traps are required if evidence of rodents or vermin are present.

**H. MARIJUANA BUSINESSES**

All establishments must follow the requirements and be accepted in only the allowable zones mentioned in **Chapter 59A** of the City's Adult Use and Medical Marijuana Businesses Ordinance.

Moved (insertion) [1]

Commented [GW102]: DECD Staff: Add section from definition to standards

Commented [GW103]: DECD Staff: Add links to ordinance

Commented [GW104]: PB Member Gerow: Suggested amendment to clarify what Chapter 59A Means

**I. MINERAL EXPLORATION AND EXTRACTION**

1. 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 of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer, following approval of an application for special exception by the Zoning Board of Appeals and review of plans by the Planning Board, in accordance with the provisions of this Code, shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the

public health and safety.

2. Top soil, rock, sand, gravel, and similar mineral materials may be removed from locations where permitted under the terms of this Code only after a special permit for such operations has been issued by the Code Enforcement Officer, upon approval of an application for special exception by the Zoning Board of Appeals and review of plans by the Planning Board, in accordance with the provisions of this Code, and provided that nothing herein shall be deemed to apply to normal excavation operations incidental to construction activities for which a valid permit is held.

The following standards shall be met:

- a. Specific plans shall be established to avoid hazards from excessive slopes or standing water.
  - b. The operation shall be shielded from surrounding property with adequate screening.
  - c. No water source shall be disturbed.
  - d. No excavation shall be extended below the grade of adjacent streets unless 100 feet from the street line or unless provision has been made for reconstruction of the street at a different level.
  - e. There shall be a distance of at least twice the depth of the excavation between the edge of the digging or quarrying activities and the property lines.
  - f. A surety bond, payable to the City in an amount recommended by the City Manager and approved by the City Council shall be filed with the City Clerk of Presque Isle. The amount shall be sufficient to guarantee conformity with the provisions of the grant of approval.
3. Mineral extraction may be permitted under the following conditions:
    - a. In considering special permits for removal of mineral materials, the Board of Appeals shall take into consideration the following items:
      - i. Fencing, landscaped buffer strips, public safety
      - ii. Advertising signs, lighting
      - iii. Parking space, loading and unloading areas
      - iv. Entrances and exits
      - v. Time period for operation
      - vi. Hours of operation
      - vii. Methods of operation
      - viii. Weight and loading limit of trucks
      - ix. Ecological and other natural considerations, including excessive erosion and sedimentation

- x. Coverage of loads and prevention of sand and gravel spillage upon public streets
  - xi. Rehabilitation proposals
- b. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph e. below.
- c. Specific plans outlining the methods to be used to avoid hazards from excessive slopes or standing water must be presented to the Planning Board for review and approval before a permit is granted.
- d. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C, no part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet of the normal high-water line of a great pond or a river, and within one hundred (100) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland of significant importance as defined within the NRPAM Title 38, M.R.S.A. All other non-significant wetlands as defined in Article 1, **SECTION IV RESIDENTIAL DEVELOPMENT STANDARDS**, Definitions, shall not require a setback from the upland edge of said wetland, but the wetland area itself will be treated like all other wetlands. Extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.
- e. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
    - i. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
    - ii. Where an embankment must be left upon the completion of operations, it shall be at a slope *not* steeper than 1-foot vertical to 4 feet horizontal.
    - iii. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area, adequate to meet the provisions of the "Environmental Quality Handbook Erosion and Sediment Control", published by the Maine Soil and Water Conservation Commission. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
  - f. In keeping with the purposes of this section of the Code, the Zoning Board of Appeals and/or the Planning Board may impose such conditions as are necessary to minimize the adverse effects associated with mineral extraction operations on surrounding uses and resources and to safeguard the health, safety, and welfare of the community.

## J. WIND ENERGY SYSTEMS (SWES)

### 1. Purpose

To provide local regulation of Wind Energy Systems (WES) within the City of Presque Isle, to preserve and protect public health and general welfare without significantly increasing the cost to owners nor decreasing the efficiency of such systems.

### 2. Authority

- a. The City of Presque Isle Planning Board is vested with the authority to review and approve/deny a building permit application for a WES taller than 60 feet in height. Prior notification of abutters is required, as well as a public hearing in accordance with applicable legal provisions.
- b. The City of Presque Isle Code Enforcement Officer is vested with the authority to review and approve/deny a building permit application for a WES less than 60 feet in height. ***Prior notification of abutters is required, as well as a public hearing in accordance with applicable legal provisions.***

### ~~2. Permitted Use in Specific Zones~~

~~Wind Energy Systems shall be considered Accessory Uses and Structures and may be permitted in the following zones in the City of Presque Isle subject to issuance of a building permit and other appropriate permits and the governing restrictions of the respective zones:~~

- ~~a. Agricultural Farming/Forestry Zone (AFFZ)~~
- ~~b. Business Zone (BZ)~~
- ~~c. Retail Business Zone (RBZ)~~
- ~~d. Suburban Commercial Zone (SCZ)~~
- ~~e. Suburban Residential Zone (SRZ)~~
- ~~f. Industrial Zone (IZ)~~
- ~~g. Urban Residential Zone (URZ)~~
- ~~h. Rural Residential Zone (RRZ)~~

Commented [GW105]: Updated Zones to remove outdated zones. Not sure we need this since Zoning takes priority over standards.

**~~3. Prohibited Use in Following Zones~~**

**~~Wind Energy Systems shall be prohibited in the following zones within the City:~~**

**~~3. Aircraft Hazard Zone;~~**

**~~4. Resource Protection Zone;~~**

**~~5. Watershed Protection Aircraft Hazard Zone (WPAHZ);~~**

4. Medium and Large Utility and Community Wind Energy Systems

Larger utility scale and community wind energy systems are not regulated by this ordinance. Larger turbines are an integral aspect of developing renewable energy within the City and State. Since there are a host of other issues related to the siting of these larger sized wind energy systems, they require a separate regulatory and permitting procedure. Nothing in this section or any other section or standard of this code shall be construed as prohibiting wind energy systems of greater height or power generating capacity (output) produced in the following zones in the City, subject to application to and regulation by appropriate State and/or Federal agencies:

Agricultural Farming / Forestry Zone (AFFZ);

5. Standards

- a. *Number Per Lot.* On lots of less than one acre in size, a maximum of one WES is permitted per lot. On lots of one acre or larger multiple WES are permitted in accordance with applicable regulatory statutes of the Maine Public Utilities Commission or other governing oversight authority.
- b. *Power Generation.* The maximum generation capacity for one Wind Energy Systems (WES) shall not exceed 25 kW.
- c. *Height.* This section shall regulate the height of the wind energy systems and shall preempt any other section of this ordinance that regulates height of structures. The following height limitations shall apply to all zones in which WES installations are a permitted use as listed in section.
  - i. **Small Wind Energy Systems**-No part of a small wind energy system, included but not limited to rotor blades, shall extend above sixty (60) feet above the grade of the base of a free-standing tower or building to which the system is attached unless approved in accordance with Section B.1 above. No building mounted system may extend more than twenty (20) feet above the roofline of the building to which it is attached.

- ii. **Medium Wind Energy Systems**- No part of a medium wind energy system, included but not limited to rotor blades, shall extend above one hundred and twenty (120) feet above the grade of the base of a free-standing tower or building to which the system is attached.
- iii. **Large Wind Energy Systems**- No part of a large wind energy system, included but not limited to rotor blades, shall extend above two hundred (200) feet above the grade of the base of a free-standing tower except with the approval and authorization of the Federal Aviation Administration and other oversight agencies or entities.

6. **Setbacks**

- a. Wind towers for Wind Energy Systems shall be set back a distance of 1.5 times the height of the highest point of the turbine blade, described above, measured at the outside edge of the base of the tower. This setback distance may be reduced to 1.1 times the height of the highest point of the turbine blade, if documentation is provided that the public safety (personal and property) will not be jeopardized by doing so. All building mounted wind energy systems that rely on the building structure for their support do not require any setback.
  - i. All property lines, unless appropriate easements are secured from adjacent property owners.
  - ii. All inhabited or inhabitable residential structures, other than those owned or inhabited by the owner.
  - iii. All overhead public utility and telephone lines, unless written permission is granted by the affected utility or telephone company.
  - iv. Public and private road rights-of-way, unless written permission is granted by the owner(s) with jurisdiction over said right(s)-of-way.
  - v. Other rights-of-way, including railroads, utility corridors, etc.
  - vi. Other Small Wind Energy Systems, telecommunications towers

- b. WES shall be setback a distance of 1.5 times the highest point of the turbine blade, as described above, from any habitable building on adjoining properties.
- c. In no case shall a Wind Energy Systems be permitted within the front, side, or rear setback of any property.
- d. Guy cables for a Wind Energy Systems shall be setback at least ten feet to any property line, unless appropriate easements are secured from adjacent property owners.

7. Access and Safety

- a. The minimum distance between the ground and the rotor blade shall be 15 feet.
- b. The tower's climbing apparatus shall be no lower than 15 feet from the ground on a mono-pole installation or in the case of a lattice tower, the WES must have a locked security fence completely around the perimeter to prohibit unauthorized access.
- c. All access doors to WES towers and electrical equipment shall be clearly labeled as such and shall be locked except during maintenance.

8. Lighting

Wind Energy Systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority.

9. Electrical

Electrical controls and control wiring shall be wireless or underground except where necessary to connect the Wind Energy System to the transmission or distribution network, adjacent to that network, and shall comply with the latest adopted versions of the NFPA 70 (NEC). Applicant will provide appropriate proof of inspection & testing by the utility and/or transmission provider prior to system being energized.

10. Design and Aesthetics.

- a. WES shall have a color or finish that is non-reflective and non-obtrusive (galvanized steel, brushed aluminum, or white) as was originally applied by the manufacturer, unless otherwise required by the Federal Aviation Administration.
- b. At WES sites, the design of buildings and related structures shall use materials, colors, screening and landscaping that will blend the Wind Energy System to the natural setting and existing environment and structures.
- c. Wind Energy Systems shall not be used for displaying any advertising except for the reasonable identification of the manufacturer of the Wind Energy System that may be placed on the nacelle or on an unobtrusive nameplate.

11. Noise.

Audible noise due to wind energy facility operations shall not exceed fifty five (55) DBA for any daylight period or forty-five (45) DBA for any nighttime period, when measured at any occupied residence, school, hospital, church or public library existing on the date of approval of the wind energy facility. Exception is granted during short term events, such as severe wind storms and utility outages.

12. Code Compliance.

A Wind Energy System shall comply with all applicable Federal, State, and Local Building and Electrical Codes.

13. Met Towers.

- a. Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a Wind Energy System.
- b. Met towers are permitted on a temporary basis only, to remain in use for 3 years or less.

12. Utility Notification and Interconnection. -Written evidence that the provider of electrical service to the property has been notified of the intent to connect an electric generator to the electricity grid, if such connection is proposed.

13. Safety Related Control Systems- Safety Related Control Systems consist of electrical and mechanical hardware and software which operate to control and protect the wind energy system. The SRCS must be in place to control and govern the electrical output of the WES, as well as monitoring the rotation and the preventing over-speed of the rotors and turbine.

14. Building & Electrical Permits.

A building & electrical permits shall be required for the installation of a Wind Energy System.

15. Site Plan Required.

The building permit application shall be accompanied by a site plan that includes the following:

- a. Property lines and physical dimensions of the subject parcels;
- b. Location, dimensions, and types of existing structures on the subject parcels;
- c. Details on any rights-of-way contiguous with the subject parcels;
- d. Any overhead utility lines on the subject parcels;
- e. Location of the proposed WES tower and associated structures and equipment.

16. Location Plan Required.

The building permit application shall be accompanied by a location plan depicting the following:

- a. Location of the proposed WES tower and associated structures and equipment;
- b. The location of all inhabited or inhabitable residential structures within 250 feet of the proposed location of the WES tower;
- c. All overhead public utility and telephone lines within 250 feet of the proposed location of the WES tower;
- d. All public and private road rights-of-way within 250 feet of the proposed location of the WES tower;
- e. Other rights-of way, including railroads, utility corridors, etc., within 250 feet of the proposed location of the WES tower;
- f. Other wind energy systems towers, telecommunications towers, met towers, and water towers within 250 feet of the proposed location of the WES tower; and
- g. Distances between the proposed WES tower and all of the above.

17. Documents Required.

The building permit application shall be accompanied by the following supporting material:

- a. Copies of any recorded easements necessary to meet the setbacks requirements as contained in subsection D.3 above;
- b. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed);
- c. Evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the Wind Energy System;
- d. Tower foundation blueprints or drawings must be approved by the Emerging Technologies program of the California Energy Commission or any other wind energy certification program recognized by the American Wind Energy Association, the manufacturer of the installation or completed and/or reviewed and stamped by a Maine Licensed Professional Engineer, with seal; and
- e. Structural analysis and/or drawings must be provided by the manufacturer or qualified engineer showing foundation and anchor designs along with specifications for suitable soils/bedrock conditions at the chosen installation site.
- f. Other supporting documentation as deemed necessary by the Code Enforcement Office.
- g. Copy of Federal Aviation Administration's "Letter of Determination" in accordance with provisions within FAA's Part 77 for any construction within one (1) mile of the airport boundary or in excess of 200 feet in height.

18. Fees.

The fee required for a Building Permit from the Code Enforcement Office must be submitted with the application for a Building Permit for a Wind Energy System.

19. Expiration.

A permit issued pursuant to this section shall expire if the Small Wind Energy System is not installed and functioning within 12 months from the date the permit is issued.

20. Removal of Unsafe/Abandoned Small Wind Energy Systems.

- a. *Unsafe.* Wind Energy System found to be unsafe by the Code Enforcement Office shall be immediately shut down and removed or if repaired by the owner with a written statement of correction required to be presented to the Code Enforcement Office within ten (10) days to meet current Federal, State, and Local Safety Standards.
- b. *Abandonment.* A Wind Energy System that is not used for a consecutive 12-month period shall be deemed abandoned. The Code Enforcement Office shall notify the owner by mail or phone and owner shall provide a response within 10 business days. The landowner shall set forth in writing reasons for the operational difficulty and provide a reasonable timetable for corrective action.
- c. *Code Officer's Determination.* After receiving the response, if the Code Enforcement Office still determines the WES is abandoned, the owner of a Wind Energy System shall remove the wind turbine from the tower at the Owner's sole expense within 30 days from receipt of the original notice from the Code Enforcement Office.
- d. The Code Enforcement Officer may require the applicant or owner of a WES to provide a form of surety (i.e. post a bond, letter of credit or establish an escrow account or other liability mechanism) at the time of construction to cover costs of the removal in the event that the City of Presque Isle must remove the facility/installation.
- e. It shall be deemed unlawful for any person, corporation or other legal entity to construct, install or operate a wind energy system that is not in compliance with this ordinance. Wind energy systems installed prior to the adoption of this ordinance are exempt.
- f. Any person, corporation or legal entity who fails to comply with any provision of this ordinance shall be subject to enforcement and penalties upon conviction in accordance with the provisions of Title 30-A, MRSA Section 4452 or other applicable statute.
- g. Any physical modification to an existing Wind Energy Facility that materially alters the location or increases the area of development on the site or that increases the Turbine Height or the level of sound emissions of any Wind Turbine shall require a permit modification under this Ordinance. Like-kind replacements and routine maintenance and repairs shall not require a permit modification.

- h. In addition to, and separate from the provisions of Title 30-A, Section 4452, in the event the owner of a Wind Energy System and/or the owner of the real estate upon which the WES is situated, shall fail to remove the WES within the 30 days set forth in 7(c) above, the City shall have the right to go upon the land , after hearing, and dismantle and remove the WES from the site, at the expense of the owner of the WES and/or the landowner, and shall have, in addition, a lien upon real estate upon which the WES is situated for the expense incurred by the City in doing so, including all costs and reasonable attorney fees incurred thereby.
- i. The City Council shall hold a public hearing with written notice to the WES owner/landowner on which the WES is situated, at least ten (10) days prior to the hearing date, who may appear in person or by attorney, and participate in any such hearing by producing witness and evidence. If, after the hearing, the City Council determines that Section 7 of this ordinance has been violated, it may order the WES be removed from the property. If the owner of the WES and/or landowner upon which the WES is situated, failure to remove the WES from the property, within thirty (30) days of the hearing date, the City shall do so and shall have a lien on the property for expenses incurred thereby.

The lien set forth hereinabove shall be perfected by recording a copy of in the City Council's decision, following the hearing, in the Southern Aroostook District of the Registry of Deeds, with a copy thereof sent to the owner of the WES and or the landowner upon which the WES is located and with the Clerk of the City of Presque Isle. Upon recording thereof, the lien shall affix to and run with the land and may be enforced as other liens.

- j. Waiver Provisions- The Planning Board may waive any portion of this ordinance in such case where, in the opinion of the Planning Board and the City Solicitor, strict conformity would pose an unnecessary hardship to the applicant and where the waiver would not be contrary to the spirit and intent of the ordinance.
- k. Variances- The Presque Isle Zoning Board of Appeals shall have the power to hear and decide upon a variance from the requirements of this ordinance not in contradiction to the public interest in respect to a parcel of land where a literal application of this ordinance would result in unnecessary hardship. Variances are only available for height and setback requirements.



# *City of Presque Isle, Maine*

## *Planning Board Minutes*

City of Presque Isle, 12 Second Street, Presque Isle, Maine 04769  
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### *Sargent Family Community Center*

#### *October 20, 2022 @ 6:00 PM*

**Planning Board Members Present:** Bruce Roope; Chairman, Ward Gerow; Vice-Chairman, Sean Nordenhold, David Perry, & Stacey Walton

**Planning Board Members Absent:** Jayne Farrin & Brandon McDonald (Alternate)

**Others Present:** Galen Weibley, Director of Economic & Community Development; & Tim St. Peter, Code Enforcement Officer; Martin Puckett, City Manager; Laurie Kellie, City Police Chief;

#### **1. Call to Order**

Chairman Roope called the meeting to order at 6:01 PM.

#### **2. Minutes Approval:** Review and approve draft minutes from September 15, 2022.

A motion by **Ward Gerow**, second by **Sean Nordenhold** to approve the revised September 15, 2022 Planning Board Meeting Minutes. **Vote – unanimous 5-0**

#### **3. Discussion over Non-Commercial Keeping of Livestock:** Overview of current Land Use rules regulating keeping of livestock in residential and impact by the Maine Constitutional Amendment for the “Right to Food”

Galen Weibley offered an overview to the history of prohibiting livestock in the residential zones in Presque Isle. Chairman Bruce Roope also highlighted history as to why the City has prohibited the keeping of chickens five (5) years ago given the citizens’ concerns over noise, manure, smell, disease and vermin.

Mr. Weibley also overviewed the recent change of the Maine Constitution which allows residents the right to raise, grow and consume the food of their choosing. Mr. Weibley also highlighted information supplied by Maine Municipal Association (MMA) that there are no pending cases in the courts currently testing local zoning as it relates to prohibiting the keeping of livestock for food. MMA and the City’s attorney recommend keeping any changes that regulate livestock in residential areas to a public health and safety.

The Planning Board inquired of the Code Officer if there are currently cases he has seen of keeping chickens in residential areas. Tim St. Peter, the Code Officer stated he has four (4) cases pending where chickens are being kept outside and indoors of residential neighborhoods with expressed interest from other parties wishing to keep chickens for food and companionship. Members inquired what the status of the cases are at this time. Mr. St. Peter stated he has taken no action as the definition of Agriculture only applies to the keeping of livestock for lease or sale of their products and does not address self-consumption of products.

The Board received a petition from seventeen (17) concerned residents in Presque Isle who are opposed to the keeping of poultry in the residential zones. Planning Board members questioned how the city can enforce changes. Mr. Weibley highlighted mechanisms such as special exception approval, limiting number, species and manure controls to mitigate the impact to the neighborhood. Violations after adoption could be fined \$100-\$1,000/day per Chapter 16 of the City's Land Use Code.

The Planning Board members discussed at length the options that were supplied in the meeting packet. After deliberations, the Board directed city staff to close the definition of "Agriculture" to clear the gray area and institute a new use of Non-Commercial Keeping of Livestock with stringent standards to lessen the impact on neighbors and surrounding community. The proposed draft language will be reviewed at the next Planning Board Meeting.

**4. Proposed Chapter 63 – Lodging Establishment Registration Ordinance – Review Changes from the last meeting.**

Mr. Weibley outlined for the Planning Board Members the changes supplied by the last meeting. Planning Board members reviewed page by page over changes. Mr. Weibley highlighted that there were suggestions by the City Council to add provisions that all property taxes be paid in good standing during renewal and no outstanding code violations that are not being addressed. Mr. Weibley also noted a proposed change by the hospitality industry that removes the requirement of surveillance and instead states that if the Licensee utilizes surveillance, they must keep the recordings for at least one (1) week for law enforcement access.

Police Chief Laurie Kellie provided an overview for the Planning Board members and the public regarding what is considered an unresolved incident. An unresolved incident means if a call was made (i.e. domestic violence call, drug use/sale, etc.) and after a police investigation the hotel, motel or rooming house have not acted to mitigate the issue with a guest, the incident will be labeled unresolved to the satisfaction of the Police Chief.

In the meeting packet, Planning Board members received correspondence from the hospitality industry noting their opposition to the proposed draft. Planning Board members decided to make additional changes based on feedback of the Council and industry.

A motion by **Bruce Roope**, second by **Ward Gerow** to authorize City Staff to schedule a public hearing to consider changes and receive feedback on the proposed Chapter 63 of the Lodging Establishment Registration Ordinance at the Planning Board's November 17, 2022 meeting. **Vote – unanimous 5-0**

**5. Adjournment of the Planning Board Meeting**

A motion by *Sean Nordenhold*, second by *Ward Gerow* to adjourn the Planning Board Meeting at 6:50 PM. **Vote – unanimous 5-0.**

Respectfully Submitted,

Galen Weibley

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**Planning Board Members**  
**Bruce Roope, Chair, Ward Gerow, Vice-Chair**  
**Jayne Farrin, Dave Perry, Brandon McDonald,**  
**Sean Nordenhold, & Stacey Walton**



# *City of Presque Isle, Maine*

## *Planning Board Minutes*

City of Presque Isle, 12 Second Street, Presque Isle, Maine 04769  
Administrative Staff:

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### *Sargent Family Community Center*

#### *November 17, 2022 @ 6:00 PM*

**Planning Board Members Present:** Bruce Roope; Chairman, Ward Gerow; Vice-Chairman, Jayne Farrin, Sean Nordenhold (6:02 PM), & David Perry

**Planning Board Members Absent:** Stacey Walton & Brandon McDonald (Alternate)

**Others Present:** Galen Weibley, Director of Economic & Community Development; & Tim St. Peter, Code Enforcement Officer; Lewis Cousins, City Assessor; Adam Cyr, Kammie Ferguson, Jason Hafford, Hannah James, Jamie James, Carolyn Lyford, Jim Lyford, Barbara Martinez, Kathryn Murchison, Rachel Murchison, Connie Wedge & Maurice Womack

#### **1. Call to Order**

Chairman Roope called the meeting to order at 6:01 PM.

*Sean Nordenhold Arrived*

#### **2. Minutes Approval:** Review and approve draft minutes from October 20, 2022.

A motion by *Ward Gerow*, second by *Jayne Farrin* to approve the revised October 20, 2022 Planning Board Meeting Minutes. **Vote – unanimous 5-0**

#### **3. Public Hearing: Chapter 63 Lodging Establishment License Ordinance**

A Motion by *Ward Gerow* and second by *Jayne Farrin* to open the public hearing to receive comment regarding the proposed draft Chapter 63: Lodging Establishment License Ordinance.

**Vote – unanimous 5-0**

Adam Cyr representing the Presque Isle Hampton Inn (768 Main Street) mentioned his support for the proposed amendments made by the owners of the Hampton Inn.

Jamie James & Kammie Ferguson representing the Presque Isle Inn and Convention Center (116 Main Street) also stated their support for the proposed amendments proposed by the hospitality industry.

No other public comments were received. Chairman Roope closed the public hearing at 6:05 PM. Galen Weibley provided a summary of the proposed changes by the hospitality industry, City

staff, Planning Board & City Councilors.

***Public Hearing (Chapter 63: Lodging Establishment License (cont.)***

A motion by **Ward Gerow**, second by **David Perry** to recommend to the City Council approving the proposed changes to Chapter 63: Lodging Establishment License Ordinance as submitted in the packet. **Vote – unanimous 5-0**

**4. Citizen Comments**

Chairman Roope opened the floor to receive comments from the public regarding any City related matter. He overviewed the rules for addressing the Board including a limit of 2-minutes per resident and respectful and courteous behavior directed to the Planning Board.

**Jim Lyford (30 Braden Street):** Mr. Lyford addressed the Planning Board in opposition to the keeping of chickens and livestock in residential areas. Mr. Lyford stated Caribou and Fort Fairfield declined to allow livestock in their residential areas and he feels Presque Isle should do the same.

**Hannah James (265 State Street):** Ms. James addressed the Planning Board in support of changes to the ordinance although feels additional changes are missing from the amendment to Chapter 16 of the City's Land Use Code.

**Connie Wedge (31 Braden Street):** Ms. Wedge stated she has a 5-year old son who plays outside and dogs on the property. This summer was the worst year for mice on the property given her neighbor brought chickens on their property. She is concerned with her animals ingesting rodents or her son picking up dead mice. She believes people are negligent in taking care of livestock from her personal experiences and does not support allowing livestock to be kept in residential areas.

**Barbara Martinez (57 Parsons Street):** Ms. Martinez addressed the Planning Board stating that she understands Bangor, Lewiston and other Maine towns allow livestock in their residential areas but she feels they do not have to live with the consequences in Northern Maine which is different then the areas she referenced. She cited reasons for denial because Caribou and Fort Fairfield also have denied requests by residents to allow livestock in residential areas. She is concerned with attracting skunks to residential areas and citing seals dying from bird flu as unintended consequences when communities allow livestock in residential areas.

**Rachel Murchison (65 Dyer Street):** Ms. Murchison shared with the Planning Board her story of owning chickens in a residential neighborhood. She and her family asked permission of neighbors to make sure they were fine with the chickens. She uses pine shavings and remove the bedding/manure weekly to prevent odor and flies. Ms. Murchison also stated Portland, Maine allows for livestock in their downtown as does Kansas City.

**Carolyn Lyford (30 Braden Street):** Ms. Lyford shared her bad experience with her neighbor keeping chickens indoors. There was odor and manure issues which posed a health threat to her and her family.

*Citizen Comments (cont.)*

**Kathryn Murchison (65 Dyer Street):** Miss Murchison wanted to address the Planning Board as a 15-year old that loves her chickens. She wanted to let the board know that she has learned a lot from the keeping of livestock and hopes she can keep them in the future. Miss Murchison also mentioned that dogs make more noise than chickens.

Chairman Roope closed public comments after all in attendance had a chance to address the Board.

**5. Review of Non-Commercial Keeping of Livestock:** Overview of proposed amendment to Chapter 16 of the City's Land Use Code

Galen Weibley provided an overview of the history and how we made it to this point. Mr. Weibley shared with the members the draft changes that was the direction of the Planning Board. There were questions from the board regarding the Animal Unit density calculation that was clarified by staff. Mr. Weibley provided the rationale for prohibiting manure compost in residential areas and requirement to remove manure with trash service. The Planning Board inquired if sanitation will accept manure as part of trash which staff countered it is no different that canine and feline waste or diaper from baby which are done in residential neighborhoods.

Ward Gerow inquired if we should prohibit the keeping of turkeys in residential areas. David Perry also proposed adding geese to the list of prohibited species. The Planning Board agreed it was time to receive feedback from the public to the proposed draft amendments to be included into the Chapter 16 – Land Use Code reforms.

A motion by **Ward Gerow**, second by **Jayne Farrin** to hold a public hearing regarding the proposed changes at the December 15, 2022 Planning Board meeting and to receive proposed amendments by the public or board to be submitted by December 5, 2022. **Vote – unanimous 5-0**

**6. Appointments to the Planning Board – Review applications for two unfilled seats**

Mr. Weibley offered an overview the current process to fill vacancies on advisory boards. Historically, the department head responsible for staffing a committee would interview perspective applicants before forwarding their application for appointment by the City Council. Recently the City received three applications (Rachel Murchison, Harold Stewart II & Richard Engels) when there are only two seats open. Mr. Weibley stated this is a unique circumstance and would prefer the Planning Board's thoughts on the applications. He also mentioned Mr. Stewart requested his application be withdrawn since he was recently elected to minority leader in the Maine State Senate. It was decided to send both applications to the City Council (Murchison voting member and Engels as alternate).

Jayne Farrin stated for the record that she disagrees with the current selection process and feels

that the City Council should interview and decide who is appointed on the various boards and not department staff.

**7. Adjournment of the Planning Board Meeting**

A motion by *David Perry*, second by *Bruce Roope* to adjourn the Planning Board Meeting at 7:00 PM. **Vote – unanimous 5-0.**

Respectfully Submitted,

Galen Weibley

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**Planning Board Members  
Bruce Roope, Chair, Ward Gerow, Vice-Chair  
Jayne Farrin, Dave Perry, Brandon McDonald,  
Sean Nordenhold, & Stacey Walton**



# *City of Presque Isle, Maine*

## *Planning Board Minutes*

City of Presque Isle, 12 Second Street, Presque Isle, Maine 04769  
Administrative Staff:

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### *Sargent Family Community Center*

#### *December 15, 2022 @ 6:00 PM*

**Planning Board Members Present:** Ward Gerow (Vice-Chairman), Jayne Farrin, Sean Nordenhold, Rachel Murchison, David Perry, Stacey Walton, & Richard Engels (Alternate),

**Planning Board Members Absent:** Bruce Roope, & Brandon McDonald (Alternate)

**Others Present:** Galen Weibley, Director of Economic & Community Development, Tim St. Peter, Code Enforcement Officer; Tom Powers, PIIC Executive Director; Tim Roix, BRSA; Hannah James, Carolyn Lyford, Jim Lyford, & Becky Martinez

#### 1. **Call to Order**

**Vice-Chairman Gerow** called the meeting to order at 6:03 PM. He also designated alternate **Richard Engels** as voting member for tonight's meeting to fill voting board members. Total members present seven voting members.

#### 2. **Minutes Approval:** Review and approve draft minutes from November 17, 2022.

A motion by **Jayne Farrin**, second by **Stacey Walton** to approve the revised November 17, 2022 Planning Board Meeting Minutes. **Vote – unanimous 7-0**

#### 3. **Cross Street Subdivision Plan at the Presque Isle Industrial Park:** Review proposed plan before acting.

Mr. Weibley briefed the Planning Board with an overview of the proposed plan including history and why the Presque Isle Industrial Council is requesting the subdivision plan approval. Tom Powers added additional information regarding the need to make the division to the industrial park which never undertook a subdivision since the land was given to the City by the Federal Aviation Administration (FAA). By taking this action, this will keep the records clean regarding ownership and rental opportunities. Tim Roix walked through the change in parcel sizes and easement concerns from staff regarding parcel 16.

There was consensus by the Planning Board to expedite a simple motion approval for the subdivision plan.

*(Cross Street Subdivision Plan at the Presque Isle Industrial Park cont.)*

A motion by **Sean Nordenhold**, second by **David Perry** to approve the proposed subdivision plan for Cross Street as submitted by the Presque Isle Industrial Council. **Vote – unanimous 7-0**

**Vice-Chairman Gerow recessed the meeting for board members to sign the subdivision plan at 6:13 PM. A letter of approval was hand delivered by Galen Weibley to Tim Roix outlining notice of approval and deadline to record within 60 days.**

**Vice-Chairman Gerow reconvened the meeting at 6:18 PM.**

#### **4. Public Hearing: Non-Commercial Keeping of Livestock**

A Motion by **Stacey Walton** and second by **Richard Engels** to open the public hearing to receive comment regarding the proposed draft changes to Chapter 16 regarding the Non-Commercial Keeping of Livestock. **Vote – 6-0-1 (with Member Murchison abstaining and recusing herself from discussions because of conflict of interest with personally owning livestock in residential area.)**

**Hannah James (265 State Street):** Ms. James addressed the Planning Board with supplemental information she would like included in the ordinance as it relates to the City of Portland's keeping of poultry ordinance. The language supplied provided greater specifics for keeping chickens in residential areas and requires a minimal of six (6) chickens per lot of land. She would also like to see the hearing provision removed as this would be excessive and neighbors may be against her keeping chickens just because they do not like chickens.

**Jim Lyford (30 Braden Street):** Mr. Lyford stated he is still opposed to the proposed keeping of livestock in residential areas for the stench, dirt, flies and input from neighbors. Mr. Lyford also stated he did not receive the proposed changes. Mr. Weibley responded that the advertisement stated the language was available at City Hall with the Code Department window and that Mr. Lyford received the original proposed language which was only missing the prohibition of species of turkey and geese amendment per Members Gerow and Roope's recommendation during the last meeting. Mr. Lyford confirmed he received this original document via mail. Mr. Lyford also wanted to see requirements of chickens need to be 100' from residential neighbors (effectively prohibiting the keeping of livestock in a residential community).

**Carolyn Lyford (30 Braden Street):** Ms. Lyford reiterated that no one will follow the rules so she recommends not adopting these changes.

**Becky Martinez (57 Parsons Street):** Ms. Martinez inquired how far we are requiring coop structures to be from neighboring parcels. Code Officer, Tim St. Peter stated they will follow setbacks and standard provisions in the ordinance. Ms. Martinez stated she is still opposed to the keeping of livestock in residential areas.

No other public comments were received. Vice-Chairman Gerow received a motion by **Richard Engels**, second by **Stacey Walton** to close the public hearing at 6:42 PM. **Vote – unanimous 6-0-1 (Murchison Abstain)**

***Public Hearing (Chapter 16: Non-Commercial Keeping of Livestock Amendment)***

The floor was open by the members to discuss the feedback they received and provide direction to staff for future meetings. Before the discussion, Mr. Weibley offered insight into request by Mr. Nordenhold wanting to know from the public comment received during the November meeting if Caribou and Fort Fairfield prohibit the keeping of livestock in residential areas. Both municipal representatives confirmed they do not allow but acknowledged the uncertainty of the Right to Food Constitutional amendment.

**Vice-Chairman Gerow** stated he supports continuing to explore the change in residential areas but strongly believes the hearing requirements need to be kept within the amendment. **Mr. Engels** also agrees with the hearing provision but wanted to see if a setback of 100 feet as proposed by Mr. Lyford in his public comment could be explored. Mr. Weibley offered guidance from the City Solicitor and MMA legal to keep all provisions relating to regulating the keeping of livestock to efforts to address public health and safety (how do regulations protect public health, what will the setback outside standard zoning setbacks accomplish?) **Mr. Gerow** inquired the rationale for incorporating amendment language into Land Use Code vs. separate ordinance. Mr. Weibley responded the rationale is that the City has a strong position of policing powers to protect public health and safety with zoning vs. Portland's separate ordinance process. **Ms. Farrin** stated she is in support of the public hearing process as it is a similar process for certain businesses in residential communities. **Ms. Walton** wanted clarification does the language address the keeping of livestock indoors vs outside? Code Officer, St. Peter stated the intent is for chickens to be kept in a coop or hutch outside of the residential living quarters. **Mr. Gerow** stated he is unsure about the link of rodents to poultry operations. **Ms. Murchison** stated she acknowledges the importance of the public hearing process and also suggested looking at requiring a minimal hutch structure size of at least three sq. ft. per chicken also a minimum of three chickens per lot since they are social creatures. **Mr. Nordenhold** stated he supports the hearing process and **Mr. Perry** stated the board should prohibit chickens in residential areas only allowing keeping of livestock in agricultural zones.

In light of the technical language presented tonight, a motion was made by **Jayne Farrin** and second by **Stacey Walton** to table action on this item and allow Planning Board members to submit proposed amendments for consideration at the January 2023 Planning Board Meeting.

**Vote – unanimous 6-0-1 (Murchison Abstain)**

**5. Citizen Comments**

**Vice-Chairman Gerow** opened the floor to receive comments from the public regarding any City related matter.

**Hannah James (265 State Street):** Stated she appreciated the board's service in considering this language and for the time they have taken to discuss the non-commercial keeping of livestock.

**Vice-Chairman Gerow** closed public comments after all in attendance had a chance to address the Board.

**6. Other Business**

Mr. Weibley shared that the City has selected TYLin as the consultant to propose a redesign of Downtown Presque Isle. He also updated the Planning Board that the County Broadband Coalition has finalized their broadband report which will start the process of local RFP and applications to expand broadband to areas not being serviced by broadband infrastructure in PI & SAD 1 in the near future. The plan will be shared with members to start thinking.

Mr. Weibley also shared that the City will be exploring a potential housing project at 30 Federal Street which is City owned land. This project will require subdivision and site plan review by the Planning Board. Mr. Weibley also shared that the Homeless Services of Aroostook invited Galen to their monthly board meeting to discuss the strategic planning process in hopes of the City supporting their efforts for the vision they would like to see as an organization to help the most vulnerable. The Planning Board appreciated the assistance and update regarding important issues for the City.

**7. Adjournment of the Planning Board Meeting**

A motion by *Richard Engels*, second by *Jayne Farrin* to adjourn the Planning Board Meeting at 7:31 PM. **Vote – unanimous 7-0.**

Respectfully Submitted,

Galen Weibley

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**Planning Board Members**  
**Bruce Roope, Chair, Ward Gerow, Vice-Chair**  
**Jayne Farrin, Dave Perry, Sean Nordenhold,**  
**Stacey Walton, Rachel Murchison,**  
**Brandon McDonald, Alternate & Richard Engels, Alternate**



# *City of Presque Isle, Maine*

## *Planning Board Minutes*

City of Presque Isle, 12 Second Street, Presque Isle, Maine 04769  
Administrative Staff:

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### *Sargent Family Community Center*

#### *January 19, 2023 @ 6:00 PM*

**Planning Board Members Present:** Bruce Roope (Chairman), Ward Gerow (Vice-Chairman), Jayne Farrin, Sean Nordenhold, Rachel Murchison, David Perry, Stacey Walton, & Richard Engels (Alternate),

**Planning Board Members Absent:** None

**Others Present:** Galen Weibley, Director of Economic & Community Development, Tim St. Peter, Code Enforcement Officer; Tim Roix, BRSA; Carolyn Lyford, Jim Lyford, & Becky Martinez

#### **1. Call to Order**

**Chairman Roope** called the meeting to order at 6:00 PM. Total members present seven voting members and one alternate.

#### **2. Election of Officers**

**Mr. Roope** opened the meeting for nominations of officers:

A motion by **Ward Gerow** and second by **Dave Perry** to nominate **Bruce Roope** as Chair

A motion by **Bruce Roope** and second by **Dave Perry** to nominate **Ward Gerow** as Vice Chair

A motion by **Sean Nordenhold** and second by **Dave Perry** to nominate **Galen Weibley** as Secretary

No more nominations were received by the Board. The Planning Board decided to vote on the slate. **Vote - unanimous 7-0**

Selecting meeting dates for the Planning Board were discussed. After a short presentation by Mr. Weibley, the Planning Board agreed to meeting twice a month to aid in being business friendly to developers should the Land Use Code Changes be approved below. The Board established that every third Thursday at 6 PM will be the official monthly meeting. In the event that land use Code changes are adopted, the Planning Board will additionally meet on the First Thursday at 6 PM to consider subdivision and final site plan approvals.

**3. Minutes Approval:** Review and approve draft minutes from December 15, 2022.

Mr. Gerow suggested changes to the parenthesis of titles under the members present.

A motion by *Jayne Farrin*, second by *Stacey Walton* to approve the December 15, 2022 Planning Board Meeting Minutes with Mr. Gerow's suggestions. **Vote – unanimous 7-0**

**4. Citizen Comments:** None presented

**5. Amended Site Plan Review: F W Webb Development 15 Central Drive**

Tim Roix from BRSA presented an overview and history of the project and detailed the revisions to the recently approved site plan for the FW Webb development. Mr. Roix stated the need for a larger curb cut at the Parson Street entrance to accommodate large commercial deliveries onto the site. The reason this was not in the original plans was that the specifications outlined in the City's Curb Cut Ordinance have not kept with changes in commercial deliveries and was overlooked by the developer in design phase. The City's Development Review Staff met with Mr. Roix and saw no issues with the proposed changes.

There was consensus by the Planning Board to expedite a simple motion approval for revised site plan.

A motion by *Stacey Walton*, second by *Sean Nordenhold* to approve the proposed revision to the FW Webb Development located at 15 Central Drive. **Vote – unanimous 7-0**

*Chairman Roope recessed the meeting for board members to sign the revised final site plan at 6:29 PM.*

*Chairman Roope reconvened the meeting at 6:35 PM.*

**6. Land Use Code Changes**

Mr. Weibley offered an overview of the final changes that have not been reviewed by the Planning Board. Many were technical in nature and the majority of the changes are being proposed by the City's Engineer relating to stormwater, road design and wastewater standards. Mr. Weibley overviewed new changes in screening/buffering and exterior lighting which the Planning Board agreed are needed to protect the night sky and abutting property owners.

A motion by *Jayne Farrin*, second by *Ward Gerow* to schedule a public hearing at the Planning Board's February 16, 2023 meeting. **Vote – unanimous 7-0**

**7. Adjournment of the Planning Board Meeting**

A motion by *Jayne Farrin*, second by *Ward Gerow* to adjourn the Planning Board Meeting at 7:25 PM. **Vote – unanimous 7-0.**

Respectfully Submitted,

Galen Weibley

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**Planning Board Members**  
**Bruce Roope, Chair, Ward Gerow, Vice-Chair**  
**Jayne Farrin, Dave Perry, Sean Nordenhold,**  
**Stacey Walton, Rachel Murchison, & Richard Engels, Alternate**

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Bulletin #1021, Space Planning for Small, Multipurpose Livestock Barns



*Prepared by Extension Professor Donna Coffin*

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### Design With Goals and Versatility in Mind

The design of barns and other livestock facilities on small-scale farms in Maine depends on the number and types of livestock raised, grain- and feed-storage needs, and production methods used. Planning for a new livestock building, or adapting existing facilities, starts with establishing goals. These may include expanding or starting a new livestock enterprise or improving labor or production efficiency for an existing enterprise. When designing facilities, allow as much versatility as possible for future changes. A venture that starts out as a hobby can develop into a larger enterprise to offset costs, and eventually lead to profit.

The state of Maine does have certain requirements for housing and/or shelter for various livestock species; see the [appropriate sections of the Maine Revised Statutes](#). Use the following tables to estimate space needs for livestock housing, feed and bedding storage, and support facilities to maintain a small livestock operation in Maine. A general-purpose barn generally houses more than one kind of livestock and feed. On a small-scale farm, it may be the only building needed to shelter livestock and store crops. But on any size farm, it is important to have an extra, unattached smaller building with the capacity to quarantine animals that are either new to the farm or currently ill.

Table 1. Animal units

A common denominator used in planning for livestock is the "animal unit." Essentially, an animal unit is based on feed consumption. For example, it is generally estimated that the equivalent feed allowance of one mature cow is five pigs raised up to the size of 250 pounds.

Type of livestock	Typical weights (lb)	Equivalent number of animal units <sup>1</sup>	Head per animal unit <sup>2</sup>
Horses	1,000–1,600	1.00	1
Cows	1,000–1,400	1.00	1
Bulls	1,200–1,600	1.00	1
Young cattle one-year-old	500–700	0.50	2
Calves	50–500	0.25	4
Foals (weanlings)	350–450	0.50	2
Brood sows or boars	250–350	0.40	2.5
Hogs raised to 250	Up to 250	0.20	5
Ewes or does	150–250	0.20	5
Lambs or kids	Up to 100	0.07	14
Poultry (per 100)*	6–10 each	1.00	100
Chickens raised (per 100)	Up to 8 lb	1.00	100

<sup>1</sup> Equivalent number of animal units represented by one of each type of livestock given.

<sup>2</sup> Number of individuals of each given type of livestock that make up one animal unit.

\* Excluding turkeys, which may exceed 25 lb.

### Space Recommendations and Dimensions

Table 2. Storage space recommendations for feed and bedding

Kind of feed or bedding	Pounds per cubic feet (approx.)	Cubic feet per ton (approx.)
Baled hay (closely stacked)	8–10	200–250
Baled straw	7–8	250–300
Sawdust	12	160–170
Shavings (compressed bale)	10	200
Bedding wood pellets	30	70
Bulk grain <sup>3</sup>		
– Shelled corn	45	45
– Ear corn	28	72
– Oats	26	77
– Wheat	48	42
Feed—concentrate, supplements		
– Grains and supplement (mixed)	32	62
– High-protein supplement	50	40
– Bran	13	150

Kind of feed or bedding	Pounds per cubic feet (approx.)	Cubic feet per ton (approx.)
- Linseed or soybean meal	30-40	50-65

<sup>3</sup> One bushel of small grain equals 1 1/4 cu. ft.; one bushel of ear corn equals approximately 2 1/2 cu. ft.

### 1. Pen-space recommendations in a barn

- Provide a separate pen for each species of livestock.
- Allow 100 to 120 square feet per animal unit based on table 1 (complete confinement).
- Allow 50 to 60 square feet when animals have access to outside runs.
- Provide separate maternity rooms or pens with supplemental heat for expected winter or early spring births: 100 to 150 square feet for a cow or mare, 25 square feet for a ewe or doe, or 50 square feet for a sow.
- Creep-feed space for young livestock: 1 1/2 square feet per lamb, kid, or piglet; and 4 to 5 square feet per calf or foal.
- Allow 3 1/2 to 4 1/2 square feet of floor space per mature laying hen in flocks of 25 or fewer.

### 2. Feeders and waterers

- Allow about 24 inches of feeder space per individual animal when limited feed is fed at regular intervals. A little less is needed for smaller livestock such as sheep, and a little more for very large cows.
- Provide one feeding space for every four animals if self-feeders are used.
- Provide one drinking space for each pen and for every 25 animals.
- One-gallon waterers are sufficient for younger poultry, but they don't hold enough water for older birds. Three- to five-gallon waterers, or automatic nipples or cup dispensers, can be used for older birds.
- Provide one nest for each 4 to 5 hens, and 3 to 4 inches of feeder space.

Table 3. Space dimensions

Livestock	Minimum width of pen (ft.) <sup>1</sup>	Height of partition (in.) <sup>2</sup>	Height of ceiling (ft.) <sup>3</sup>	Animal access door (in.) <sup>4</sup>	Height of throat of manger (in.)
Horses	8	84	8 - 12	48 x 96	38 (foals = 32)
Cows	5	54	8 - 10	36 x 60	30
Calves	3	48		16 x 36 <sup>5</sup>	24
Hogs	4	36	7 - 8	24 x 36	-
Piglets	2	36		8 x 24 <sup>5</sup>	-
Sheep/goats	3	42	8 - 10	24 x 32	12
Lambs/kids	2	42		11 x 24 <sup>5</sup>	8
Poultry	-	Ceiling height	7 - 8	12 x 16	-

<sup>1</sup> For allowing the animal to turn around with ease.

<sup>2</sup> Partitions should be movable so that various pen arrangements can be formed.

<sup>3</sup> For cleaning barn with tractor loader, the minimum height should be 8 or 9 ft. During winter months the manure pack may build up as much as 3 to 4 ft. deep unless frequently cleaned. A clear height of 10 ft. allows a manure pack of 3 ft. (desirable in open barns) without severely limited headroom. Reduce clear height to 9 ft. in closed warm buildings or 8 ft. where manure is removed from the barn daily. The maximum height that baled hay can be piled from a truck bed without excessive labor or elevator is 10 to 12 ft.

<sup>4</sup> Minimum width by minimum height.

<sup>5</sup> Creep feeder. Varies with the size of the animal. The idea is to let young stock through while keeping the mothers out.

### Feeds

To prevent loss of feed quality, storage areas should be clean, dry, and rodent-free with minimum exposure to sunlight. A system of noting when feeds are placed into storage will enable farmers to use oldest feeds first.

- Roughages are bulky feeds, such as pasture crops, hay, and silage, all of which contain considerable fiber. Roughage in table 4 refers to dry hay.
- Concentrates are feeds such as grain and grain by-products that provide a large amount of nourishment in proportion to animal weight. Corn is the most common grain used as a concentrate.
- Supplements—generally high-protein—are used to supply the additional proteins essential for growing and milk-producing animals.

Table 4. Feed, bedding, and water recommendations<sup>1,2</sup>

Type of livestock	Roughages <sup>3</sup>	Bedding <sup>3</sup>	Concentrates grain <sup>3</sup>	High protein supplement <sup>3</sup>	Water gal./day/unit
Horses	2	1 to 1 1/2	1	-	8 to 12
Cattle	1 1/2 to 4	1 1/2 to 2	1 to 4 <sup>4</sup>	1/4	10 to 30
Swine	-	1 to 1 1/2	1 to 4	1/4	10 to 15
Sheep /goats	1 to 4	1	1 to 2 <sup>4</sup>	Optional	10 to 15
Poultry	-	0.2	1	1 to 2 <sup>5</sup>	6 to 9

<sup>1</sup> Based on animal units in Table 1.

<sup>2</sup> For use in estimating space recommendations only. Feeding livestock a balanced ration depends upon many factors too numerous to itemize here. For further information on feeding, consult your county University of Maine Cooperative Extension office.

<sup>3</sup> Tons per 200-day storage period per animal unit.

<sup>4</sup> In some cases animals are fed little or no concentrate or supplement—for example, cattle on good pasture, wintering beef cows, and dry ewes. Feeder stock are fed less hay and more grain for weight gain.

<sup>5</sup> Chicken mash.

Table 5. Recommended dimensions for tie stalls<sup>1</sup> for horses and cows<sup>2</sup>

	Width of stall	Length of stall <sup>3</sup>
800 lb cow	3' 6"	4' 10"
1,200 lb cow	4'	5' 6"
1,600 lb and over	4' 8"	6' 2"
Horses (medium)	5'	12'
Horses (small)	5'	9'
Ponies	3'	6'

<sup>1</sup> Chain or rope tie (not stanchion).

<sup>2</sup> When using stalls, a litter alley 6 ft. wide with a gutter is recommended.

<sup>3</sup> Length of dairy stalls is the distance from feed manger to manure gutter. Length of horse stalls includes 2 ft. for feed box.

Table 6. Recommended minimum widths for service passages<sup>1,2</sup>

Kind of passage	Use	Minimum width
Feed alley	Minimum recommended	3'4"
Feed alley	For feed cart	4'
Driveway	For wagon, spreader, truck	9' (preferably 10')
Doors and gate	Drive-through	9' (preferably 10')
Doors and gate	To small pens	4'

<sup>1</sup> In general, the recommendations for service passages are similar, regardless of the kind of animals.

<sup>2</sup> As an estimate, plan on 15% to 20% of total area for service passages.

#### A space planning rule-of-thumb

For a single-story building with a ceiling height of 10 feet, approximately one-third to one-half of the total space available is needed for livestock shelter; one-third for roughage and bedding storage (200 days); and one-third for access alleyways, feed/grain storage, and other facilities.

Calculate the amount of hay storage needed for 5 sheep for 150 days. Hay will be stacked 8 feet high.

A = 1 animal unit

B = 150 days / 200 days = .75

C = 2 1/2 tons

D = 225 cu. ft. per ton

Formula: (A x B x C x D) / storage height

1 x .75 x 2.5 x 225 = 422 cu.ft.

422 / 8 ft. = 53 sq.ft.

or an area 7.25 ft. x 7.25 ft.

#### Example of how to determine feed and bedding space requirements:

1. Determine the number of animal units from table 1. You will want to run separate calculations for different livestock if feed rations are to be substantially different.
2. Divide the total number of days you plan to store feed by 200. Note that if the usual Maine storage period of approximately 200 days (7 months) is planned for, the result will be 1.
3. Estimate tons of feed or bedding required for 200 days from table 4.
4. Estimate cubic feet per ton from table 2.

Now multiply A x B x C x D. This gives the spatial requirements in cubic feet. Divide this figure by the planned storage height in feet. The result is the area required for that particular feed storage in square feet. The square root of this number will give you the floor space needed to accommodate the feed or bedding. (Note: Do not plan to store bagged feed more than 5 feet deep.)

#### Manure Storage

The amount of manure generated per animal depends on the turnout schedule for the animals and the manure management scheme followed by the producer (daily clean-out of soiled bedding versus seasonal clean-out of manure pack) as well as the amount of roughage in the diet. If using the manure-pack method of manure management, aeration of the lower layers—via a tractor-mounted rototiller or chisel plow—will allow faster composting of the manure pack.

Table 7. Manure storage sizing per animal unit<sup>1</sup>

Species	Daily manure production including bedding (cu. ft.)	Storage volume for 200 days (cu. ft.)	Volume of bedding pack after 200 days (cu. ft.)

Species	Daily manure production including bedding (cu. ft.)	Storage volume for 200 days (cu. ft.)	Volume of bedding pack after 200 days (cu. ft.)
Cow (dairy)	2	400	250
Cow (beef)	1 to 1 1/4	250	150
Swine	1	200	90
Sheep and goats	1/2	100	60
Poultry	1	200	60
Horses	2	400	250

<sup>1</sup> G. D. Wells, ed., *Small Farms—Livestock Buildings and Equipment* (Ithaca: NRAES, 1984), 50.

Parts of this publication were adapted with permission from John C. Porter and David C. Seavey, *Housing and Space Guidelines for Livestock* (Durham, NH: University of New Hampshire Cooperative Extension, 2009).

## Reviewers

*Extension Professor Richard Brzozowski*

*Extension Assistant Professor Anne Lichtenwalner*

*Livestock Specialist Cindy Kilgore (Maine Department of Agriculture)*

## References

- Bradley, A.L., *Manure Management for Small and Hobby Farms*. Brattleboro: Northeast Recycling Council, Inc., 2008.
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# City of Presque Isle, Maine

The Office of  
City Assessor

**Lewis Cousins**

Email: [lcousins@presqueisleme.us](mailto:lcousins@presqueisleme.us)

## MEMORANDUM

<b>TO:</b>	<b>Honorable Presque Isle City Council</b>
<b>FROM:</b>	Lewis Cousins, City Assessor
<b>DATE:</b>	February 17, 2023
<b>RE:</b>	Chapter 16 Land Use Code Amendments

With regard to amendments proposed to the City Land Use Code, the Assessing Dept. has deep concern for the allowance of livestock in the residentially zoned areas of the city. The Assessors believe they have a responsibility to advise the Council of these concerns and ask for their consideration prior to a decision.

It is the opinion of the assessors that property values of the property containing livestock, as well as the abutting properties and possibly neighborhoods, may be negatively impacted by allowing livestock in the residential areas. The concerns are of smell, sound, sight, attraction of rodent and insects, along with the difficulty and burden of the city trying to manage violations.

The Planning Bd. was addressed in person and given the attached summary sheet during their public hearing on 2/17/23. The concerns were listed and a solution suggested.

The Assessing Dept. respects and appreciates the work of the Planning Dept. and Board and will respect any final decision on this subject. We do however, believe there is room for improvement in this regard.

ASSESSING DEPARTMENT REVIEW  
NON-COMMERCIAL KEEPING OF LIVESTOCK

The Assessing Department would ask Planning Bd to consider further review and amendment of the Chapter 16 proposed amendments currently being proposed.

It is the assessors concern that allowing livestock in any of the seven residentially zoned areas in the City has great potential to cause loss of value to the property it is located on, abutting properties, and entire neighborhoods. The Assessing Dept will have to address any negative impacts thru the use of "Economic Obsolescence" factors to lower the value of impacted properties which will in turn affect every property thru an increased mil rate.

- Economic obsolescence refers to the loss of value of a real estate property due to factors that are external to the property.
- Common causes of economic obsolescence include a change in aircraft flight patterns, increased crime rates, construction of a busy highway, construction of a landfill nearby, etc.
- Economic obsolescence is incurable, meaning that it is beyond the control of property owners.

Section 25. All individuals have a natural, inherent and unalienable right to food, including the right to save and exchange seeds and the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being, as long as an individual does not commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the harvesting, production or acquisition of food.

While it is appreciated that the Planning Dept. Code Officer and Board have spent considerable time in preparing standards, the Assessing Dept. believe there is more work to be done and offer the following as items not addressed in the proposed language.

- There is no standard or remedy regarding the attraction of Mosquitos
- There is no standard regarding the protection of vegetation – our lengthy mud season will cause existing lawn areas to be destroyed each spring and contribute to runoff and erosion.
- The setback standards utilized were originally put in place to prevent the spread of fire. In this instance the impacts are sight, sound, & smell. Recommend doubling the setback in each R zone.
- It will be impossible to meet the manure management plan in sect 3.b. during the winter months. The manure will be under the snow and frozen and will be part of the spring runoff.
- The rodent and vermin section will not prevent the attraction of the critters

The recommended solution to all of the above issues is to require any and all livestock kept within any area zoned residential is to require a fully enclosed barn with adequate window and ventilation. An exception could be allowed for any animal leashed and led by a person.

The barn should be built in accordance with MUBEC standards.

## Chicken Ordinance

Residents can have chickens (female) hens only, no (male) roosters at any time. City code enforcement officer will inspect the hen house, enclosure and property to make sure it is up to code. If renting property, will check with the owner of property to see if the tenant can have chickens before permit is given. Permit will be renewed on a yearly basis.

Coop/hen house enclosure pen restrictions:

- Must be in rear yard of property, not allowed anywhere else on property
- Must be 25 feet from any property line and 100 feet from street border
- Can not adversely impact the neighborhood surrounding the property on which the chickens (female hens) are kept.
- An annual permit is required - permit fee of 35 dollars
- Pen, enclosure and hen house must be on single dwelling lot only
- Only female chickens are allowed - must be able to tell sex of chickens when they come on the property
- Chickens are for personal use only, no personal sale of eggs, or engaging in chicken breeding or fertilizer production of any kind.
- No use of manure to fertilize chicken's owners property at any time.
- The slaughtering or killing of chickens on property is prohibited at all times
- Enclosure(s) and hen houses must be clean, dry and odor free. Enclosures must be kept in sanitary condition at all times, in a manner that will not disturb the enjoyment of the neighboring lot due to noise, odor or other adverse impact.
- Enclosure(s) and hen houses must be cleaned of chicken waste and or manure daily between the hours of 7am and 7pm 7 days per week, 365 days per year and 366 days a year on leap years.
- All food/water for chicken consumption must be kept inside the hen house at all times.
- The enclosure must provide adequate sun and shade, and must be impermeable to rodents, wild birds and predators including dogs and cats.
- Enclosure shall be constructed with sturdy wire fencing ,buried at least 12 inches in ground on all sides and ends of enclosure, pen fencing must be over the top of the pen also with hen house on the inside of the pen.
- The use of chicken wire is not permitted
- Chickens must be secured within the hen house during non-daylight hours
- Any hen house and enclosures must be at least 25 feet from any structure or any other lot.
- The hen house structure shall be enclosed on all sides and shall have roof and door.
- Enclosure(s) must have access door
- Enclosure(s) must have access door(s) that can be opened and closed, door(s) shall be closed and secured at all times day and night.
- Hen house access door must be shut and locked at night

- Opening windows and vents must be covered with predator and bird proof wire of less than one inch openings.
- The use of scrap, waste board, pallets and sheet metal or similar materials is prohibited.
- The hen house must be well maintained
- Enclosure and hen house shall only be located in rear of yard/lot.
- Chickens (female - hens) are not allowed to be in any part of a home
- Odor and noise from chickens, chicken manure, or other chicken related substances shall not be perceptible at the property boundaries at any time.
- Perceptible noise from chickens shall not be loud enough at property boundaries to disturb persons of sensitivity.
- No outside light at any time

#### Waste storage and removal:

- Provisions must be made for the storage and removal of chicken manure.
- All stored manure shall be covered by a full enclosed metal container
- No more than one Twenty (20) gallon container of manure shall be stored on any one property housing chickens
- All other manure shall be removed
- The henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings
- Uneaten feed shall be removed daily.
- Chicken feed must be kept in metal containers
- Chickens are not allowed to be free-range at any time, day or night.
- Eggs will be collected every day between 7am and 7pm
- If owner of chickens goes away for any reason for more than 24 hours; they will have a person to be responsible to do cleaning and gathering of eggs between 7am and 7pm daily while gone.

#### Violations:

If there is a report of violation, the town code enforcement will inspect. If a violation is found, the owner of chicken(s) and the owner of the property will have five (5) days to rectify the violation. Town code enforcement will re-inspect and determine if the violation has been rectified. If Property owner/tenant is still in violation, owner of chickens and/or the property owner will have a seventy-five (75) dollar fine, and will be given an additional 5 days to rectify the violation. After 5 days, Code enforcement will re-inspect.

If still in violation, or if there are three (3) different violations, chickens will be removed and chickens will not be allowed on said property while property is owned by the same owner and/or said renter.

If renting, property owners must give permission to the city, in person, for chickens to be permitted on property.

**LEGAL NOTICE**

**NOTICE OF PUBLIC HEARINGS**

The City Council for the City of Presque Isle will conduct a public hearing on **Monday, March 1, 2023 at 6:00 PM** at the City Council Chamber at 12 Second Street. The purpose of the **PUBLIC HEARING** is to receive citizens' comments on the following proposed amendment(s) to the City's Land Use and Development Code, Chapter 16 of the City Ordinances, as it pertains to:

*“The Land Use and Development Code, Articles I & II.”*

The public may attend the public hearing or submit written comments. You can obtain more information by contacting the City Clerk's Office at City Hall, 12 Second Street, Presque Isle, ME 04769 or call at 760-2702.

ADA ASSISTANCE: Anyone needing special assistance at the public hearing due to a disability should contact the City of Presque Isle's City Clerk at 760-2702 at least two (2) business days prior to the meeting date.

Per City Council  
Kimberly A. Finnemore  
City Clerk

# **PRESQUE ISLE CITY COUNCIL MEETING**

**For:**

March 1, 2023

**AGENDA ITEM # 5**

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**SUBJECT**

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**CONSENT AGENDA:** 2023 Minutes

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**INFORMATION**

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1) February 1, 2023 Minutes

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**REQUESTED ACTION**

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**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to approve minutes from February 1, 2023.



## **Presque Isle City Council Meeting**

**February 1<sup>st</sup>, 2023**

**6:00 PM**

**Sargant Family Community Center**

### **Call to Order – Roll Call**

Present: Chairman J. Shaw, Councilors C. Green, M. Chasse, G. Nelson and J. Willette. Councilor D. Cyr arrived at 6:08 PM. Absent Deputy Chairman K. Freeman  
City Manager Martin Puckett and City Clerk Kimberly Finnemore were also present.

### **Pledge of Allegiance**

Chairman J. Shaw called the meeting to order at 6:00 PM and led those present in the Pledge of Allegiance.

### **Proclamation**

Chairman J. Shaw read a Proclamation for American Red Cross Month

City of Presque Isle Proclamation

American Red Cross Month: 2023 Proclamation

WHEREAS, March is American Red Cross Month, a special time to honor the kindness of our neighbors who aid families in need every day in Maine, across the United States and around the world. Their dedication touches millions of lives each year as they carry out the organization's 142-year mission of preventing and alleviating suffering in the face of emergencies; and

WHEREAS, the American Red Cross aspires to turn compassion into action, and Mainers - American Red Cross volunteers - help each other when we are in need; and

WHEREAS, Mainers in supporting the American Red Cross have helped our neighbors get back on their feet after devastating home fires, assist communities across the country face record-breaking hurricanes, floods and wildfires; and  
WHEREAS, thanks to the American Red Cross's statewide community of volunteers and partners, people in Maine facing a disaster can meet their basic emergency needs, including having access to safe shelter, food, and critical health and mental health services, for free, day or night; and

WHEREAS, because of the American Red Cross's work, children and youth in Maine know how to prepare for and stay safe during a disaster, people have working smoke alarms and emergency escape plans and there are always trained individuals nearby ready to use their skills to save lives; and

WHEREAS, due to the American Red Cross’s efforts and local communities hosting blood drives and donating life-saving blood, anyone can access blood and blood products, and we have a healthy and plentiful blood supply that helps to extend or save lives; and

WHEREAS, military personnel, veterans, and their families, have access to global emergency communication services and the support they need to cope with deployments and reintegrating back into the community because of the American Red Cross; and

WHEREAS, Red Cross Restoring Family Links help reconnect families separated by international crises such as armed conflict, international disasters and migration; and

WHEREAS, this life saving work is vital to strengthening our community’s resilience, this month of March is dedicated to all of those who continue to advance the noble legacy of the American Red Cross and ask others to join in the commitment to care for people in need.

NOW, THEREFORE, be it resolved that the City of Presque Isle City Council, fully support and do hereby proclaim March 2023 as American Red Cross Month throughout the City, and we encourage all citizens of Presque Isle to join the Red Cross in its humanitarian mission as volunteers, blood donors, community partners, and local champions to continue to build the resiliency of our communities.

\_\_\_\_\_  
Jacob Shaw, Councilor Chair

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Kevin Freeman, Council Deputy Chair

\_\_\_\_\_  
Mike Chasse, Councilor

\_\_\_\_\_  
Craig Green, Councilor

\_\_\_\_\_  
Doug Cyr, Councilor

\_\_\_\_\_  
Jeffrey Willette, Councilor

\_\_\_\_\_  
Garry Nelson, Councilor

\_\_\_\_\_  
Martin Puckett, City Manager

### **Public Hearing**

1. Approval for a Special Permit for Music, Dancing, and Entertainment for Presque Isle Country Club, with location of 35 Parkhurst Siding Road.

Chairman J. Shaw opened the Public Hearing at 6:04 PM;

City Manager M. Puckett spoke on the application, and recommended Staff Approval.

There were no Citizens Comments

Chairman J. Shaw closed the Public Hearing at 6:05 PM

**BE IT RESOLVED** by Councilor J. Willette seconded by Councilor C. Green to approve a Special Permit for Music, Dancing, and Entertainment for Presque Isle Country Club, with location of 35 Parkhurst Siding Road.

**Vote: 5-0**

2. Approval of Malt, Spirituous and Vinous Liquor License for Mainely Mexican, LLC. d/b/a Mainely Mexican, with location of 6 State Road.

Chairman J. Shaw opened the Public Hearing at 6:06 PM

There were no Citizens Comments

Chairman J. Shaw closed the Public Hearing at 6:06 PM

**BE IT RESOLVED** by Councilor C. Green, seconded by Councilor J. Willette to approve a Malt, Spirituous and Vinous Liquor License for Mainely Mexican, LLC. d/b/a Mainely Mexican, with a location of 6 State Road.

**Vote: 5-0**

3. Approval to Amend Chapter 9 License and Public Hearing Fees Ordinance.

Chairman J. Shaw opened the Public Hearing at 6:07 PM

City Manager M. Puckett spoke on the change and updating the Ordinance to reflect the changes over the years and the changes in types of licenses being issued.

There were no Citizens Comments

Chairman J. Shaw closed the Public Hearing at 6:10 PM

**BE IT RESOLVED** by Councilor M. Chasse, seconded by Councilor C. Green to adopt the changes made to Chapter 9 license and Public Hearing Fees Ordinance.

**Vote: 6-0**

4. Approval of Amended Chapter 48 General Assistance Ordinance

Chairman J. Shaw opened the Public Hearing at 6:11 PM

City Manager M. Puckett spoke on the updated changes since approval in Nov. 2022.

There were no Citizens Comments

Chairman J. Shaw closed the Public Hearing at 6:11 PM

**BE IT RESOLVED** by Councilor C. Green, seconded by Councilor J. Willette to approve the Amendments to Chapter 48 General Assistance Ordinance Appendix A-G.

**Vote: 6-0**

### **Citizen Comments**

There were no citizens Comments

### **Consent Agenda**

5. Approve Minutes from January 4, 2023 meeting.
6. Approve 2022 Warrants #49-52 and 2023 Warrant #1 totaling \$2,006,169.29
7. Approve Deeds

1st Deed: Back in April of 2022, ACAP purchased 1 Edgemont Drive and two deed restriction were removed by the City Council. The only restriction left remaining after the release was a setback requirement – “No buildings or structures, of any kind, shall be placed upon said parcel within fifty (50) feet of Edgemont Drive.”

In some recent work, ACAP became aware that the existing building (which has existed since 1991) is mere inches shy of meeting the 50-foot setback restriction set forth in the deed. The building is well within the municipal ordinance setback requirements (30 feet). I have attached a survey plan showing that the building is 49.4 feet from the current sideline of Edgemont Drive.

This background is all lead up to ACAP’s request of the City—to release the only remaining deed restriction and make it so that ACAP’s property is subject to the same setback requirements as every other property and ensure that there is no potential claim for an extremely de minimus (6 inch) violation of an old deed restriction. Attached is form of release very similar to the prior version which would release the final deed restriction.

2nd Deed: RAM Construction LLC, 109 Parsons Street (15 Central Drive). Council approved the purchase and sale agreement back in 2021 and FW Webb is now ready to proceed with the closing.

**BE IT RESOLVED** by Councilor C. Green, seconded by Councilor J. Willette to approve Consent Agenda #5-#7 as presented.

**Vote: 6-0**

### **Old Business**

7. Hearing on Dangerous Buildings

City Manager spoke on the three properties 1 Mechanic St. 23 St. John St. and 257 Houlton Road. Spoke on the process to have land owners speak on their plans for the Property.

Tim St. Peter Code Officer spoke on 1 Mechanic St. stated the garage is what is in question. A person has been hired to demolish the building talked to Tim today. Garage door has been bordered up.

Owner Troy Ellis spoke on the garage with the roof caved in. Troy has hired a person to demolish the building.

Tim St. Peter spoke on 23 St. John St. House has been vacated for some time. Foundation is cracked in one spot, it is unsecured to some degree.

Owner Kevin Saucier spoke that he has put the property up for sale and he would make sure the buyers either tear it down or fix it in a certain amount of time. Kevin also agreed that if it doesn't sell he would tear it down by August 1<sup>st</sup>, 2023.

Tim St. Peter spoke on 257 Houlton Road is the Grange Hall front cellar wall has collapsed. It has been blocked up and a plan is in place.

Owner Chad Graham has plans for the foundation to be fixed and estimates from a contractor to do the work. They hope to have it started this spring. Chad also doesn't want a time line but agree that something will be started by 6 months.

Councilor J. Willette was reading the Resolve and Chad Graham spoke up that he did not agree with the resolve and wanted that on record. Councilor C. Green stated that as long as he did what his agreement with the City is there will be no issues. If he doesn't follow thru than they have the resolve to be put in place at that time.

**BE IT RESOLVED** by Councilor J. Willette, seconded by Councilor C. Green to adjudge 1 Mechanic Street, 23 St. John Street and 257 Houlton Road to be a nuisance and dangerous properties, for the owners to abate all conditions within 30 days to the satisfaction of the Code Enforcement Officer and assess each a penalty of \$100.00 per day if not complied to. Direct the City Manager to cause the structures to be demolished and removed. The cost to be charged against the real estates that the structures set shall constitute a lien on such real estates.

**Vote: 6-0**

### **New Business**

8. Maine State Firefighters Convention.

Aaron Buzza PIFD and Aaron Whittaker PIFD spoke on the Fire Fighters Convention. In September of 2023 the Presque Isle Fire Department will be hosting the Maine State Federation of Firefighters 59th annual State Convention right in here our Star City. The dates for this event begin on Sept. 8th with an evening meeting of the Maine State Federation of Firefighters (MSFFF) along with delegates for each member fire dept. Sept. 9th we begin the day with a parade down main street with fire department apparatus and marching units from all across Maine. After the parade comes the muster events where each fire department assembles a team to compete against each other in various events that are common in firefighting each event is timed the winners receive a trophy and bragging rights until the next event in 2024. As well all day there will be fire apparatus for viewing and equipment vendors as well as food vendors. These events will take place on the fairgrounds, consideration is being looked for some type of event at riverside as well. Later in the evening there will some type of entertainment which at this time are still in the works. The event finishes up 10th with a breakfast and award being given out to the muster winners in each event.

Presque Isle held this same event in 2010 and it was very well attended by fire depts. From all across Maine. We also had a very large draw of local area residence who came out for the day to watch the parade and muster events we would expect in the neighborhood of 300 firefighters to be in attendance.

We would like for this year to develop a challenge coin that we can handout to each fire department who participates as well as have them for sale.

We are asking if the Council would consider either approving the funding for these coins from the Cities overlay account or from the PIFD undesignated capital reserve account. Each coin would have our F.D. logo on one side and the City Seal on the other. We expect the price to be around 1,500.00 for 300 coins.

**BE IT RESOLVED** by Councilor C. Green, seconded by Councilor J. Willette to allocate \$1,500.00 dollars to purchase 300 coins for the Firefighters Muster.

**Vote: 6-0**

## 9. Northern Border Regional Grant

City Manager M. Puckett spoke about the grant. Established by Congress in 2008, the Northern Border Regional Commission (NBRC) is a partnership between the federal government and the States of Maine, New Hampshire, New York, and Vermont. The mission of the NBRC is to fund economic development and infrastructure projects throughout designated counties in its four-state service area. The NBRC partnership provides investments to job-creating projects that help reduce poverty, unemployment, and outmigration. NBRC investment funds originate from the Federal Government but are approved by the Federal Government's NBRC representative (Federal Co-Chair) and the Governors of the four States.

The NBRC can invest in economic and infrastructure projects in the following Maine counties: Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox, Oxford, Penobscot, Piscataquis, Somerset, Waldo, and Washington. Depending on the level of economic and demographic distress in each county, NBRC funded projects can be eligible for up to an 80% matching grant.

NBRC investments in Maine from 2010-2021: 68 awards totaling \$22,762,848

Matching funds for NBRC investments from 2010-2021: \$90,917,614.67

Previous Awards in Presque Isle:

2019 NMCC: \$59,800 energy reduction projects and simulator for hydraulics program

2018 PIUD: \$500,000 Sewer improvements to industrial park

2016 PI Airport: \$250,000 Five-unit hanger

Part of the submission process is a letter of support from the municipal officers. In the past we have supplied multiple letters of support, but should select only one project. Staff placed a notice in the Star Herald requesting applicants to submit proposals for Council to consider. Applications were due January 24th and no applications were submitted.

Scott Wardwell will present an airport proposal for Council consideration to support. PIUD also intends to apply for the NBRC grant. If the PIUD project addresses waterflow issues on the industrial park, Council should consider the application prior to deciding.

Applications are typically due in April, so Council can wait to decide at the March meeting.

Tim Cawley of NMCC spoke on their proposal for the Grant, to address the issues of Child Care in the Community. To offer 47 slots to Student, Employees, then the community in that order.

Scott Wardwell Director of Presque Isle International Airport

**PROJECT DEFINITION** – New 22,000 sf airport terminal facility, inclusive of check-in lobby, baggage handling, passenger screening checkpoint, secure hold rooms, concessions, and additional tenant functions.

**MAJORITY FUNDING OPPORTUNITY** – Public Law 117-58, Bipartisan Infrastructure Law (BIL) Airport Terminal Program (ATP) or FY 2022 Competitive Funding, Airport Improvement Program Supplemental Discretionary Grants

**ROUGH ORDER OF MAGNITUDE PROBABLE**

**COST**– The rough order of magnitude probable cost for the overall program at this time, inclusive of design fees and construction costs are \$28,953,700. The following entities and programs that have been identified for varying levels of contribution to the project costs:

- Federal Aviation Administration – both the BIL/ATP Grant and AIP Funding Program may cover up to as much as 70% of the project costs
- Maine Department of Transportation – the DOT may cover up to 2.5% of the project costs

- US EDA – the Public Works program may cover up to \$4,000,000 in FY 23
- Norther Borders Regional Commission (NBRC) – up to \$1,000,000 may be available from the NBRC
- Presque Isle International Airport Passenger Facility Charges (PFC) – the airport will contribute from the fees collected from passengers who fly through PQI
- City of Presque Isle, Maine – depending on State and Federal, range from \$2,000,000 - \$6,000,00

Council spoke of having a grading system to be put in place for future applications to prioritize importance/impact to the community.

**BE IT RESOLVED** by Councilor Chasse, seconded by Councilor C. Green that the City Council consider authorizing a letter of support for the Terminal Project Proposal.

**Vote: 6-0**

#### 10. Schedule Public Hearing to Amend Chapter 16 Land Use and Code Development.

Galen Weibley spoke on the Changes to the Chapter 16 Land Use and Code Development. The Planning Board is considering omnibus changes at their February 16, 2023 meeting that is a product of over 12 months of meetings and multiple public comment and hearing periods to continue making changes to the operations of site plan review and approvals which will allow Presque Isle to continue its reputation as being business friendly.

Developers and businesses note site plan review and approvals as a way to improve city operations to streamline their tight construction schedule given weather challenges. In the past these approvals processes could take months since the Planning Board meetings only once a month and changes may go back and forth between the city review staff and developer.

Revisions to the by-laws have been made as follows:

- Reorders the various chapters of the Land Use Code to “Articles”
- Permits Mobile homes in the URZ & AHZ and Special Exception in SRZ
- Combines former Chapters 2 (standards) & 3 (Site Plan Review) into Article 2
- Develops clear triggers of development that will be final approval by the Planning Board or internally with the PIDECD Staff
- Establishes a clear process of Preliminary Approval by the PI Development Review Staff and final approval schedule for the Planning Board
- This increases the communication between departments and outside agencies that are impacted by development

- Establishes new standards for development to address, stormwater, solid waste and waste water management, light control, screening and buffering, land use standards,
- Creates live links that aid developers in navigating the various cited sections and creates a table of contents that will automatically update as future changes are made to the document.
- New amendment to comply with Maine's Right to Food Constitutional Amendment that will allow Non-Commercial Keeping of Livestock in the AFFZ & AHZ but Special Exception in all other zones

Pending the Planning Board's final input at their February meeting, staff is recommending scheduling a public hearing for your next council meeting to consider these changes.

**BE IT RESOLVED** by Councilor J. Willette, seconded by Councilor C. Green to schedule a Public Hearing for March 1, 2023 to consider amending Chapter 16 Land Use and Code Development Ordinance.

**Vote: 6-0**

#### 11. Schedule Public Hearing to Amend Presque Isle Development Fund By-Laws

City Manager spoke on the Revisions to the by-laws.

Galen Weibley also spoke on the Revisions.

At the request during the January 20, 2023 PIDF Meeting, the PIDF members reviewed draft changes to the PIDF By-Laws in an effort to update the approval process to streamline approvals and to clarify changes to individual programs.

Revisions to the by-laws have been made as follows:

- Streamline approval process of loan requests lower than \$15,000 to be approved by the PIDF Trustees instead of second approval by the entire council
- Update the year terms for trustees
- Clarifies what indirect relationship means for City employees, Councilors and Trustees
- Provides the option for the City Council to recall the loan to be paid in full should business/developer not be current on their property taxes owed to the City
- Allows for program funding and lending for housing development
- Clarifies WARM Program is capped at \$20,000 per unit instead of unclear amount cap
- Clarifies Downtown Façade Loans require a public hearing by the City Council regardless of loan amount

**BE IT RESOLVED** by Councilor C. Green, seconded by Councilor J. Willette to schedule a Public Hearing for March 1, 2023 to consider amending the Presque Isle Development Fund By-Laws

**Vote: 6-0**

## 12. Transfer Funds to Downtown Revitalization Committee Reserve

The Presque Isle Downtown Revitalization Committee is requesting to transfer the remaining balance of their operating funds to their PIDRC special reserve account for the future purchase of Christmas lights for the Downtown area.

Original Budget: \$24,513.00

YTD Expenses: \$19,799.56

Remaining Bal: \$4,713.44

**BE IT RESOLVED** by Councilor M. Chasse, seconded by Councilor J. Willette to authorize the transfer of \$4,713.44 from the Presque Isle Downtown Revitalization Committee's operating funds to the Presque Isle Downtown Revitalization Committee's special reserve account.

**Vote: 6-0**

## 13. 2022 Departmental Review

City Manager M. Puckett spoke some of the Department Review.

For the Annual Report, departments put together some statistics and an overview for the previous year. I wanted to include the full reports from the Fire Department and Police Department for calls for service and highlight some of the activities of 2022. The financial overview is part of agenda item 16. Additional handouts will be presented at the meeting. Other departments will have reports for the goal setting process.

Some highlights:

Airport: Best October since 2000 (1,613) and most enplanements for December (1,512) "in this century!" -Scott Wardwell. For 2022, there was a total of 15,409 enplanements, the highest amount in the past 10 years. In 2019, there was a total of 13,149.

Code: Building Permits up 5.9% compared to prior year. Electrical & Plumbing permits down 7.4% & 10% respectfully. Inspections were up (Total 44.8%) for all building activities compared to 2021.

- Building (41.4%), Plumbing (41.4%), Electrical (32.9%), C of O (13.9%), Complaints (74%)

- Code broke new records: 135 Electrical Permits, 884 Building Inspections, addressed 409 Compliant Inspections. 1,897 Total Inspections for the year. Previous Record: 2016 with 1,806 total inspections.
- Finance: Expenditures \$423,000 below budget, primarily due to staffing. Revenues exceeded projections by \$848,000, primarily from Maine State Revenue Sharing.

## DISCUSSION ONLY

### 14. Goal Setting

Each year Council and staff hold a meeting to review and select goals for the upcoming year. Below is a list of 2022 goals that were selected. Some 2022 goals are long term and will carry into future years.

Some major projects that will be underway in 2023 are the MDOT PPI project (Downtown Transportation Study), Essential Air Service Bidding Process, Contract Negotiations for 5 Units, Echo Lake Sewer System Upgrade, Phase 1 of Aerospace Park & Terminal, and regional broadband expansion to list a few.

Departments have many other ideas for consideration. We look forward to a discussion and selecting dates and times for a workshop.

#### 2022 Goals

1.Housing: Team members: Tom Powers, Galen Weibley, Tim St. Peter, Lewis Cousins, Martin Puckett

Goal: Create various housing opportunities within the city to address existing shortages and future growth

Action Items:

- Identify locations/available land for development- all types of housing with estimated number of units per lot, consider zoning, soil type. Consider blighted areas, location to compact area and public/private water & sewer
- Cost estimates for development: road, utilities, sitework, permitting
- Funding sources: Federal/State, ME Housing, PIDF
- Identify Partnerships
- Tax Acquired Properties- continue to turn into residential units
- Report out initial findings in May
- Council Action 6/1 Market city owned lots for development, have discussions with developers. DECD created list of various locations within City for developers to consider. Staff held meetings with various developers, State entities, legislative outreach to promote housing opportunities.

2.Recreation Programming: Team Members: Gene Cronin & Rec Advisory Committee

Goal: Create outdoor activities/programs for wide age groups & families

Action Items:

- Identify Programs and equipment needs
- Develop budget
- Explore NHC opportunities
- Funding Sources- grants, annual budget, capital

Equipment for Outdoor Programming

Presentation in May, signed agreement with NHC, offered addition programs for summer, Produced update of activities in June

3. Online presence: Team Members: Brad Turner, Kellie Chapman, Galen Weibley, Patty Jandreau

Goal: Create Website that is consumer centric that highlights services & activities

Action Items:

- Create RFP for website design
- Review RFPs, interview companies
- Select company, contract
- Establish timeline for bids, design meetings, progress updates and completion
- Funding Sources- grants, annual budget, capital

Was on agenda for March, RFP for April council meeting

June council supported committee's recommendation, Revize awarded contract.

Website design committee met in July to discuss design.

Design presented to council

4. Workforce: Team Members: Brad Turner, Kellie Chapman, Martin Puckett & department heads

Goal: Retention and attraction program for employees.

Action Items:

- Partnerships to develop training programs to obtain licenses: (NMCC & Grants) CDL, paramedics
- Use information gathered from exit interviews to focus on key elements
- Look at regional, state and national efforts to attract
- Compare benefits
- Meet with union to brainstorm

Report out in September

Meetings occurred May 11 & 19. Memo created to overview union/non-union issues.

Meet with council team to review issues, implemented increases in 2022/2023 budget

5. Marketing & Promotion: Team Members: Kim Smith, Martin Puckett

Goal: Promote Regional Events to attract visitors, citizens, increase workforce

Action Items:

- Create a cohesive website

- Event Calendar
- Integrate into website redesign
- Explore CVB

Incorporate into website

6. Downtown Planning/Façade Program: Team Members: Galen Weibley, TIF Advisory, Dana Fowler, PIDRC

Goal: Downtown redevelopment & beautification

- Main St MDOT future collaboration VPI program
- Design loan/funding program to spur private investment
- Identify funding sources for façade- PIDF funding through TIF
- Parking, traffic design & reduce large truck traffic
- Sidewalk Repair, pedestrian improvements
- Signage

Council enacted Façade program & promoted door to door, accepting applications Applications received vetted by PIDF, approved by Council Mike and Sons, Northeastland.

Warm program created, Thor Enterprizes

7. Regional Services: Darrell White, Lewis Cousins, Brad Turner

Goal: Design sustainable, collaborative regional programs with other communities & entities

- EMS & Assessing rate formulas for 2023
- Explore other programs/partners

EMS planned for May, Assessing soon after.

Council created EMS rates in May, Assessing in June.

Meeting with managers in June to discuss EMS rates

Other topics:

Fleet Management program implementation: Ongoing

Internet expansion in the city, utilize anticipated funding

Completion of City Hall with façade improvements for front & interior design

City Manager will send an email with some dates and the Council will pick the best dates.

16. Approve 2022 Budget Actuals

At the close of the 2022 Budget Year the City will be able to transfer roughly 1.6 million dollars back into the General Fund due to the surplus/underspent budgets and increase in revenues. In 2022 the revenue for the City was \$848,373 above the budgeted amount. The Department of Economic Development had a revenue of \$125,000 which was about \$55,000 more than anticipated. The City Clerk department had an increase of \$8,800.00

due to an increase in licenses issued. Another department that experienced an increase in revenue was the Solid Waste department which showed an increase in Tip Fee Revenue by \$70,000. The main reason why the revenue was so much more than budgeted was due to the State Revenue Sharing Program. We had anticipated 1.9 million dollars coming from this program and we ended up receiving nearly \$900k more. When passing the 2023 budget the Council voted to use just over 1 million dollars of this money to go towards the budget and decrease the burden on the taxpayers. After the close of the 2022 budget year the expenses were \$423k under the amount budgeted. The main reason for this was staffing issues. We had several departments that weren't fully staffed but budgeted as such. During the 2022 budget year the Council voted on an increase in wages for the Police and Public Works departments. In doing this we have tried to become more competitive with the County Sheriff Depts wages. The increase in the Public Works Dept has helped in maintaining a full staff during this Winter season. At year-end if any of the departmental budgets as approved by City Council are overspent, the City Council must act on these amounts. Based upon preliminary numbers for the year 2022, seven departments have over-spent their budgets:

- Assessing -- \$15,779; An increase in wages due additional work from regional assessing.
- General Government -- \$279; This is due to a slight increase in wages due to new hire.
- Police Dept -- \$49,969; Due to wage increases during the year.
- Public Safety Bldg. -- \$15,364; Due to wage increases during the year.
- Utilities -- \$6,747; Increases in street lights/utilities, etc.
- City Clerk -- \$497; This increase was due to an increase in wages during the election season.
- Information Technology -- \$2,013; This was due to an increase in our Annual Maintenance

Agreement with our Trio Software System.

Based upon preliminary results of operations (Attachment A):

- Expenses were \$423,112 below budget,
- Revenues were \$848,373 above budget, for a net of
- \$1,271,485 below budget for the City Budget.

Property Tax Revenue was \$244,200 above budget due to an adjustment to Deferred Revenue, Overlay was \$117,605 below budget resulting in an overall net of \$1,633,291 that can be transferred into Surplus. Preliminary 2022 Surplus Analysis is Attachment B. These numbers are preliminary and unaudited; there may be additional adjustments but they should be minor.

**BE IT RESOLVED** by Councilor C. Green, seconded by Councilor J. Willette that the City authorize the following departmental over-spending for 2022.

Assessing - \$15,779

General Government - \$279

Police - \$49,969  
Public Safety Bldg. - \$15,364  
Utilities - \$6,747  
Information Technology - \$2,013  
City Clerk - \$497

**Vote: 6-0**

### **Manager's Report**

City Manager M. Puckett spoke on the Public Skate at the Forum. Fun activities at Rec will be Rugby Club, Ski Club, at the Library has family activities. The Volunteer Fire Dept is going to hold the State Maine Muster in Presque Isle.

### **Announcements**

United Way of Aroostook will hold a Black-Tie Gala on January 21, 2023 at 5:30 at the Sargent Family Community Center.  
We have the following vacancies for Boards/Committees; Zoning Board and Planning Board. Please see the City Clerk for an application or apply online.  
The next regularly scheduled meeting of the Presque Isle City Council will be on Wednesday, February 1, 2023, 6:00 PM at the Sargent Family Community Center

### **Adjournment**

**BE IT RESOLVED** by Councilor J. Willette seconded by Deputy Chairman K. Freeman to enter into Executive Session at 6:30 PM pursuant to 1 M.R.S.A. § 405(6)(D) to discuss Negotiations.

**Vote: 7-0**

Out of executive session at 6:56 PM.

**BE IT RESOLVED** by Councilor M. Chasse, seconded by Councilor J. Willette to authorize the City Manager to negotiate with MDOT for the acquisition of 1.03 acres of land.

**Vote: 6-0**

**Deputy Chairman K. Freeman Abstained**

**BE IT RESOLVED** by Deputy Chairman K. Freeman seconded by Councilor J. Willette to enter into Executive Session at 7:01 PM pursuant to 1 M.R.S.A. § 405(6)(D) to discuss Negotiations.

**Vote:7-0**

Out of executive session at 7:20 PM

**BE IT RESOLVED** by Councilor C. Green seconded by Councilor J. Willette to authorize the City Manager to finalize contract with Charter Communications.

**Vote: 7-0**

**BE IT RESOLVED** to adjourn by Chairman J. Shaw, second by Deputy Chairman K. Freeman at 7:22 PM.

**Vote 7-0**

Attested by: \_\_\_\_\_  
Kimberly A Finnemore, City Clerk

# PRESQUE ISLE CITY COUNCIL MEETING

**For:**

March 1, 2023

## AGENDA ITEM #6

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### SUBJECT

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**CONSENT AGENDA:** 2023 Warrants #2, #3, #4, and #5  
totaling \$1,510,593.80

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### INFORMATION

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1) Warrant #2	\$	109,177.56
2) Warrant #3	\$	330,527.24
3) Warrant #4	\$	319,217.69
4) Warrant #5	\$	751,671.31

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### REQUESTED ACTION

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**BE IT RESOLVED** by Councilor \_\_\_\_\_ seconded by  
Councilor \_\_\_\_\_ to approve 2023 Warrant #2, #3, #4  
and #5 totaling \$1,510,593.80.

# PRESQUE ISLE CITY COUNCIL MEETING

**For:**

March 1, 2023

## AGENDA ITEM # 7

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### SUBJECT

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**CONSENT AGENDA:** Request to review and reappoint members to boards and committees

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### INFORMATION

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1) Memorandum

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### REQUESTED ACTION

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**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to revise the below listed Board members as follows:

**Board of Assessment Review:** Member Jonathan Nadeau expired on 12/31/22 and should have been reappointed as a full member to expire 12/31/25.

**Library Board:** Ed Escobar and Sharon Brown were reappointed for one year as alternates to expire 12/31/23. Each should have been reappointed as full members to expire 12/31/25. And Julia Bartley was omitted and should have been reappointed as an alternate for one year to expire 12/31/23.

**Planning Board:** Reappoint Richard Engels as an alternate to expire 12/31/23



The Office of the City Manager  
Martin Puckett  
Email: mpuckett@presqueisleme.us

## MEMORANDUM

<b>TO:</b>	<b>Honorable City Council</b>
<b>FROM:</b>	Martin Puckett, City Manager
<b>DATE:</b>	February 3, 2023
<b>RE:</b>	<b>Review of Boards and Committees</b>

After reviewing the minutes from the January 4, 2023 council meeting, it was discovered that some members were incorrectly reappointed or reappointed for the wrong term as follows:

**Board of Assessment Review:** Member Jonathan Nadeau expired on 12/31/22 and should have been reappointed as a full member to expire 12/31/25.

**Library Board:** Ed Escobar and Sharon Brown were reappointed for one year as alternates to expire 12/31/23. Each should have been reappointed as full members to expire 12/31/25. And Julia Bartley was omitted and should have been reappointed as an alternate for one year to expire 12/31/23.

**Planning Board:** Reappoint Richard Engels as an alternate to expire 12/31/23.

Recommended Motion: Reappoint above listed members to their corresponding boards and committees with expiration dates as listed above.

# PRESQUE ISLE CITY COUNCIL MEETING

**For:**

March 1, 2023

## AGENDA ITEM # 8

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### SUBJECT

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**CONSENT AGENDA:** Approve Appointment to Development Fund Board

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### INFORMATION

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1) Margo Dyer Application

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### REQUESTED ACTION

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**BE IT RESOLVED** by Councilor \_\_\_\_\_ seconded by Councilor \_\_\_\_\_ to appoint Margo Dyer to the Development Fund Board to replace Michael McPherson who resigned. Appointment to expire December 31, 2023.

FULL NAME	Margo Dyer
STREET ADDRESS	33 Wilson, Presque Isle, Maine 04769
ARE PHYSICAL AND MAILING ADDRESS THE SAME?	Yes
PHONE NUMBER	(207) 760-8676
EMAIL	<a href="mailto:margo.dyer@mmgins.com">margo.dyer@mmgins.com</a>
LENGTH OF TIME AS A PRESQUE ISLE RESIDENT	49
MEMBERSHIP STATUS	Full Membership
I WISH TO BE CONSIDERED FOR APPOINTMENT TO	Development Fund Trustee
EDUCATIONAL BACKGROUND	Associates in Accounting SHRM-SCP Designation
EMPLOYMENT HISTORY	MMG Insurance Company 1999 to present Wal*Mart 1993 to 1999 Cunningham Middle School 1993 to 1997
COMMUNITY SERVICE	United Way of Aroostook, Children's Miracle Network, former Presque Isle Lions Club, Central Aroostook Chamber of Commerce, Relay for Life, Pregnancy Care Center, Daughters of Isabella and St. Mary's Catholic Church.
EXPERIENCE, KNOWLEDGE, OR ABILITIES THAT THAT WOULD CONTRIBUTE TO THE ACTIVITIES OF THE BOARD/COMMISSION/COMMITTEE	Presque Isle resident for close to 50 years, have an interest in seeing the area developed to attract new businesses, which in turn will bring more people to the area as taxpayers.
SIGNATURE	Captured
DATE	2/7/2023



# **PRESQUE ISLE CITY COUNCIL MEETING**

**For:**

March 1, 2023

## **AGENDA ITEM # 9**

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### **SUBJECT**

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**CONSENT AGENDA:** Approve Appointment to Library Board of Trustees

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### **INFORMATION**

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1) Amy Holland Application

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### **REQUESTED ACTION**

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**BE IT RESOLVED** by Councilor \_\_\_\_\_ seconded by Councilor \_\_\_\_\_ to appoint Amy Holland as an alternate to the Library Board of Trustees to expire December 31, 2023.

# City of Presque Isle

## Application for Appointment to City Board/Commission/Committee

Full Name: Amy Holland

Street Address: 26 Wilson St, Presque Isle, ME 04769

Mailing Address (if different): same

Telephone Number: 207-496-9675 (daytime) same (evening)

Email Address: alynnholland@gmail.com

Length of time as a Presque Isle Resident: 5 years

I wish to be considered for appointment to the:

Library Board of Trustees - alternate  
(Name of Board/Commission/Committee)

Check one or both:  Full Membership Status  Associate Membership Status

Educational Background: University of Maine, Orono, ME

Bachelor of Science in Chemical Engineering, 2008

Master of Science in Biological Engineering,

Employment History: Holland Consulting LLC - Owner - 2019 to current

(See attached resume)

Community Service: Bread of Life Soup Kitchen, Cook, 2019

Please note any prior experience, knowledge or abilities that you have which would contribute to the activities of the Board/Commission/Committee:

As a remote-working professional and homeschooling mother, the library holds great value in my daily life. I would be honored to give back and provide my perspective on the offerings available from the library.

Date: 1/23/23

Signature: Amy Holland

Thank you for your interest in serving the City of Presque Isle.

Please return form to: City Clerk's Office, 12 Second St., Presque Isle, ME 04769

**FOR USE BY CITY CLERK'S OFFICE:**

Date application received: 1/25/2023

Received by: Kim Finneore

Application submitted to: City Council Chairperson City Manager other

Date application submitted to above office: 1/30/23

Date appointed by Council: \_\_\_\_\_

Date applicant notified by City Clerk's Office: \_\_\_\_\_

Date applicant sworn in: \_\_\_\_\_

Term to begin: \_\_\_\_\_

Term to expire: \_\_\_\_\_

Length of term: \_\_\_\_\_

If filling a vacancy, please note:

If no openings available at time of application, please note:

# Amy Holland, PE

amy@hollandconsult.com ♦ Phone: 207-496-9675 ♦ Presque Isle, Maine

- Licensed Professional Engineer (PE) with consulting and pulp and paper industry experience
- M.S. degree in Biological Engineering with concentration in Life Cycle Assessment (LCA)
- Specialties: Regulatory Compliance, Product Stewardship, Technical Sales, ISO 9001 & 14001 certifications, Wastewater Treatment Operations, ASTM Phase I and II ESAs, Project Engineering, Process Engineering, Production Management, SPCC Plans, UST Site Assessments

## Professional Experience

### Holland Consulting -- Presque Isle, ME

June 2019 to current

Owner

- Provided consulting services for clients involving product stewardship and regulatory compliance, including food safety, national and international regulations, and environmental reporting

### County Environmental Engineering -- Caribou, ME

March 2016 to June 2019

Project Engineer

- Worked with clients to complete Spill Prevention, Control and Countermeasure (SPCC) Plans, Underground Storage Tank (UST) Site Assessments and Phase I and II Environmental Site Assessments (ESAs) based on ASTM standards • Worked with Maine DEP and general contractors to remediate contaminated soils • Conducted fieldwork, including collection of air, water and soil samples for laboratory analysis, field screening of soil samples, and air monitoring for asbestos abatement activities

### Solenis -- Madawaska, ME

February 2019 to June 2019

### BASF -- Madawaska, ME

February 2018 to February 2019

Technical Sales Representative

- Provided technical support for specialty chemicals used in papermaking process • Worked with process engineers, product development, production, maintenance and engineering to design, install and maintain chemical systems • Conducted trials to improve paper quality and machine efficiency • Monitored, analyzed and reported performance of chemical programs • Created standard operating procedures for operators • Performed safety audits and provided recommendations for system improvements

### Twin Rivers Paper Company -- Madawaska, ME

May 2010 to February 2016

Senior Process Engineer, January 2016 to February 2016

- Completed responsibilities associated with Process Engineer position (see below) and assisted with cleaner upgrade project

PM5 Line Assistant Superintendent, September 2014 to December 2015

- Supervised machine line operations for safe and efficient manufacturing of specialty paper • Completed responsibilities associated with Shift Supervisor position (see below) • Worked across departments to implement mill-wide conversion from ethylated starch to native (pearl) starch, including installation of conversion equipment and completion of trials to ensure paper quality was maintained

Environmental Specialist, September 2013 to September 2014

- Supervised primary and secondary treatment operations of mill wastewater • Maintained regulatory compliance for mill operations, including requirements for air emission license, wastewater discharge license and NPDES stormwater permit • Worked with Maine DEP to complete spill reporting requirements and implement corrective actions in the event of a release • Managed ISO 9001 and 14001 certifications, including internal and external audit program and corrective action request system • Completed and managed product stewardship requests from customers

Shift Supervisor, May 2012 to August 2013

- Supervised 25 production employees for the safe and efficient operation of paper machine process line, including stock prep, paper machine, off-line coater, supercalendar, winder and finishing operations • Conducted safety meetings, performed safety audits and completed administrative duties including time and attendance, performance reviews and discipline

Process Engineer, May 2010 to May 2012

- Monitored and optimized paper machine wet end and mill-wide process chemical systems • Worked with chemical suppliers to identify new products and process changes to reduce operational costs • Provided technical support for production, product development and maintenance to implement process changes and improve system reliability • Developed and updated training procedures for operators and technicians • Conducted safety meetings and audits • Supervised process engineering student intern

Product Development Co-op, Fall 2006 and Summer 2007

- Worked with product development and process engineers to complete laboratory evaluations and perform machine trials

## Education

### University of Maine -- Orono, ME

M.S. in Biological Engineering, Concentration in Life Cycle Assessment (LCA)

May 2013

B.S. in Chemical Engineering, Undergraduate Research Assistant, Tau Beta Pi, PIMA Student of the Year

May 2008

Licensure: Professional Engineer, October 2013 • Asbestos Air Monitor, May 2018 • 40-Hour OSHA HAZWOPER

# PRESQUE ISLE CITY COUNCIL MEETING

**For:**

March 1, 2023

**AGENDA ITEM # 10**

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**SUBJECT**

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**NEW BUSINESS:** 2023 Goal Settings

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**INFORMATION**

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1) Memorandum

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**REQUESTED ACTION**

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**BE IT RESOLVED** by Councilor \_\_\_\_\_, seconded by Councilor \_\_\_\_\_ to schedule a Goal Setting Workshop(s) for \_\_\_\_\_.



The Office of the City Manager  
Martin Puckett  
Email: mpuckett@presqueisleme.us

## MEMORANDUM

<b>TO:</b>	<b>Honorable City Council</b>
<b>FROM:</b>	Martin Puckett, City Manager
<b>DATE:</b>	February 22, 2023
<b>RE:</b>	<b>2023-2024 Goals</b>

A poll was sent out to council to find a date/time to hold a goal setting session, the dates all councilors will be available will be confirmed at the meeting.

There are some major projects that should be considered:

MDOT PPI project (Main Street Downtown Transportation Improvements Feasibility Study). This will be a yearlong project involving multiple departments, Council, agencies and public involvement led by the consultant agency TYLin.

Essential Air Service Bidding Process will begin at the end of 2023 with a recommendation required from the Airport Advisory Board/Council in 1Q 2024

Contract Negotiations for 5 Units: Police, Sergeants, Airport, Public Works, Professional and Fire Department. Current contracts expire 12/23. Begin negotiations in 2Q 2023. Non Union negotiations in unison.

Echo Lake Sewer System Upgrade: DECD, DEP, PW will be involved. Project start time depends on DEP approval once contractor bid s are received.

Phase 1 of Aerospace Park & Terminal: Multi agency & departments

Regional broadband expansion: SAD 1 communities & State federal agencies

Land Bank Creation 2Q 2023

Budget Presentation Redesign: new format/workshop for council & departments 2Q 2023

Creation of Facility/Building position to oversee city assets & maintenance

Ongoing projects from 2022: Housing, Website, City Hall, workforce retention/attraction

Departments have other ideas/projects for consideration. We look forward to a discussion and selecting dates and times for a workshop.

## 2022 Goals

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### **1. Housing: Team members: Tom Powers, Galen Weibley, Tim St. Peter, Lewis Cousins, Martin Puckett**

Goal: Create various housing opportunities within the city to address existing shortages and future growth

#### Action Items:

- Identify locations/available land for development- all types of housing with estimated number of units per lot, consider zoning, soil type. Consider blighted areas, location to compact area and public/private water & sewer
- Cost estimates for development: road, utilities, sitework, permitting
- Funding sources: Federal/State, ME Housing, PIDF
- Identify Partnerships
- Tax Acquired Properties- continue to turn into residential units

Report out initial findings in May

Council Action 6/1 Market city owned lots for development, have discussions with developers. DECD created list of various locations within City for developers to consider. Staff held meetings with various developers, State entities, legislative outreach to promote housing opportunities.

### **2. Recreation Programming: Team Members: Gene Cronin & Rec Advisory Committee**

Goal: Create outdoor activities/programs for wide age groups & families

#### Action Items:

- Identify Programs and equipment needs
- Develop budget
- Explore NHC opportunities
- Funding Sources- grants, annual budget, capital  
Equipment for Outdoor Programming

Presentation in May

Signed agreement with NHC, offered addition programs for summer

Produced update of activities in June

### **3. Online presence: Team Members: Brad Turner, Kellie Chapman, Galen Weibley, Patty Jandreau**

Goal: Create Website that is consumer centric that highlights services & activities

#### Action Items:

- Create RFP for website design
- Review RFPs, interview companies
- Select company, contract
- Establish timeline for bids, design meetings, progress updates and completion

- Funding Sources- grants, annual budget, capital

Was on agenda for March, RFP for April council meeting  
June council supported committee's recommendation, Revize awarded contract.  
Website design committee met in July to discuss design.  
Design presented to council

**4. Workforce: Team Members: Brad Turner, Kellie Chapman, Martin Puckett & department heads**

Goal: Retention and attraction program for employees.

Action Items:

- Partnerships to develop training programs to obtain licenses: (NMCC & Grants) CDL, paramedics
- Use information gathered from exit interviews to focus on key elements
- Look at regional, state and national efforts to attract
- Compare benefits
- Meet with union to brainstorm

Report out in September

Meetings occurred May 11 & 19. Memo created to overview union/non-union issues.

Meet with council team to review issues, implemented increases in 2022/2023 budget

**5. Marketing & Promotion: Team Members: Kim Smith, Martin Puckett**

Goal: Promote Regional Events to attract visitors, citizens, increase workforce

Action Items:

- Create a cohesive website
- Event Calendar
- Integrate into website redesign
- Explore CVB

Incorporate into website

**6. Downtown Planning/Façade Program: Team Members: Galen Weibley, TIF Advisory, Dana Fowler, PIDRC**

Goal: Downtown redevelopment & beautification

- Main St MDOT future collaboration VPI program
- Design loan/funding program to spur private investment
- Identify funding sources for façade- PIDF funding through TIF
- Parking, traffic design & reduce large truck traffic
- Sidewalk Repair, pedestrian improvements
- Signage

Council enacted Façade program & promoted door to door, accepting applications

Applications received vetted by PIDF, approved by Council Mike and Sons, Northeastland.

Warm program created, Thor Enterprizes

**7. Regional Services: Darrell White, Lewis Cousins, Brad Turner**

Goal: Design sustainable, collaborative regional programs with other communities & entities

- EMS & Assessing rate formulas for 2023
- Explore other programs/partners

EMS planned for May, Assessing soon after.

Council created EMS rates in May, Assessing in June.

Meeting with managers in June to discuss EMS rates

Other topics:

Fleet Management program implementation: Ongoing

Internet expansion in the city, utilize anticipated funding

Completion of City Hall with façade improvements for front & interior design

# **PRESQUE ISLE CITY COUNCIL MEETING**

**For:**

March 1, 2023

## **AGENDA ITEM # 11**

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### **SUBJECT**

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**NEW BUSINESS:** MSAD #1 Broadband

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### **INFORMATION**

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- 1) Memorandum
- 2) MSAD #1 Broadband Map

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### **REQUESTED ACTION**

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**DISCUSSION ONLY**



# *City of Presque Isle, Maine*

The Office of  
Director of Economic & Community Development  
**Galen Weibley**  
Email: gweibley@presqueisleme.us

## **MEMORANDUM**

<b>TO:</b>	<b>Martin Puckett, City Manager &amp; Members of the Presque Isle City Council</b>
<b>FROM:</b>	Galen Weibley, Director of Economic & Community Development
<b>DATE:</b>	February 13, 2023
<b>RE:</b>	<b>MSAD 1 Broadband Map Presentation Briefing</b>

Please find the enclosed map overview of roadways with no fixed broadband service for residents.

As part of the County's Broadband Plan, a consultant identified areas where coverage for residents is low or non-existent. As part of the County plan, local communities and stakeholders are tasked with outreach to their communities before applying for technical assistance grants or construction grants with the Maine Connectivity Authority.

After reviewing the report, Presque Isle DECD engaged interest in SAD (School Administrative District) partners (Towns of Chapman, Castle Hill, Mapleton and Westfield) to conduct a joint outreach with residents before deciding to apply for technical assistance funds from the state for future construction of lines with local internet service providers. The Tri-Community has decided to join Presque Isle in this endeavor and Superintendent for SAD 1 has agreed to host the community outreach at one of their facilities.

The enclosure is just informative in nature and no action requested at this time. Please do not hesitate to contact me should you have any questions.

### **Enclosures:**

\*MSAD 1 Broadband Map

# SAD 1 Map

## Presque Isle



Allen Road



Ashby Road



Brewer Road



Burlock Road



Campbell Road



Centerline Road



Chandler Road



Chapman Road



Cleaves Road



Conant Road



Cross Road



Easton Road



Egypt Road



Fort Road



Ginn Road



Henderson Road



James Road



Jamieson Road



Lathrop Road



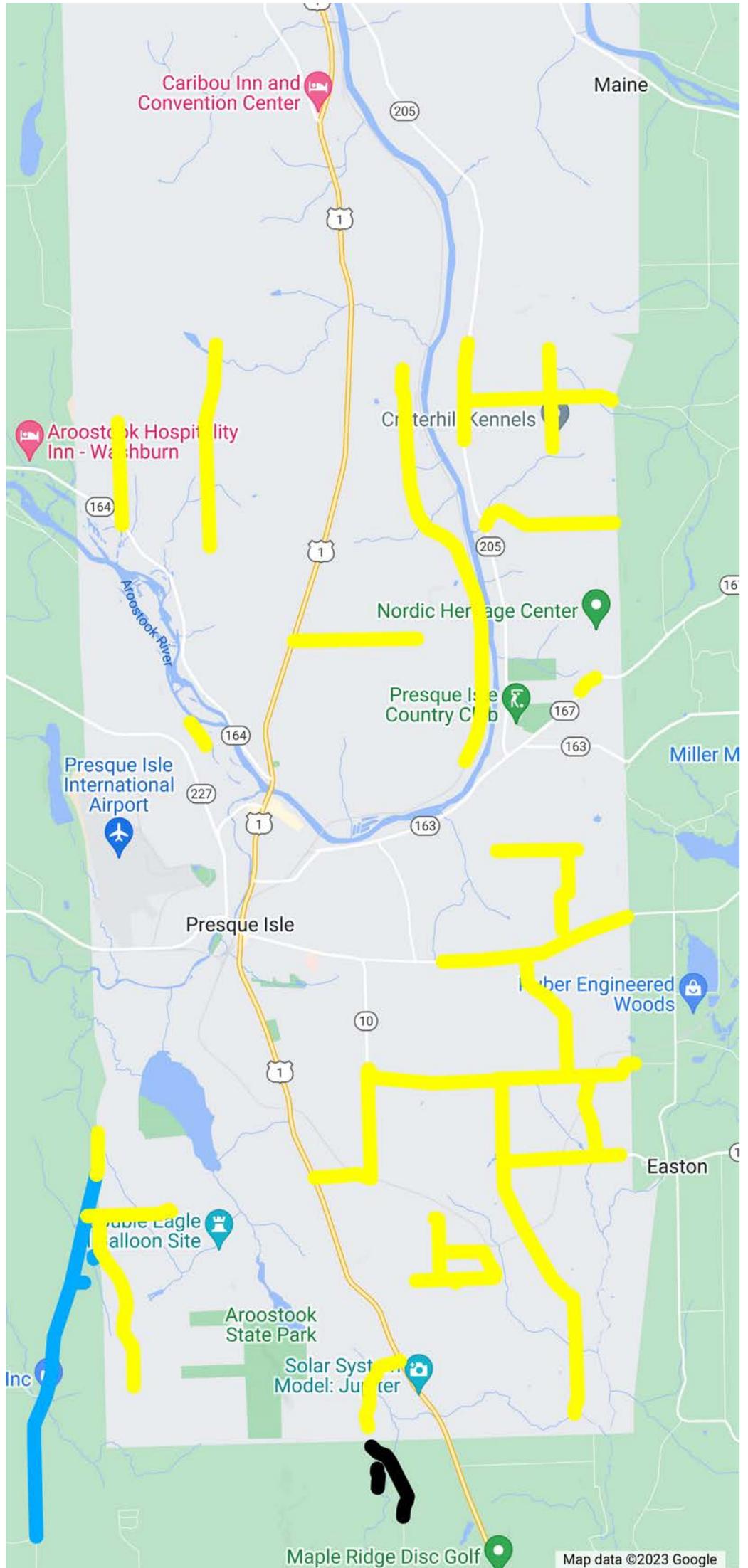
Johnson Road



Marston Road



McBurnie Road





Parkhurst Siding Road



Parsons Road



Perkins Road



Tompkins Road



Reach Road



White Road



Williams Road

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## Chapman



Alder Lake Road



Baird Farm Road



Carvell Road



Chapman Road



Fair Meadow Road



Grendell Road



Hilltop Road



Lathrop Road



Littlefield Road



McLean Road



Sheain Road



Siding Road



Town Hall Road



W Chapman Road

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## Westfield



Shorey Road



Snell Road



Youngs Lake Road

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# **PRESQUE ISLE CITY COUNCIL MEETING**

**For:**

March 1, 2023

## **AGENDA ITEM # 12**

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### **SUBJECT**

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**NEW BUSINESS:** Review Economic & Community  
Development 2022 Annual Report

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### **INFORMATION**

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- 1) Memorandum
- 2) 2022 Economic Report

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### **REQUESTED ACTION**

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**INFORMATION ONLY**



# *City of Presque Isle, Maine*

The Office of  
Director of Economic & Community Development  
**Galen Weibley**  
Email: [gweibley@presqueisleme.us](mailto:gweibley@presqueisleme.us)

## **MEMORANDUM**

<b>TO:</b>	<b>Kim Finnemore, City Clerk; Martin Puckett, City Manager; Patty Jandreau;</b>
<b>FROM:</b>	Galen Weibley, Director of Economic & Community Development
<b>DATE:</b>	February 13, 2023
<b>RE:</b>	<b>2022 Economic Activity Report for Presque Isle</b>

It is my pleasure to submit to the Council a detailed report which summarizes the economic activity which took place in Presque Isle during 2022. All data was collected through fees and applications received by the City. As a full disclaimer, data presented may not represent a wholistic picture of all activity which may have occurred unreported to the DECD team. Figures are compared to 2021 figures to aid in planning efforts and policy formation by City staff and Council.

Please know I am willing to present this report during the Council meeting and welcome any questions you may have regarding the report.

***Enclosures:***

***2022 PI DECD Economic Activity Report***



***PRESQUE ISLE  
ECONOMIC  
REPORT 2022***



# SUMMARY

- What Is PI DECD?
- Permit Activity
- New Business Growth
- Building Economic Impact
- Hospitality Impact
- Housing Report
- Future Plans & Projects for 2023



# ***WHAT IS PI DECD?***

## **Our Philosophy**

Presque Isle's Department of Economic & Community Development is focused on formulating strategies and partner with the private sector to expand business growth and quality of life for residents.

## **Our Mission**

Serve the residents and businesses of PI with distinction and professionalism

## **Our Vision**

To expand the economic base for Presque Isle services that lower taxes for all

## **Our Goals**

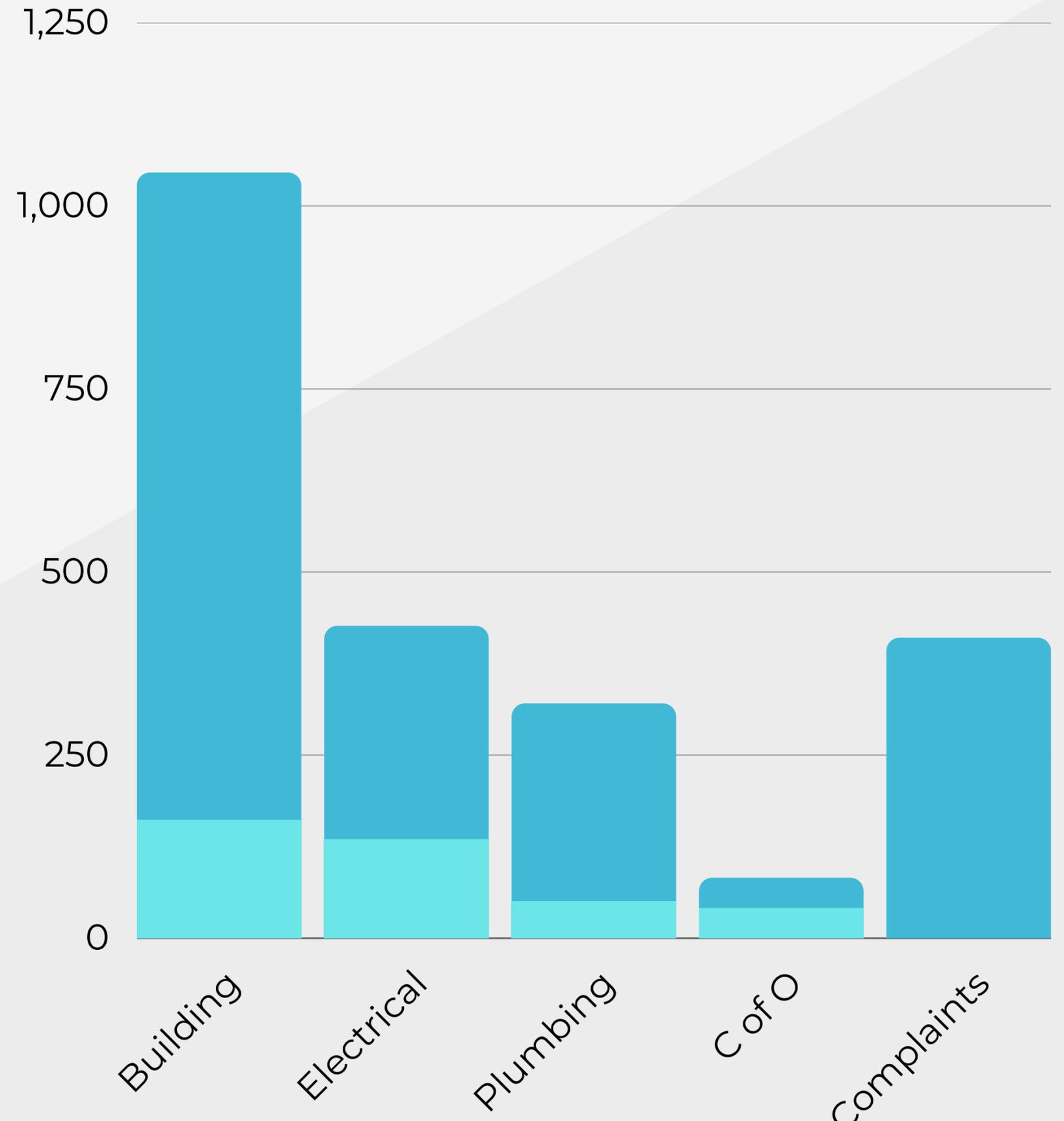
Streamline ED operations, promote new housing for new residential growth



# PERMITS & INSPECTIONS

Records beat in...

- Electrical Permits
- Building Inspections
- Total Inspections



**Residential  
Construction Projects  
7% Increase**

***BUILDING  
ECONOMIC  
IMPACT***

**Commercial  
Construction Projects  
9% Increase**

# NEW BUSINESS MARKET ANALYSIS

Comparing New Business Activity for 2022

2020 - 2022 Activity Comparison

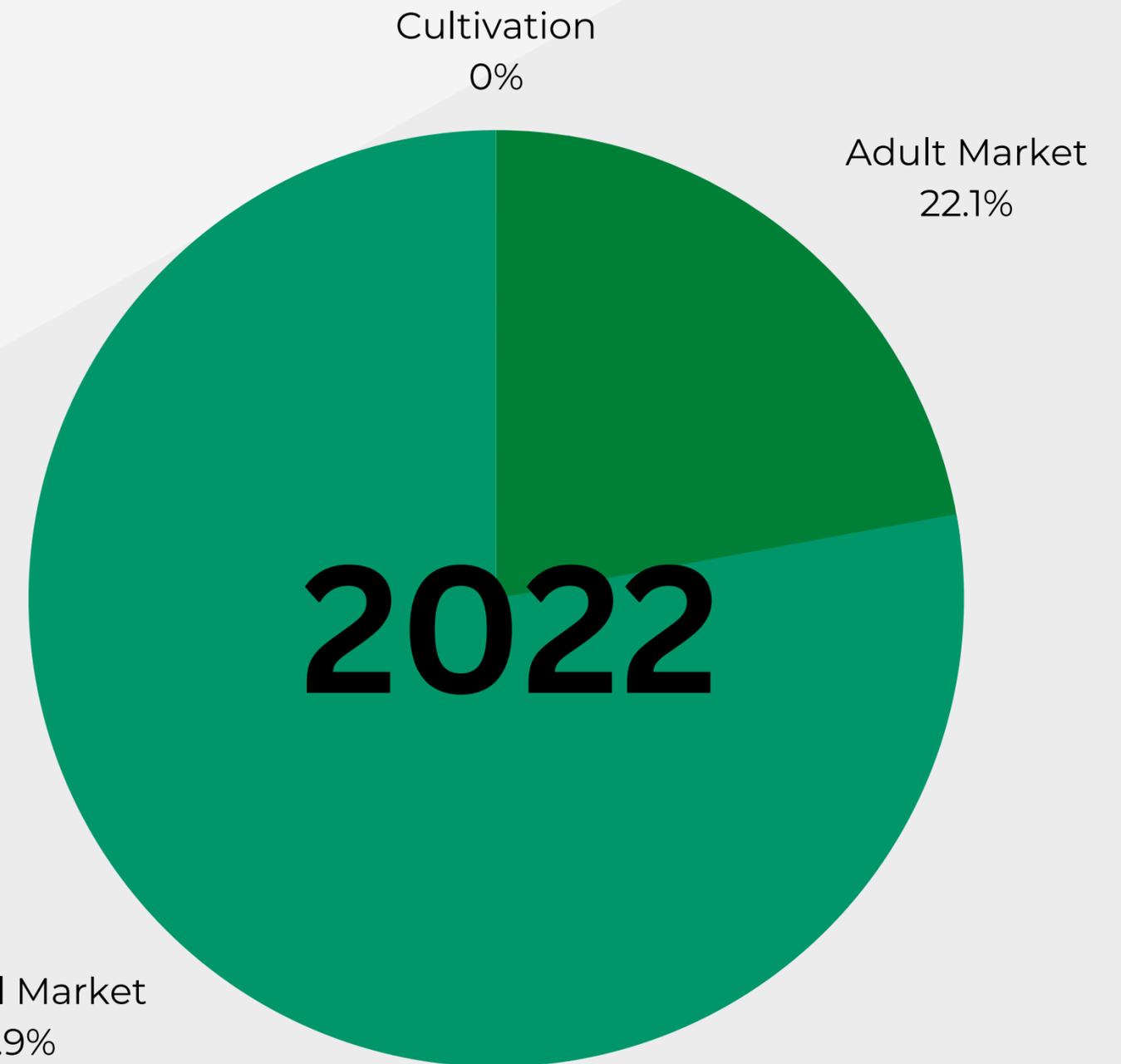
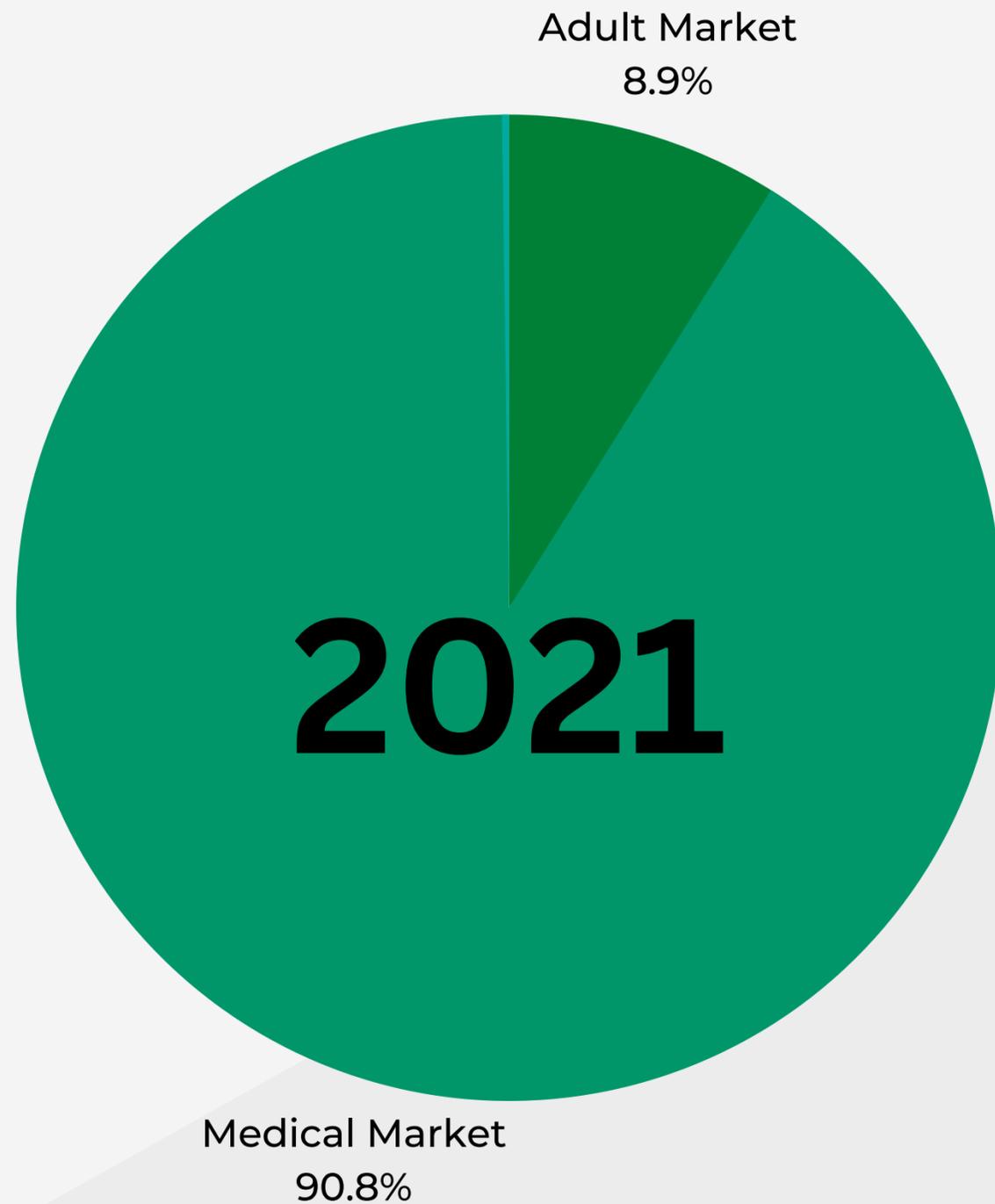


# HOSPITALITY IMPACT

- Presque Isle has recovered from the pandemic
- Sales from all three sectors have surpassed prepandemic levels



# THE CANNABIS INDUSTRY IN PI



- Cannabis Market in PI has increased by 21%



# ***HOUSING REPORT***

**2022 ended with a net gain of 2 new houses after receiving 6 new housing and 4 demo permits**

- **PIDECD & PIIC Directors have worked throughout the year with developers to promote new housing**
- **Year ended with possible new housing projects in 2023**
  - **30 Federal Street**
  - **Elm Street**
- **Partner with HSA for Strategic Planning**
- **Drafted Lodging Establishment Ordinance (Rooming Houses)**

# ***FUTURE PLANS & PROJECTS***

- F.W. Webb
- Dunkin' Donuts
- Industrial Park Spec Building
- SAD 1 Broadband Project
- Downtown Redesign Project
- Construction of Echo Lake
- Updating Land Use Code
- Streamlining Site Design Review



# ***CALLING ALL VOLUNTEERS!***

**Zoning Board of Appeals Member & Alternate  
Planning Board Alternate**





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# THANK YOU

*We look forward to working  
with you*

## OFFICE



12 2nd Street - Presque Isle City Hall



207-760-2727



[www.presqueislemaine.gov](http://www.presqueislemaine.gov)



[facebook.com/PIDECD](https://facebook.com/PIDECD)



# PRESQUE ISLE CITY COUNCIL MEETING

**For:**

March 1, 2023

## AGENDA ITEM # 13

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### SUBJECT

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**NEW BUSINESS:** Presque Isle Land Bank Authority

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### INFORMATION

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- 1) Memorandum
- 2) Information on Land Banks (Sanford, Maine)
- 3) Draft Land Bank Resolution

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### REQUESTED ACTION

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**BE IT RESOLVED** by Councilor \_\_\_\_\_ seconded by Councilor \_\_\_\_\_ to schedule a public hearing to consider adopting a resolution to establish a Land Bank Authority on April 5, 2023.



# City of Presque Isle, Maine

The Office of  
Director of Economic & Community Development  
**Galen Weibley**  
Email: gweibley@presqueisleme.us

## MEMORANDUM

<b>TO:</b>	<b>Presque Isle City Council; Martin Puckett, City Manager &amp; Presque Isle Development Review Team</b>
<b>FROM:</b>	Galen Weibley, Director of Economic & Community Development
<b>DATE:</b>	February 13, 2023
<b>RE:</b>	<b>Discussion to Form a Presque Isle Land Bank Authority</b>

As part of the Maine Legislature efforts to address housing and tax acquired properties by municipalities, the legislature has authorized a unique economic redevelopment tool in the form of a Land Bank Authority to assist communities with bringing properties back into productive use.

Land Banks have been used across the country in various levels (State, County or local level) with various degrees of success depending on the location. The purpose of a land bank is to shelter tax-acquired properties from municipal liability while offering tax savings to developers in repurposing vacant or blighted properties into productive reuse. The additional benefit for property transferred into the authority is that it acts to clean the title for clear ownership which is needed by financial institutions who are exploring financing a residential or commercial property on previously held tax-acquired properties.

State law stipulates the creation of a land bank authority is a quasi-public corporate body with 5 commissioners being appointed by the locally elected officials of a community for 5-year terms. Commissioners shall be residents of the community and should have experience in commercial finance or community and economic development.

Exploring the creation of a City Land Bank would be consistent with the City's Comprehensive Plan in infilling development within the urban compact area which will cause less strain on public services. The Presque Isle Development Team has discussed this tool and concept and recommend the following motion if there are no questions from the City Council.

After Resolution adoption, operational by-laws and incorporation documents will be drafted with a working group of the Presque Isle Development Team (Assessing, PI Housing, PIIC, DECD, Code, City Engineer, Public Works, PIUD) and two councilors which meet on the third Thursday regularly and first Thursday for Site Plan reviews.

This will be an educational presentation. If the Council desires to schedule a public hearing on the resolution, staff recommends the following motion:

12 Second Street      Presque Isle, ME 04769-2459      Phone: 207.760.2727      Fax 207.764.2501

*The City of Presque Isle is an equal opportunity provider. To file a complaint, write to  
HR Manager, 12 Second Street Presque Isle, ME 04769, or call (207) 760-2700.*

**Suggested motion:** *Mr. Chairman, I moved that we schedule a public hearing to consider adopting a resolution to establish a Land Bank Authority at our April Council Meeting.*

**Enclosures:**

- \*Draft Land Bank Resolution
- \*Information on Land Banks (Sanford, Maine)
- \*Letter of Support for the Chairman of the Planning Board

# Sanford Land Bank Commission

## *What is the Land Bank Authority?*

It is a partnership between the City of Sanford government and the private real estate sector for a Quality Housing Market through Land Banking, Licensing, and Proactive Inspections.

Neighborhoods, homeowners, renters, and citizens of Sanford benefit from land banking, licensing housing, and proactive inspection and enforcement of health and safety standards.

## *Our Goal*

The Sanford Land Bank Authority was formed for the purpose of:

- Operations the licensing, inspection, and enforcement program and make its findings public;
- Purchasing, acquiring, holding, and disposing of real property;
- Adjudicating dangerous buildings and abandoned properties;
- Acting on property remediation;
- Monitoring its financial programs to incentivize residential development and revitalization; and
- Encouraging private enterprise by bringing residential properties back into use.

## *How Do We Serve You?*

We address dangerous buildings. work to ensure there are safe and affordable places

to live and expedite the transition of abandoned and foreclosed properties back to

value-producing real estate. This benefits the tax payer, neighborhoods, and the

Community at-Large.

## Partnering for a Quality Housing Market through Land Banking, Licensing, and Proactive Inspections

Neighborhoods, homeowners, renters, and citizens of Sanford will benefit from land banking, licensing housing, and proactive inspection and enforcement of health and safety standards.

The Sanford Land Bank Authority was formed for the purpose of:

- Overseeing operations and budget of the licensing, inspection, and enforcement program and make its findings public;
- Purchasing, acquiring, holding, and disposing of real property;
- Making recommendations to the City Council regarding dangerous buildings and abandoned properties;
- Making recommendations to the City Council regarding property remediation;
- Developing and monitor financial programs to incentivize residential development and revitalization; and
- Encouraging private enterprise by bringing residential properties back into use.

The Sanford Land Bank Authority is overseen by the seven member Sanford Land Bank Commission comprised of three City Councilors and four residents of Sanford.

1. Becky Brink- Mayor
2. Ayn Hanselmann- City Councilor
3. Peter Tranchemontagne- City Councilor
4. Diane Small- Sanford Housing Authority Executive Director
5. John Caramihalis- City Real Estate Representative
6. Nicholas Roux- Resident
7. Timothy Dumont- Resident
8. Joe Sevigny- Resident
9. Rebecca Lapierre- Resident

### **ORDER ESTABLISHING THE SANFORD MUNICIPAL LAND BANK AUTHORITY COMMISSION**

**WHEREAS**, it has been found that insanitary and unsafe inhabited dwelling accommodations or blighted areas exist in the municipality of Sanford; and

**WHEREAS**, it has been found that there is a shortage of safe or sanitary dwelling accommodations in the municipality of Sanford available to persons of low income at rental or prices that they can afford;

**WHEREAS**, the need for an authority to function in the municipality has been declared and the Municipal Land Bank Authority has been created;

**WHEREAS**, seven commissioners shall be appointed to the Sanford Municipal Land Bank Authority consisting of the Mayor, two annually appointed City Councilors, four residents of Sanford, and ex officio members as determined by the Mayor;

**WHEREAS**, the Commissioners shall oversee the Municipal Land Bank Authority and the Safer, Fairer Housing Program and in addition:

1. Monitor the operations and budget of the licensing, inspection and enforcement program and make its findings public in an annual report to the City Council by June 30 each year; and
2. Purchase, acquire, hold, and dispose of real property through the Land Bank; and
3. Make recommendations to the City Council regarding dangerous buildings and other abandoned properties; and
4. Make recommendations to the City Council regarding property remediation; and
5. Develop and monitor financial programs to incentivize residential development and revitalization; and
6. Encourage private enterprise; and

**WHEREAS**, any person who resides within the authority's boundaries, and who is otherwise eligible for appointment, may be appointed as a commissioner of the authority and the commissioners who are appointed serve as commissioners for terms of 5 years, except that all vacancies must be filled for the unexpired terms.

**NOW BE IT ORDERED**, the following commissioner positions are hereby created to oversee the Municipal Land Bank Authority:

<u>Mayor</u> Anne-Marie Mastraccio	<u>Resident</u> Nicholas Roux
<u>City Councilor</u> Luke Lanigan	<u>Resident</u> Timothy Dumont
<u>City Councilor</u> Ayn Hanselmann	<u>Resident</u> Joe Sevigny
	<u>Resident</u> Rebecca Lapierre
<u>Ex Officio (Sanford Housing Authority)</u> Diane Gerry	<u>Ex Officio (Real Estate Representative)</u> John Caramihalis

**ORDER ESTABLISHING THE PRESQUE ISLE MUNICIPAL LAND BANK AUTHORITY  
COMMISSION**

**WHEREAS**, it has been found that insanitary and unsafe inhabited dwelling accommodations or blighted areas exist in the municipality of Presque Isle; and

**WHEREAS**, it has been found that there is a shortage of safe or sanitary dwelling accommodations in the municipality of Presque Isle available to persons of low income at rental or prices that they can afford;

**WHEREAS**, the need for an authority to function in the municipality has been declared and the Municipal Land Bank Authority has been created;

**WHEREAS**, seven commissioners shall be appointed to the Presque Isle Municipal Land Bank Authority consisting of the five residents of Presque Isle with staggered five (5) year terms, and ex officio members as determined by the City Manager;

**WHEREAS**, the Commissioners shall oversee the Municipal Land Bank Authority and the Safer, Fairer Housing Program and in addition:

1. Monitor the operations and budget of the licensing, inspection and enforcement program and make its findings public in an annual report to the City Council by June 30 each year; and
2. Purchase, acquire, hold, and dispose of real property through the Land Bank; and
3. Make recommendations to the City Council regarding dangerous buildings and other abandoned properties; and
4. Make recommendations to the City Council regarding property remediation; and
5. Develop and monitor financial programs to incentivize residential development and revitalization; and
6. Encourage private enterprise; and

**WHEREAS**, any person who resides within the authority's boundaries, and who is otherwise eligible for appointment, may be appointed as a commissioner of the authority and the commissioners who are appointed serve as commissioners for terms of 5 years, except that all vacancies must be filled for the unexpired terms.

**NOW BE IT ORDERED**, the following commissioner positions are hereby created to oversee the Municipal Land Bank Authority:

# **PRESQUE ISLE CITY COUNCIL MEETING**

**For:**

March 1, 2023

**AGENDA ITEM # 14**

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## **SUBJECT**

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**NEW BUSINESS:** Aroostook Waste Solution

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## **INFORMATION**

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- 1) Verbal Presentation
- 2) Frequently Asked Questions

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## **REQUESTED ACTION**

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**INFORMATION ONLY**



## Future of the Presque Isle Landfill Frequently-asked Questions

January 2023

*Is the Landfill going to close?*

Technically, the operation of the landfill will cease in 2023, however, a transfer station operation will replace the landfill operation.

*Will I still be able to bring my trash to the facility?*

**Residents-only** will still be able to deliver **their own bagged trash** to the facility. Commercial/business entities will be required to deliver their waste to the Tri-Community Landfill in Fort Fairfield.

*What wastes will I be able to bring to the facility?*

Residents will be able to deliver their own household bagged trash, bulky items (furniture, mattresses, etc.), tires, wood, universal wastes (tv's, computer monitors, light bulbs, etc.), scrap metal, recyclables, and small quantities of household demolition debris to the facility.

OVER>

*How is it going to work?*

Bagged household trash will be deposited into an enclosed stationary compactor with an attached enclosed roll-off container. The waste will be compacted into the container and hauled to the Tri-Community Landfill when the container is full. Bulky items and demolition debris will be stored temporarily on site and then hauled to the Tri-Community Landfill. All other items will be managed as they are today.

*Will I still need a permit?*

Yes, an annual permit or a 3-trip pass will still be required to use the facility, just as it is today. The 2023 landfill permits and passes will be valid for the transfer station.

*When is this going to happen?*

While an exact date has not been determined, it will likely be in the second half of 2023.

*Are the hours of operation going to change?*

Yes, slightly. The facility will be open from 7:30 am to 3:30 pm Tuesday through Friday; and 7:30 am to 2:30 pm on Saturday. It will be closed on Sunday and Monday.

*Why not just expand the landfill?*

Landfill capacity is exceptionally expensive to construct and to operate. For the sake of efficiency, AWS plans to operate one landfill at a time. The remaining licensed capacity of the Presque Isle Landfill may be utilized in the future.

# **PRESQUE ISLE CITY COUNCIL MEETING**

**For:**

March 1, 2023

**AGENDA ITEM # 15**

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**SUBJECT**

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**NEW BUSINESS:** Airport 2022 Year in Review

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**INFORMATION**

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1) Memorandum

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**REQUESTED ACTION**

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**INFORMATION ONLY**



# City of Presque Isle, Maine

The Office of  
Airport Director

**Scott E. Wardwell**

Email: [scottw@flypresqueisle.com](mailto:scottw@flypresqueisle.com)

## MEMORANDUM

<b>TO:</b>	<b>City Council</b>
<b>FROM:</b>	Scott Wardwell, Airport Director
<b>DATE:</b>	February 22, 2023
<b>RE:</b>	<b>2022 – Airport Year in Review</b>

Attached are several figures and tables which illustrate what a great year 2022 was at the Presque Isle International Airport. In summary, we had our best annual boardings since 2007. Jet A sales to United Airlines skyrocketed helping PQI weather some significant cost headwinds to finish significantly in the black.

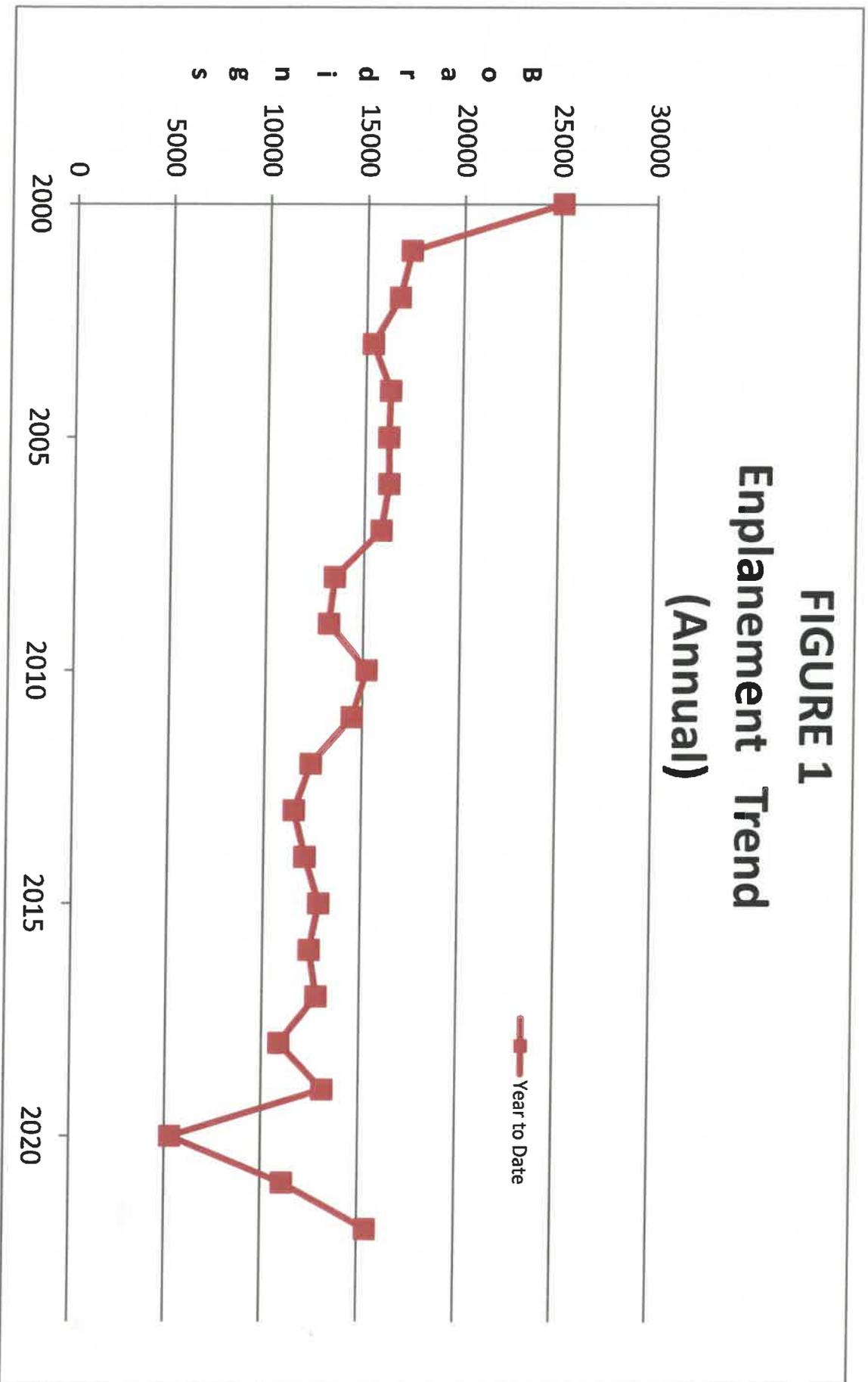
Figure 1 shows annual boarding trends going back to the year 2000. I think it is important to note that prior to September 11, 2001, the air service available to small communities like Presque was significantly different. So the fact we are starting to see numbers not seen since prior to September 11<sup>th</sup> is cause for hope that United is providing a service that people really want to use. Of significant note is that in Figure 2, December boardings were the best in this century. You have to go all the way back to 1999 to find a higher number of boardings in December.

What is driving this great performance? It is really a combination of four factors. The first is the great ticket pricing. I hear from the public on a regular basis that they found PQI pricing equal to or less than Bangor. Others indicate it is higher but the price difference is outweighed by the higher costs of travelling to Bangor. A second factor is the aircraft that United has assigned to PQI. The CRJ-550 has a first class cabin, onboard wifi/entertainment, economy plus seating and no need to gate check larger carry-ons. A third factor is the increase travelling that the Country is experiencing as we come out of Covid-19. Lastly, it is the great job that the GoJet, United Ground Express and Airport team has been doing working together. This team has worked hard to reduce delays and cancellations due to conditions at PQI. They also do everything possible to try to minimize delays and cancellations due to conditions at Newark. The attached enplanement report provides detailed data illustrating this very positive trend in boardings.

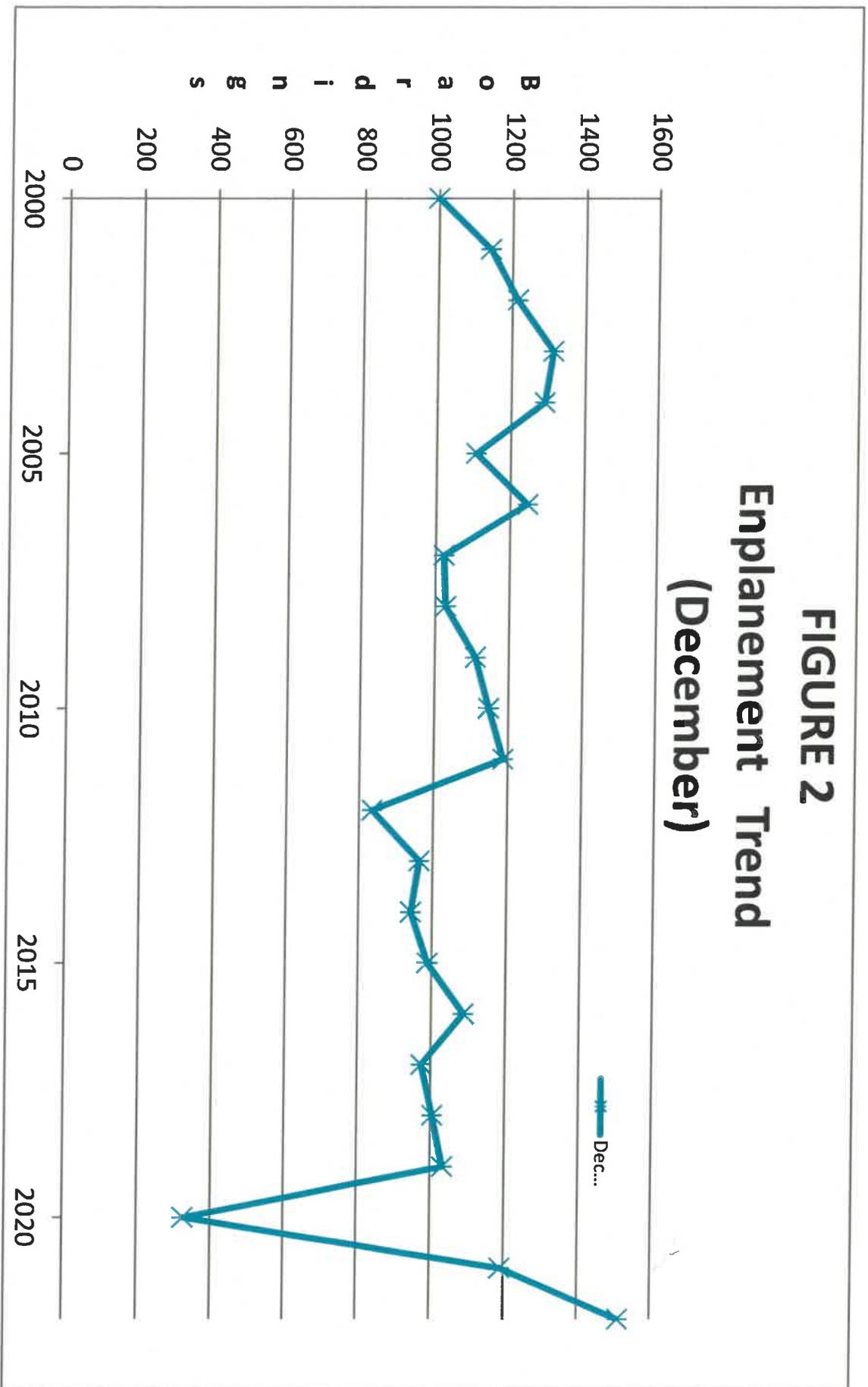
With high inflation, the airport like other departments has experienced significant increases in operating expenses. However, fuel sales to United were up 2.4 times over those in 2019 and this helped to offset some of those increased operating expenses at General Aviation. A table showing fuel sales at General Aviation is attached. "Jet A Into-Plane" are the two columns that show the fuel sales to United.

In January 2023, we are off to a great start with the best January for boardings since 2000.

**FIGURE 1**  
**Enplanement Trend**  
**(Annual)**



**FIGURE 2**  
**Enplanement Trend**  
**(December)**



Monthly Passenger Enplanement Report

Enplaned Passengers	2010		2011		2012		2013		2014		2015		2016		2017		2018		2019		2020		2021		2022	
	Passengers	% Change from 2010	Passengers	% Change from 2011																						
January	1938	-40.66%	1150	1042	8.89%	812	-15.15%	800	-16.41%	827	-13.58%	870	-9.09%	886	-7.42%	791	-17.36%	855	-10.66%	845	-11.70%	265	-72.31%	765	-20.06%	
February	2044	-52.10%	979	1045	2.25%	697	-34.80%	796	-25.54%	842	-21.23%	1071	0.19%	767	-28.25%	824	-22.92%	931	-12.91%	1079	0.94%	195	-81.76%	879	-17.77%	
March	2342	-53.93%	1079	1141	-2.73%	872	-25.66%	1231	4.94%	994	-15.26%	1000	-14.75%	1017	-13.30%	950	-19.01%	666	-43.22%	699	-40.41%	354	-69.82%	1261	9.21%	
1st Qtr Total	6324	-49.27%	3208	3228	0.91%	2381	-26.57%	2827	-11.63%	2863	-16.78%	2941	-8.07%	2670	-16.54%	2565	-19.82%	2462	-23.35%	2623	-18.01%	814	-74.55%	2925	-8.57%	
April	2087	-48.35%	1078	1171	13.47%	797	-22.77%	892	-13.67%	987	-4.36%	957	-7.27%	1014	-1.74%	1003	-2.81%	1113	7.85%	37	-96.41%	876	-15.12%	1274	23.45%	
May	1867	-26.33%	1394	1157	-2.85%	872	-26.78%	1011	-15.11%	1068	-10.33%	923	-22.50%	1040	-12.68%	1085	-8.06%	1133	-4.87%	93	-92.19%	753	-36.78%	1184	-0.69%	
June	2307	-10.10%	2074	1081	-13.62%	952	-23.84%	964	-22.88%	1144	18.67%	977	-21.84%	1135	-8.20%	0		1065	-14.80%	224	-82.08%	1009	-19.28%	1324	5.92%	
2nd Qtr Total	6261	-27.39%	4546	3409	-1.84%	2821	-24.53%	2867	-17.45%	3199	-7.89%	2857	-17.74%	3189	-8.18%	2098	-39.59%	3311	-4.66%	354	-89.81%	2638	-24.04%	3752	8.90%	
July	2868	-17.36%	2370	1217	-15.31%	1206	-16.08%	1259	-12.39%	1511	5.15%	1176	-18.16%	1378	-4.11%	1105	-23.10%	1551	7.93%	388	-73.00%	1519	5.71%	1435	-0.14%	
August	2869	-15.72%	2418	1159	-20.89%	1293	-11.74%	1351	-7.78%	1420	-3.07%	1265	-13.65%	1384	-5.53%	1288	-12.08%	1565	6.83%	339	-76.86%	1470	0.34%	1547	5.60%	
September	2041	-41.40%	1196	963	-24.35%	1119	-12.10%	1058	-16.89%	1146	-9.98%	1102	-13.43%	1113	-12.57%	908	-28.67%	1188	-6.68%	404	-68.26%	1198	-5.89%	1362	6.99%	
3rd Qtr Total	7778	-23.07%	5994	3339	-20.02%	3618	-13.34%	3668	-12.14%	4077	-2.35%	3543	-15.14%	3875	-7.19%	3301	-20.93%	4304	3.09%	1131	-72.91%	4167	0.29%	4344	4.05%	
October	2026	-33.61%	1345	855	-33.62%	1106	-14.13%	1034	-19.72%	1039	-19.33%	1073	-16.69%	1147	-10.95%	1076	-16.46%	1143	-11.26%	514	-60.08%	1270	-1.40%	1613	25.23%	
November	1728	-39.25%	1049	713	-37.01%	865	-23.58%	784	-30.74%	911	-19.52%	897	-20.76%	924	-18.37%	865	-23.59%	905	-20.05%	333	-70.58%	1022	-9.72%	1233	8.92%	
December	939	14.11%	1140	835	-29.60%	964	15.45%	942	-20.57%	989	-16.61%	1087	30.18%	975	-17.79%	1005	-15.26%	1034	-12.82%	326	-72.51%	1190	0.34%	1512	27.48%	
4th Qtr Total	4753	-25.65%	3534	2403	-33.36%	2935	-22.14%	2760	-23.46%	2939	-18.50%	3057	-15.22%	3046	-15.53%	2946	-18.30%	3062	-14.53%	1173	-67.47%	3482	-3.44%	4308	20.85%	
Year-to-Date	1938	-40.66%	1150	1042	8.89%	812	-15.15%	800	-16.41%	827	-13.58%	870	-9.09%	886	-7.42%	791	-17.36%	855	-10.66%	845	-11.70%	265	-72.31%	765	-20.06%	
Annual	25116	-31.23%	17772	12879	-14.36%	11556	-20.66%	12722	-16.13%	12878	-10.90%	12388	-14.22%	12780	-11.88%	10910	-24.51%	13149	-9.02%	5281	-63.46%	11121	-23.05%	15809	6.61%	

	AVIATION GAS SALES (GAL.)		JET A SALES (GAL.)		JET A INTO-PLANE (GAL.)	
	CURRENT MONTH	YR. TO DATE	CURRENT MONTH	YR. TO DATE	CURRENT MONTH	YR. TO DATE
<b>January-22</b>	527.1	527.1	18,219.0	18,219.0	34,067.0	34,067.0
<b>January-19</b>	628.9	628.9	18,122.0	18,122.0	13,342.0	13,342.0
<b>February-22</b>	338.0	865.1	21,030.0	39,249.0	27,872.0	61,939.0
<b>February-19</b>	322.1	951.0	18,317.0	36,439.0	16,360.0	29,702.0
<b>March-22</b>	268.4	1,133.5	18,039.0	57,288.0	42,096.0	104,035.0
<b>March-19</b>	355.3	1,306.3	22,541.0	58,980.0	8,454.0	38,156.0
<b>April-22</b>	459.0	1,592.5	20,339.0	77,627.0	37,593.0	141,628.0
<b>April-19</b>	345.5	1,651.8	19,669.0	78,649.0	13,779.0	51,935.0
<b>May-22</b>	1,393.0	2,985.5	20,969.0	98,596.0	42,266.0	183,894.0
<b>May-19</b>	529.5	2,181.3	20,902.0	99,551.0	17,810.0	69,745.0
<b>June-22</b>	1,108.6	4,094.1	32,432.0	131,028.0	37,322.0	221,216.0
<b>June-19</b>	2,377.6	4,558.9	30,224.0	129,775.0	16,915.0	86,660.0
<b>July-22</b>	1,868.5	5,962.6	30,152.0	161,180.0	41,103.0	262,319.0
<b>July-19</b>	1,828.5	6,387.4	29,162.0	158,937.0	20,166.0	106,826.0
<b>August-22</b>	1,883.6	7,846.2	38,915.0	200,095.0	42,234.0	304,553.0
<b>August-19</b>	2,054.5	8,441.9	23,738.0	182,675.0	20,029.0	126,855.0
<b>September-22</b>	1,351.0	9,197.2	26,347.0	226,442.0	37,862.0	342,415.0
<b>September-19</b>	1,216.6	9,658.5	21,265.0	203,940.0	11,142.0	137,997.0
<b>October-22</b>	1362.5	10,559.7	24,348.0	250,790.0	37,328.0	379,743.0
<b>October-19</b>	544.9	10,203.4	29,243.0	233,183.0	16,806.0	154,803.0
<b>November-22</b>	489.3	11,049.0	26,477.0	277,267.0	37,080.0	416,823.0
<b>November-19</b>	164.2	10,367.6	15,037.0	248,220.0	13,902.0	168,705.0
<b>December-22</b>	314.7	11,363.7	19,060.0	296,327.0	39,003.0	455,826.0
<b>December-19</b>	187.5	10,555.1	20,791.0	269,011.0	24,143.0	192,848.0

# **PRESQUE ISLE CITY COUNCIL ANNOUNCEMENTS**

**Wednesday, March 1, 2023**

- SnowBowl will kick off on March 2<sup>nd</sup> and run through the 5<sup>th</sup> and take place at Spud Speedway
- Winter Kids Family Fun Day will take place on March 4 at 9:00 am at Big Rock Mountain
- There will be a Career Fair at the Aroostook Center Mall on Wednesday, March 15
- Northeastland Hotel will host Spring Basket FEZtival on March 16 to 19
- NMCC Job Fair will be held on March 23 from 9am to 1pm
- Sportsman Show will be held on March 25 & 26 at UMPI
- The City has the following employment vacancies:  
Firefighter/Paramedic  
Police Officer
- We have the following vacancies for Boards/Committees:  
Assessment Review, 2 – one year alternates  
Audit Committee, 1 – four year member  
Planning Board, 1 – one year alternate  
Zoning Board, 1 – three year member and 1 - one year alternate  
Please see the City Clerk for an application or apply online.

- The next regularly scheduled meeting of the Presque Isle City Council will be on Wednesday, April 5, 2023, at 6:00 pm in the Council Chambers at City Hall.