

**CITY OF LEWISTON  
PLANNING BOARD MEETING**  
Monday, April 23, 2012 – 5:30 P.M.  
City Council Chambers – First Floor  
Lewiston City Building  
27 Pine Street, Lewiston

## **AGENDA**

**I. ROLL CALL**

**II. ADJUSTMENTS TO THE AGENDA**

**III. CORRESPONDENCE**

**IV. PUBLIC HEARINGS - None**

- a) An application submitted by Stoneybrook Consultants, Inc. on behalf of Lisbon Donuts, Inc. to construct a Dunkin Donuts Kiosk on a vacant lot located at 828 Lisbon Street.

**V. OTHER BUSINESS:**

- a) Discussion regarding use matrix.
- b) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.

**VI. READING OF THE MINUTES:** Motion to adopt the draft minutes of April 9, 2012.

**VII. ADJOURNMENT**



## CITY OF LEWISTON

### Department of Planning & Code Enforcement



**TO: Planning Board**  
**FROM: David Hediger, City Planner**  
**DATE: March 21, 2012**  
**RE: March 25, 2012 Planning Board Agenda Item IV(a)**

**An application submitted by Stoneybrook Consultants, Inc. on behalf of Lisbon Donuts, Inc. to construct a Dunkin Donuts Kiosk on a vacant lot located at 828 Lisbon Street.**

Stoneybrook Consultants has submitted an application for the construction of 640 square foot Dunkin Donuts kiosk at 828 Lisbon Street. This vacant paved lot of 6,836 square feet is located in the Community Business (CB) zoning district in front of the Lewiston Mall. The kiosk will be fully located on lot at 828 Lisbon Street with driveway and access improvements extending on to the abutting properties at 818-820 Lisbon Street and 838 Lisbon Street Rear. The kiosk is designed to primarily handle drive thru traffic with a small interior service area is available to provide customer service to pedestrians inside the kiosk. This is a very small structure. However, the project is projected to generate 330 AM peak hour trips and therefore, is subject to development review approval from the Planning Board pursuant to Article XIII, Section 3(a)(2) of the Zoning and Land Use Code.

Staff notes the following with respect to the proposed development:

- The kiosk is anticipated to generate an additional 330 trip ends in the AM peak hour, with 50 primary trips, 48 diverted trips and 232 pass-by trips. The primary access to the site will be provided via an access drive off the Lewiston Mall access drive on Lisbon Street (opposite Essex Street). No offsite traffic improvements are proposed with the development. On site traffic improvements include a 50' right turn lane with appropriate tapers off the Lewiston Mall driveway for entrance of the drive-thru lane and the typical pavement markings and directional signage expected within the internal site driveways to provide for safe and convenient on-site traffic movement. Given the sites location and design, stacking of vehicles should be contained entirely to the property and not impact Lisbon Street. A draft traffic movement permit has been included as part of the application (section 5 of the application).
- The kiosk is located at 828 Lisbon Street with access improvements being made on the abutting lots of the Lewiston Mall. The CB district requires a 30' front setback and 20' side and rear setback. The project meets these requirements with respect to Lisbon Street and the property to the east owned by Grand Falls Mortgage Corporation. However, side setback modifications are being requested of the Lewiston Mall property lines to place the kiosk within 1' of the side property lines. The applicant has addressed the applicable modification criteria requirements of Article IX, Section 11 on page 3 of their cover letter to the application. The owner of the Lewiston Mall has provided documentation supporting this development at this location (section 4 of the application).

- The site is currently 89% impervious. With the proposed improvements, landscaping will be added reducing the impervious surface area to 56% of the lot. Stormwater improvements have been reviewed to the satisfaction of Public Works.
- The applicant has responded to staff's review comments (section 2 of the application). Staff comments included concerns with improving pedestrian access to the site, which are apparently limited due to the grades of the site. Also noted was the installation of a 36' high solid vinyl fence along Lisbon Street to direct pedestrians to dedicated crossing areas and to shield headlights. While possibly not as effective, shrubs may want to be considered along this area instead of a solid fence being erected immediately adjacent to the front property line.
- While preparing the staff comments, it came to our attention the Zoning and Land Use Code makes a distinction in defining *drive-in restaurants* and *restaurants*. The CB permits restaurants. However, the CB district specifically permits drive-in restaurants as part of and subordinate to eating and drinking establishments. The ordinance provides the following definitions:

*Drive-in restaurant* means an eating establishment which meets one (1) or both of the following criteria:

- (1) The establishment has no provisions for the consumption of food within the building and is designed so that customers eat in their cars or take the food from the premises for consumption, or
- (2) The establishment has facilities allowing the customer to purchase food or beverages without leaving his vehicle.

*Restaurant* means a business or commercial establishment which serves food to the public for consumption on the premises and may include the sale of food for consumption off premises. Restaurants serving alcoholic beverages, also referred to as food service establishments FSE-Class A, B, C, and E, must offer full course meals at all times while open, shall not exclude persons under the age of twenty-one (21) from full use of the establishment at all times, and shall not possess a special amusement permit for dancing as defined pursuant to Chapter 10, Article III, of the Code of Ordinances of the City of Lewiston. Restaurants serving alcoholic beverages that do not satisfy the above provisions shall be deemed to be and regulated as drinking places.

Staff's initial concern was whether the kiosk should be limited by the definition of a drive-in restaurant subordinate to eating and drinking establishments. The proposed kiosk is a unique structure in that it is primarily designed for use specifically as a drive-in restaurant. However, the structure includes limited space for customers to be served food on the premises, too. The kiosk most certainly meets the definition of a drive-in restaurant being an establishment with facilities allowing the customer to purchase food or beverages without leaving his vehicle. However, one could argue that the kiosk is also a restaurant being a business or commercial establishment which serves food to the public for consumption on and off the premises. In the CB, a drive-in restaurant is permitted only when subordinate to an eating and drinking establishment, yet the code does not define eating establishment. Clearly, the definitions and language contained in the ordinance are at odds, not clear, and should be considered for clarification in the future. In this case, staff is of the opinion the proposed kiosk meets both the definition of a restaurant and a drive-in restaurant and therefore, is permitted in the CB. However, staff recommends that the Board may want to consider discussing whether a possible amendment should be considered to the definitions of

restaurant and drive-in restaurant and whether the permitted uses for said uses in the CB should be clarified.

Police and Fire have expressed no concerns with the proposed improvements. Planning and Code Enforcement recommends approval, finding the applicant has addressed the applicable review criteria of the Zoning and Land Use Code including Article XIII, Section 4 subject to the following conditions:

1. A modification is granted of more than 50 percent of the side and rear setback requirements of Community Business for the construction of the kiosk.
2. A signature block and expiration of approval language pursuant to Article XIII, Section 11 be added to the plan.
3. No certificate of occupancy is issued for this development until written verification has been provided by the applicant's traffic engineer that all traffic related improvements have been completed in accordance with the developments traffic movement permit.

#### **ACTIONS NECESSARY**

1. Make a motion to consider an application submitted by Stoneybrook Consultants, Inc. on behalf of Lisbon Donut, Inc., to construct a Dunkin Donuts Kiosk on a vacant lot located at 828 Lisbon Street;
2. Obtain input on the application;
3. Make a determination that the application is complete;
4. Make a motion finding that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Section 4 of the Zoning and Land Use Code and to grant approval to Lisbon Donut, Inc. to construct a Dunkin Donuts Kiosk on a vacant lot located at 828 Lisbon Street subject to any concerns raised by the Planning Board or staff.



# Stoneybrook Consultants, Inc.

456 Buckfield Road  
Turner, Maine 04282  
(207) 514-7491 voice  
(207) 514-7492 fax

## Development Review Application

Dunkin' Kiosk - 828 Lisbon Street

prepared for  
Lisbon Donuts, Inc.

April 2012



# Stoneybrook Consultants, Inc.

456 Buckfield Road  
Turner, Maine 04282  
(207) 225-5062 voice and fax

March 28, 2012

David Hediger, City Planner  
Department of Planning & Code Enforcement  
City of Lewiston  
27 Pine Street  
Lewiston, ME 04240-7201

Re: Dunkin' Kiosk - 828 Lisbon Street

Dear David:

On behalf of Lisbon Donuts, Inc., we are pleased to submit this application for Site Plan Review to construct a Dunkin' Donuts Kiosk on a vacant lot located at 828 Lisbon Street. The property is part of the Lewiston Mall and is a former gas station site. The Kiosk will be located on the same parcel as the former gas station which is identified as Tax Map 197, Lot 150, but the driveway improvements will extend onto several other parcels identified as Tax Map 197, Lots 91, 149 and 151. Existing improvements are shown on the ALTA/ACSM Land Title Survey included in Section 4 of this application and the Tax map information is provided in Section 2. All parcels are located within the Community Business (CB) zoning district.

As with most Dunkin' Donut projects, this project will generate 330 AM peak hour trips and, therefore, will require a Traffic Movement Permit from the Maine Department of Transportation which is processed under the City's delegated review authority. We have previously submitted that Traffic application and hope to finalize that permit process with you in the very near future.

Proposed improvements are shown on plans prepared by Summit Geoengineering Services, Inc. (Summit) which are included in Section 4 of this application. Plans are to construct or place a modular kiosk building of about 640 square feet with an attached walk-in cooler. The building will have provisions for a drive-up window. There will be a small interior service area, but there will not be any interior customer seating available at this location. Outdoor seating or tables may be provided in a small patio area if customer use shows a demand for these types of facilities.

The drive-thru lane will be 22' wide, which will allow for by-pass traffic flow, and with its curvilinear layout, it will be long enough to provide stacking for at least 12 vehicles. The site plans also show proposed sidewalks for pedestrian movements leading to the building and through the project area. Raised curbed islands with one new concrete island (raised 1") will be installed to better direct traffic movements within the project area.

The entire project area is currently paved or covered 100% with impervious surfaces. This project will disturb 18,450 square feet and will remove 7,485 square feet of pavement to create lawn or landscape areas. With this reduction in impervious area, stormwater permitting is not required and stormwater treatment is not proposed. Total lot coverage within the leased parcel for the building improvements is 0.11. City code allows 0.40 lot coverage in the CB District.

City code requires a front setback of 30' and side and rear setbacks of 20' in the CB District. This project will meet these requirements with respect to front and side setbacks from the Grand Falls Mortgage Corp. property. However, side and rear setbacks from the internal Mall parcels and the lease parcel cannot be met. We have proposed a 1' setback along the rear lease boundary and a 3' setback along the left sideline of the leased parcel.

As indicated, this project falls on several Tax Map parcels which make up the Lewiston Mall. Many of the Mall parcels are owned by Jonlee Lewiston, LLC, but the parcel proposed to be leased is owned by JLB Lewiston, LLC. These companies are separate identities under the real estate ownership, but both

companies are related in the operations of the Mall improvements and have worked together to make this project work on multiple properties as shown on the project plans.

Under Article IX, Section 3. (11), the Planning Board is allowed to modify these setback requirements by more than 50%. The side and rear setback requirements are 20' and we have proposed to reduce the rear setback by 100% to zero and the side setback by 85% to 3'.

To support all of the modifications requested, and in response to the requirements of Article IX, Section 3. (9) a. - d., (10) and (11), we offer the following:

- 9a. The structures proposed on this site will be constructed in accordance with the current building code.
- 9b. The reductions requested are along property lines under common management and will not result in undue impact to adjacent properties due to the location of the structure. Placement of the structure as shown will place entrances, parking, service and storage areas farther from the adjacent buildings and the location will not block solar access. Surface water flow from adjacent properties will be controlled with the proposed improvements.
- 9c. The modifications requested will not impede public safety services from reaching or providing service to this site or adjacent properties.
- 9d. This is not a residential project or a service station, so these requirements are not applicable to this project.
10. The project cannot be located on the property to satisfy code requirements, given the specific use as a Dunkin' Donuts. Design of a Dunkin' site requires special consideration for traffic movements and stacking of vehicles within the project area. Traffic flow

needs to place the building on the driver's side of the vehicle and stacking lanes must provide room for at least 8 vehicles (12 preferred) for the site to meet design standards. These criteria were accomplished at this site with a long curvilinear driveway and movement of the building to the left rear corner of this site. We also believe that there are strong aesthetic reasons to redevelop this existing paved area at the Mall entrance and place this building back on the property to allow new green space and landscape areas at this entrance to the Mall property.

11. Because these properties have been part of the Lewiston Mall, both lots are already subject to maintenance agreements for management of common facilities.

We have shown connections to the City water and sewer systems on the project plans, but we may try to use the prior service connections for the former gas station if they are still usable. Power will be extended underground to the building from the existing stub pole. Gas will be connected from the existing main in Lisbon Street. The site has been designed with curbed drive lanes which will direct stormwater flow to a proposed catch basin. This new catch basin will be connected to the existing catch basin structure located on Lisbon Street at the Mall entrance.

This project will share an existing service area with the abutting restaurant. Truck deliveries for both buildings will occur at this location and we have added a new enclosed dumpster pad for this project. We have also provided information on the project landscape improvements proposed in the additional green space created by this project.

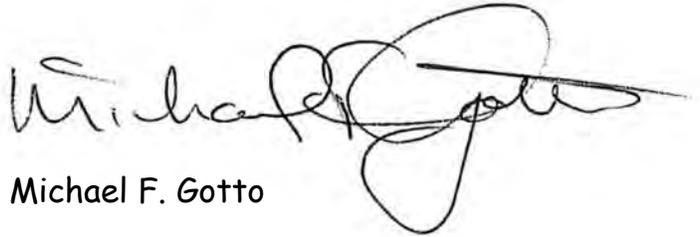
The Dunkin' will employ 7 people; only 3 or 4 employees would be working at the same time. Typical hours of operation will be 4:30 AM to 9:00 PM seven days per week. The total estimated cost for the new building and site improvements is about \$400,000 with construction scheduled to begin as soon as this project is approved. Occupancy of the building is planned in June or July. Final landscaping may not be completed until Fall. We hope you find this

March 28, 2012  
David Hediger  
RE: 828 Lisbon Street  
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application complete and we will plan to attend the Planning Board meeting to answer any questions the Planning Board or staff may have.

Respectfully Yours

STONEBROOK CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read "Michael F. Gotto". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael F. Gotto

cc: Mike Connor

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Section 5	Draft Traffic Movement Permit Response to Traffic Comments Traffic Study (Narrative Only)
Section 6	Project Plans

# Section 1

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## Development Review Application



# PROJECT DATA

The following information is required where applicable, in order to complete the application

## IMPERVIOUS SURFACE AREA/RATIO

\* Areas noted are within the proposed leased area shown on the plans.

Existing Total Impervious Area	6,084 sq. ft.
Proposed Total Paved Area	2,506 sq. ft.
Proposed Total Impervious Area	3,815 sq. ft.
Proposed Impervious Net Change	-2,269 sq. ft.
Impervious surface ratio existing	89 % of lot area
Impervious surface ratio proposed	56 % of lot area

## BUILDING AREA/LOT COVERAGE

Existing Building Footprint	0 sq. ft.
Proposed Building Footprint	640 sq. ft.
Proposed Building Footprint Net change	640 sq. ft.
Existing Total Building Floor Area	0 sq. ft.
Proposed Total Building Floor Area	640 sq. ft.
Proposed Building Floor Area Net Change	640 sq. ft.
New Building	Yes (yes or no)
Building Area/Lot coverage existing	0 % of lot area
Building Area/Lot coverage proposed	11 % of lot area

## ZONING

Existing Community Business

Proposed, if applicable N/A

## LAND USE

Existing Former Gas Station

Proposed Drive-thru Restaurant

## RESIDENTIAL, IF APPLICABLE

Existing Number of Residential Units	0
Proposed Number of Residential Units	0
Subdivision, Proposed Number of Lots	0

## PARKING SPACES

Existing Number of Parking Spaces	0
Proposed Number of Parking Spaces	0
Required Number of Parking Spaces	0
Number of Handicapped Parking Spaces	0

## ESTIMATED COST OF PROJECT

\$400,000

## DELEGATED REVIEW AUTHORITY CHECKLIST

### SITE LOCATION OF DEVELOPMENT AND STORMWATER MANAGEMENT

Existing Impervious Area	6,084 sq. ft.
Proposed Disturbed Area	18,450 sq. ft.
Proposed Impervious Area	3,815 sq. ft.

1. *If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with MDEP.*
2. *If the proposed impervious area is greater than one acre including any impervious area created since 11/16/05, then the applicant shall apply for a MDEP Stormwater Management Permit, Chapter 500, with the City.*
3. *If total impervious area (including structures, pavement, etc) is greater than 3 acres since 1971 but less than 7 acres, then the applicant shall apply for a Site Location of Development Permit with the City. If more than 7 acres then the application shall be made to MDEP unless determined otherwise.*
4. *If the development is a subdivision of more than 20 acres but less than 100 acres then the applicant shall apply for a Site Location of Development Permit with the City. If more than 100 acres then the application shall be made to MDEP unless determined otherwise.*

### TRAFFIC ESTIMATE

Total traffic estimated in the peak hour-existing N/A passenger car equivalents (PCE)  
(Since July 1, 1997)

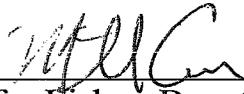
Total traffic estimated in the peak hour-proposed (Since July 1, 1997) 330 passenger car equivalents (PCE)  
If the proposed increase in traffic exceeds 100 one-way trips in the peak hour then a traffic movement permit will be required.



**Lisbon Donuts, Inc.  
1124 Lisbon Street  
Lewiston, ME 04240**

To Whom It May Concern:

The signature below authorizes Stoneybrook Consultants, Inc. to act as the applicant's agent in the processing of the enclosed application.

  
\_\_\_\_\_

for Lisbon Donuts, Inc., applicant

MICHAEL CONNOR

(print name, title)

# Development Review Checklist

City of Auburn Planning and Permitting Department  
City of Lewiston Department of Planning and Code Enforcement



**THE FOLLOWING INFORMATION IS REQUIRED WHERE APPLICABLE TO BE SUBMITTED FOR AN APPLICATION TO BE COMPLETE**

**PROJECT NAME:** Dunkin' Kiosk

**PROPOSED DEVELOPMENT ADDRESS and PARCEL #:** 828 Lisbon Street 197-150

Required Information		Check Submitted		Applicable Ordinance	
		Applicant	Staff	Lewiston	Auburn
<b>Site Plan</b>					
	Owner's Names/Address	✓			
	Names of Development	✓			
	Professionally Prepared Plan	✓			
	Tax Map or Street/Parcel Number	✓			
	Zoning of Property	✓			
	Distance to Property Lines				
	Boundaries of Abutting land				
	Show Setbacks, Yards and Buffers				
	Airport Area of Influence (Auburn only)				
	Parking Space Calcs				
	Drive Openings/Locations	✓			
	Subdivision Restrictions				
	Proposed Use	✓			
	PB/BOA/Other Restrictions				
	Fire Department Review				
	Open Space/Lot Coverage	✓			
	Lot Layout (Lewiston only)				
	Existing Building (s)	✓			
	Existing Streets, etc.	✓			
	Existing Driveways, etc.	✓			
	Proposed Building(s)	✓			
	Proposed Driveways	✓			
<b>Landscape Plan</b>					
	Greenspace Requirements				
	Setbacks to Parking				
	Buffer Requirements				
	Street Tree Requirements				
	Screened Dumpsters	✓			
	Additional Design Guidelines				

	Planting Schedule				
<b>Stormwater &amp; Erosion Control Plan</b>					
	Compliance w/ chapter 500	N/A			
	Show Existing Surface Drainage				
	Direction of Flow				
	Location of Catch Basins, etc.	✓			
	Drainage Calculations	N/A			
	Erosion Control Measures	✓			
	Maine Construction General Permit Bonding and Inspection Fees	N/A			
	Post-Construction Stormwater Plan	N/A			
	Inspection/monitoring requirements	N/A			
	Third Party Inspections (Lewiston only)	N/A			
<b>Lighting Plan</b>					
	Full cut-off fixtures				
	Meets Parking Lot Requirements				
<b>Traffic Information</b>					
	Access Management				
	Signage				
	PCE - Trips in Peak Hour				
	Vehicular Movements				
	Safety Concerns				
	Pedestrian Circulation				
	Police Traffic				
	Engineering Traffic				
<b>Utility Plan</b>					
	Water	✓			
	Adequacy of Water Supply				
	Water main extension agreement				
	Sewer	✓			
	Available city capacity				
	Electric	✓			
	Natural Gas	✓			
	Cable/Phone	✓			
<b>Natural Resources</b>					
	Shoreland Zone	N/A			
	Flood Plain	N/A			
	Wetlands or Streams	N/A			
	Urban Impaired Stream	N/A			
	Phosphorus Check	N/A			
	Aquifer/Groundwater Protection	N/A			
	Applicable State Permits	N/A			
	No Name Pond Watershed (Lewiston only)				

	Lake Auburn Watershed (Auburn only)				
	Taylor Pond Watershed (Auburn only)				
<b>Right Title or Interest</b>		✓			
	Verify				
	Document Existing Easements, Covenants, etc.				
<b>Technical &amp; Financial Capacity</b>					
	Cost Est./Financial Capacity				
	Performance Guarantee				
<b>State Subdivision Law</b>					
	Verify/Check				
	Covenants/Deed Restrictions				
	Offers of Conveyance to City				
	Association Documents				
	Location of Proposed Streets & Sidewalks				
	Proposed Lot Lines, etc.				
	Data to Determine Lots, etc.				
	Subdivision Lots/Blocks				
	Specified Dedication of Land				
<b>Additional Subdivision Standards</b>					
	Single-Family Cluster (Lewiston only)				
	Multi-Unit Residential Development (Lewiston only)				
	Mobile Home Parks				
	Private Commercial or Industrial Subdivisions (Lewiston only)				
	PUD (Auburn only)				
<b>A jpeg or pdf of the proposed site plan</b>					
<b>Final sets of the approved plans shall be submitted digitally to the City, on a CD or DVD, in AutoCAD format R 14 or greater, along with PDF images of the plans for archiving</b>					

## Section 2

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### Response to City Staff Comments



# Stoneybrook Consultants, Inc.

456 Buckfield Road  
Turner, Maine 04282  
(207) 514-7491 voice  
(207) 514-7492 fax

April 19, 2012

David Hediger, City Planner  
Department of Planning & Code Enforcement  
City of Lewiston  
27 Pine Street  
Lewiston, ME 04240-7201

Re: Dunkin' Kiosk - 828 Lisbon Street

Dear David:

On behalf of Lisbon Donuts, Inc., we are pleased to submit this response to Staff comments regarding the application for Site Plan Review to construct a Dunkin' Donuts Kiosk on a vacant lot located at 828 Lisbon Street. For ease of review, we have copied questions from the staff reports and provided comments below each question.

*Planning and Code Enforcement has the following comments at this time upon reviewing the application:*

1. *There are two existing curb cuts along Lisbon Street. One is shown as closed with new curbing. The same must be done for the eastern most existing curb cut.*

We have revised the project plans to show the second curb cut and have noted that it is to be closed as requested.

2. *Staff has the following concerns with the proposed pedestrian access:*
  - a. *The proposed sidewalk from Lisbon Street goes to a planting bed and then directs walkers to the left. The proposed sidewalk should not be eliminated adjacent to stacking area. However, the planting bed should*

*be removed and another sidewalk should be considered directing users to the patio area.*

After a great deal of discussions during the Traffic Scoping meeting for this project held last Fall, it was clear that we were to make provisions for pedestrian movements through our project. Under those directions, we were to minimize pedestrian crossings of the drive-thru lane and direct pedestrian flow through the site from the existing sidewalks at the intersection of the Mall entrance road and Lisbon Street to the parking spaces located north of the proposed building. We believe that we have created a pedestrian walkway through the site that meets the design goals outlined during the Traffic Scoping meeting.

Sidewalk locations need to be established at convenient locations, but must account for horizontal and vertical conditions of the site. The planting bed was purposely placed at this location to prevent direct access to the patio at the front of the building. The grade in the area will rise about 3.5' vertically in about 22'. This results in a 16% grade. Our attempt to guide pedestrian movements along the drive-thru lane and back to the patio reduces the grades to a maximum of 8% in two short locations. Given snow and ice conditions that occur in typical Maine winters as well as insurance considerations, we make every effort in our design work to keep walkway slopes less than 8% and not to include steps which can be problematic with winter maintenance and insurance coverage.

- b. Staff understands the intent of the 36' high solid vinyl fence along Lisbon Street is to direct pedestrians to dedicated crossing areas. However, staff believes this will be esthetically undesirable. While not as effective, shrubs may want to be considered along this area instead of fencing or possibly some type of railed fencing. Regardless, pedestrians will likely skirt to fence if walking from the east, making the fencing ineffective and unnecessary. Therefore, staff suggests an additional sidewalk and crossing from the east directing users to the patio area be considered, similar to that accessing the west side of the site.*

We have had several schematics for this project that included multiple points of pedestrian access. As noted above, during the Traffic Scoping meeting, pedestrian movements were discussed and we were discouraged from having multiple crossings of the drive-thru lane. The fence is proposed to restrict pedestrian access to the site but, more importantly, to provide a solid buffer to block vehicle headlights due to the opposing traffic movements from the southbound flow in the drive-thru lane and the Lisbon Street northbound movements. We have used this design element on many sites where there is no room for berms or landscaping. We have attached several photos of a similar project located in New Auburn along Broad Street. We believe that the solid fence is the best fit for these site conditions and we have adjusted the fence at the property corner to help restrict the pedestrian movements at that location.

- 3. Sheet 1: If the proposed entrance sign is specifically for Dunkin Donuts, it is not allowed since it is not located on the property of said use. A generic entrance sign is permitted as well as a generic drive thru sign on property located off the Dunkin site.*

The entrance sign discussed above is an existing entrance sign for the mall property. We have labeled it as an existing entrance sign on the revised plans.

- 4. Right, title, and interest: deeds should be provided for both lots in reference to the letters of support from the property owners.*

The deeds have been included in Section 3 of this application package.

- 5. Lighting: wall pack lighting should be cut-off fixtures. Detail or note to this effect should be provided. Also, any new pole lighting must be shown.*

We have included a new note #5 on the Site Plan to address this requirement. No new free standing lights are proposed by this project.

- 6. Page three of application references specific modification criteria. Sheet 1 should show setbacks of where the modifications are being requested.*

We have shown the proposed setbacks on the revised Site Plan as requested. Please note that we have requested a zero setback along the rear property line. The current Site Plan shows we have 1' available. Since we are not sure of the final building design, and to account for any building overhang at this location, we are still requesting the variance to zero if the Planning Board agrees that we have met the ordinance requirements.

- 7. Proposed trees: note or detail must be provided that plantings will be a minimum 2.5" caliper. Staff is pleased to see impervious area being reduced and the number of plantings proposed. Staff suggests tree planting along Lisbon Street be staggered to improve streetscape appearance.*

We have included the size requirements in the legend on the Site Plan and on the Detail Sheet. We are not proposing to change the tree locations or number of trees along Lisbon Street. It was our intent to place trees along the frontage and all proposed improvements at locations that will not block view of the existing Mall Sign. This is an important requirement from the landlord and tenants of the Mall. Since we are creating larger green space areas with this proposal, we have added several trees along the Mall drive and at the rear of this building.

- 8. A draft TMP should be included with the final submittal for the Planning Board's consideration.*

The draft Traffic Movement Permit is included in Section 5 of this application along with copies of the traffic narratives previously submitted.

*Department of Public Services comments:*

- 1. There appear to be some minor math errors in the creation of the predevelopment volumes for the project which carried through to the remaining sheets. A PDF showing these areas is attached, the traffic model should be re-run to determine if any of these revisions impact the outcome of the analysis.*

Bill Eaton will address this comment in his response. That response is included in Section 5 of this application package.

April 19, 2012  
David Hediger  
RE: Dunkin' Kiosk - 828 Lisbon Street  
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2. *The Storm Drain Trench Detail shown on Sheet #3 shall be revised to show crushed stone to 6" above the top of the pipe for all storm drains installed within the City right of way.*

The Detail Sheet has been revised as requested.

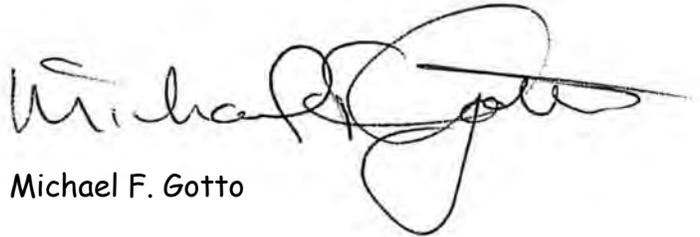
3. *Erosion Control Note #5 on Sheet 3 shall be revised to read 90% vegetated growth.*

The Erosion Control note has been revised as requested.

We hope you will find that this information addresses your review comments regarding this application. We will plan to attend the Planning Board meeting to answer any additional questions the Planning Board or staff may have.

Respectfully Yours

STONEBROOK CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read "Michael F. Gotto". The signature is stylized with a large, looping flourish at the end.

Michael F. Gotto

cc: Mike Connor

1.



2.



## FENCE PHOTOS

DUNKIN' KIOSK - 828 LISBON STREET, LEWISTON  
APPLICANT: LISBON DONUTS, INC.  
PICTURE LOCATION: NEW AUBURN DUNKIN' DONUTS  
PICTURE DATE: APRIL 13, 2012  
PICTURES TAKEN BY: MFG  
GRAPHIC DATE: APRIL 17, 2012

*Stoneybrook  
Consultants, Inc.*

3.



4.



## FENCE PHOTOS

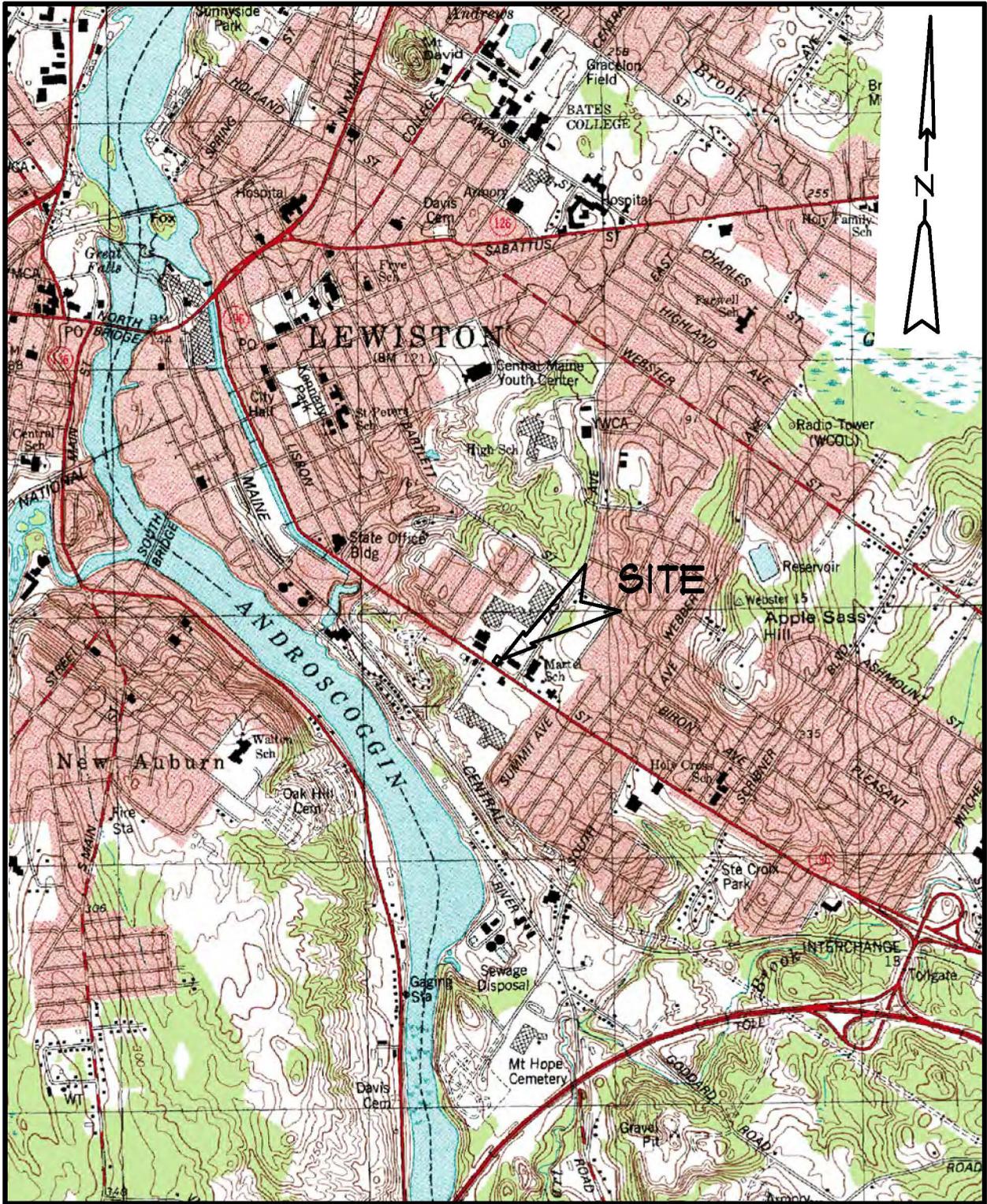
DUNKIN' KIOSK - 828 LISBON STREET, LEWISTON  
APPLICANT: LISBON DONUTS, INC.  
PICTURE LOCATION: NEW AUBURN DUNKIN' DONUTS  
PICTURE DATE: APRIL 13, 2012  
PICTURES TAKEN BY: MFG  
GRAPHIC DATE: APRIL 17, 2012

*Stoneybrook  
Consultants, Inc.*

## Section 3

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### Project Maps



## USGS LOCATION MAP

DUNKIN' KIOSK - 828 LISBON STREET, LEWISTON

APPLICANT: LISBON DONUTS, INC.

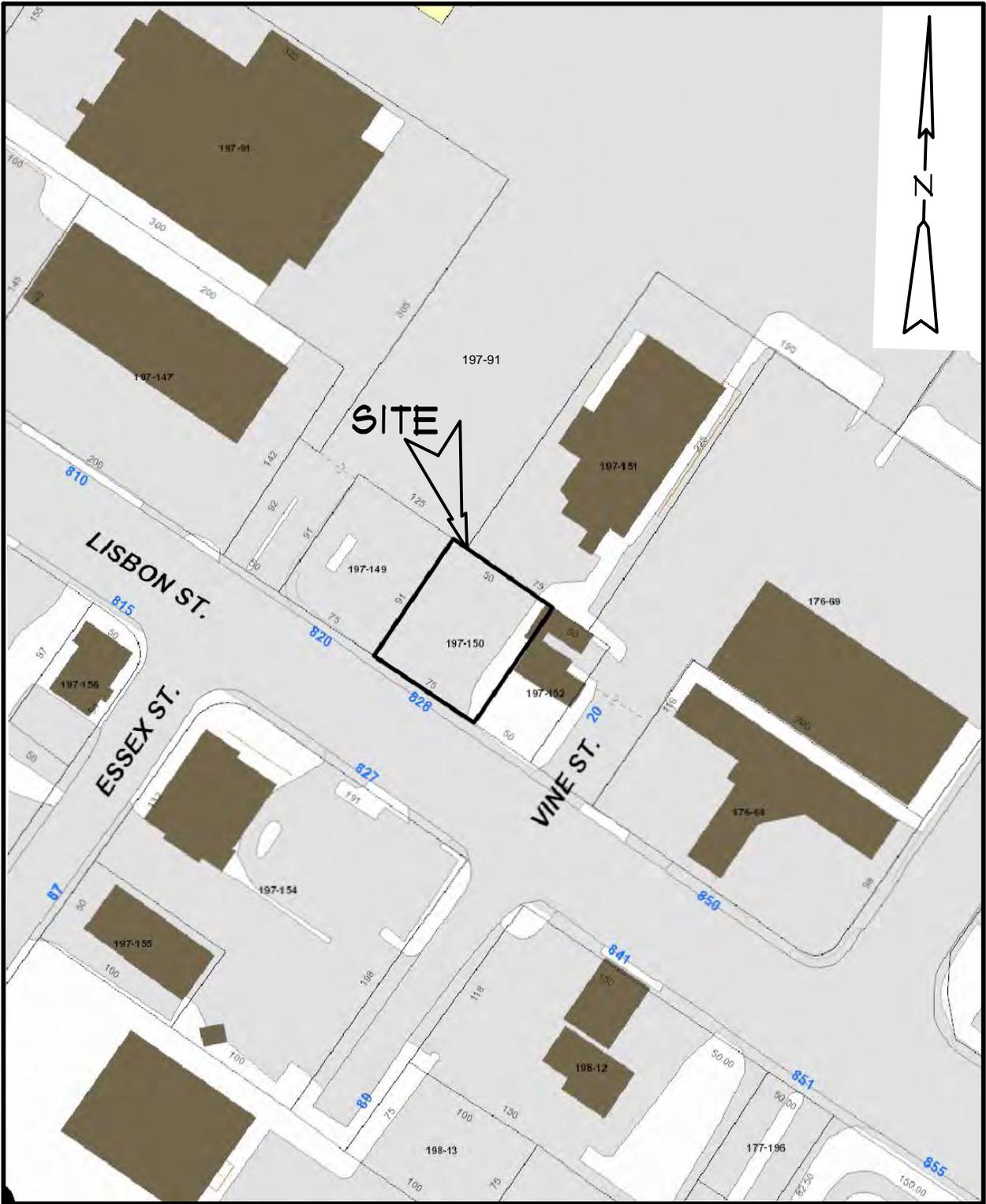
SCALE: 1" = 2,000'

DATE OF GRAPHIC: FEBRUARY 27, 2012

SOURCE: MAINE OFFICE OF GIS

ORIGINAL PUBLICATION DATE: 1967

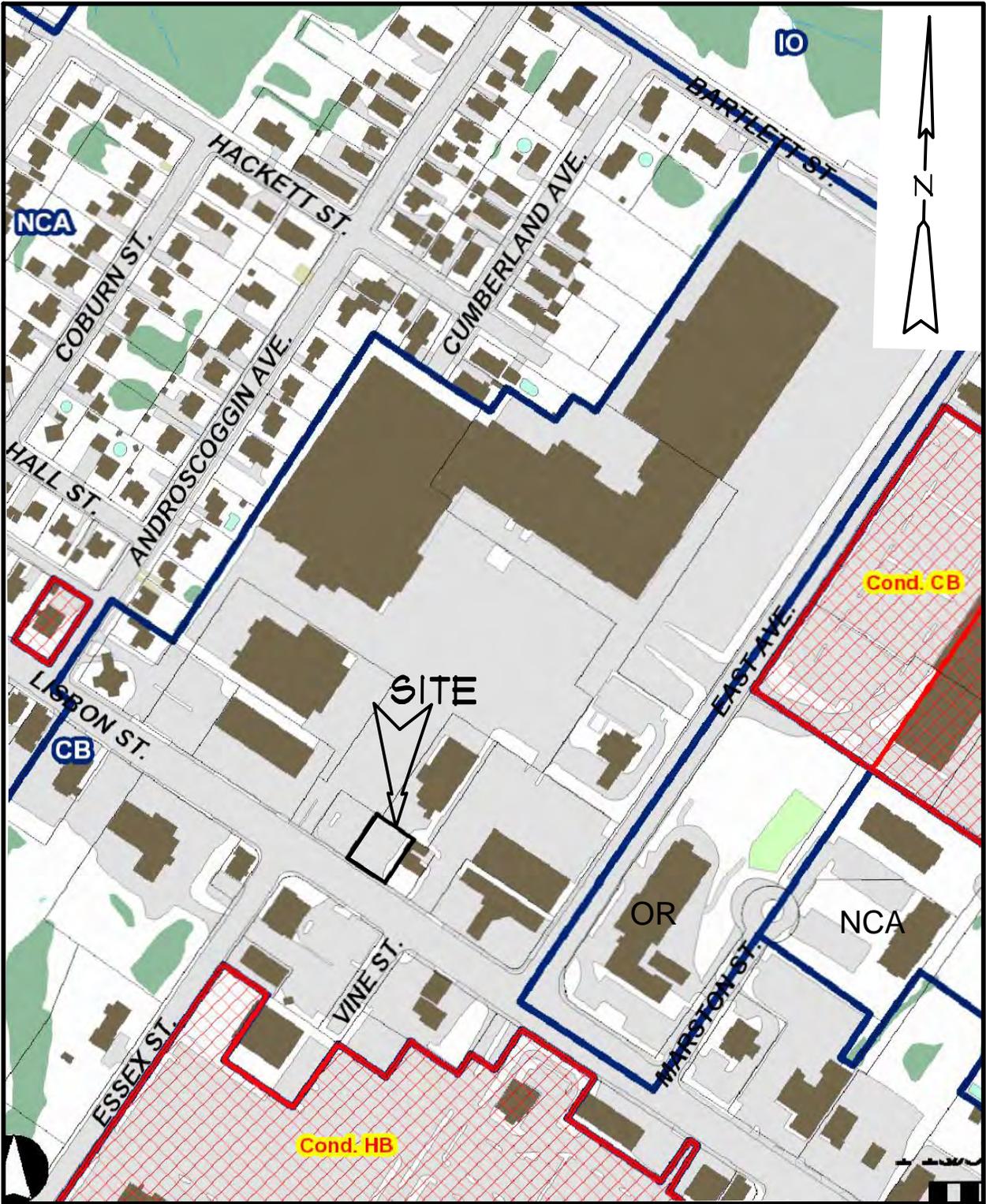
Stoneybrook  
Consultants, Inc.



# TAX MAP

DUNKIN' KIOSK - 828 LISBON STREET, LEWISTON  
 APPLICANT: LISBON DONUTS, INC.  
 SCALE: 1" = 100'±  
 DATE OF GRAPHIC: FEBRUARY 27, 2012  
 SOURCE: CITY OF LEWISTON GIS  
 PUBLICATION DATE: 2011

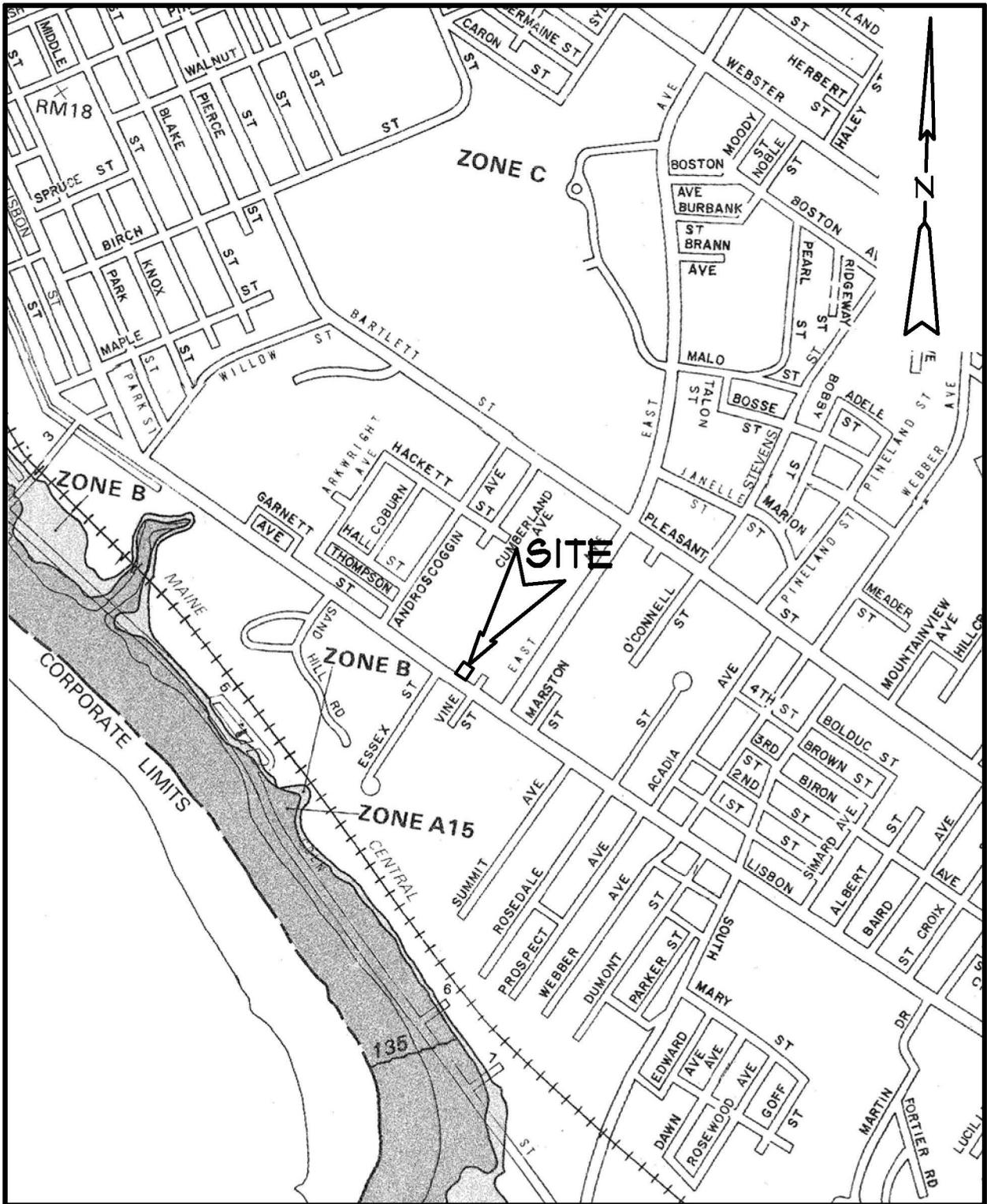
*Stoneybrook*  
**Consultants, Inc.**



# ZONING MAP

DUNKIN' KIOSK - 828 LISBON STREET, LEWISTON  
 APPLICANT: LISBON DONUTS, INC.  
 SCALE: NOT TO SCALE  
 DATE OF GRAPHIC: FEBRUARY 27, 2012  
 SOURCE: CITY OF LEWISTON GIS  
 PUBLICATION DATE: 2011

*Stoneybrook*  
 Consultants, Inc.



## FLOOD MAP

DUNKIN' KIOSK - 828 LISBON STREET, LEWISTON

APPLICANT: LISBON DONUTS, INC.

SCALE: 1" = 1,000'±

DATE OF GRAPHIC: FEBRUARY 27, 2012

SOURCE: FEMA FLOOD INSURANCE RATE MAP

PUBLICATION DATE: SEPTEMBER 28, 1979

Stoneybrook  
Consultants, Inc.



## WETLANDS MAP

DUNKIN' KIOSK - 828 LISBON STREET, LEWISTON  
 APPLICANT: LISBON DONUTS, INC.  
 SCALE: NOT TO SCALE  
 DATE OF GRAPHIC: FEBRUARY 27, 2012  
 SOURCE: US FISH AND WILDLIFE SERVICE  
 PUBLICATION DATE: JANUARY 22, 2010

*Stoneybrook  
 Consultants, Inc.*

## Section 4

---

Right, Title, Interest



September 15, 2011

Mr. David Hediger  
City Planner  
City of Lewiston  
1124 Lisbon Street  
Lewiston, Maine 04240

Mr. Hediger:

As the owner of tax parcel 00-010689 (the "Property"), this letter will confirm the authority of Lisbon Donuts, Inc. to file for all site and building permits for a project consisting of approximately 600 SF of commercial development on the Property.

Sincerely,

JLB Lewiston LLC

By: \_\_\_\_\_

*Bruce Tamarkin*  
Bruce Tamarkin, Property Manager

Ohio Office • 5050 Belmont Avenue • Youngstown, OH 44505  
Phone: (330) 759-4000 • Fax: (330) 759-2134

Florida Office • 1501 West Cleveland Street • Suite 200 • Tampa, FL 33606  
Phone: (813) 254-6200 • Fax: (813) 254-6225

[www.redstoneinvestments.com](http://www.redstoneinvestments.com)



# REDSTONE

February 27, 2012

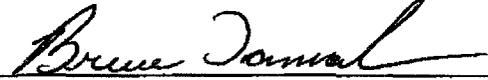
Mike Connor  
1124 Lisbon Street  
Lewiston, ME 04240

Dear Mike:

This letter is to confirm the consent of Jonlee Lewiston LLC to the modifications to its property as contemplated by the attached Site Plan. We support the development of the Dunkin Donuts at this location.

Sincerely,

Jonlee Lewiston LLC

By: 

Bruce Tamarkin, Property Manager

**Ohio Office** • 5050 Belmont Avenue • Youngstown, Ohio 44505  
Phone: (330) 759-4000 • Fax: (330) 759-2134

**Florida Office** • 1501 West Cleveland Street, Suite 200 • Tampa, Florida 33606  
Phone: (813) 254-6200 • Fax: (813) 254-6225

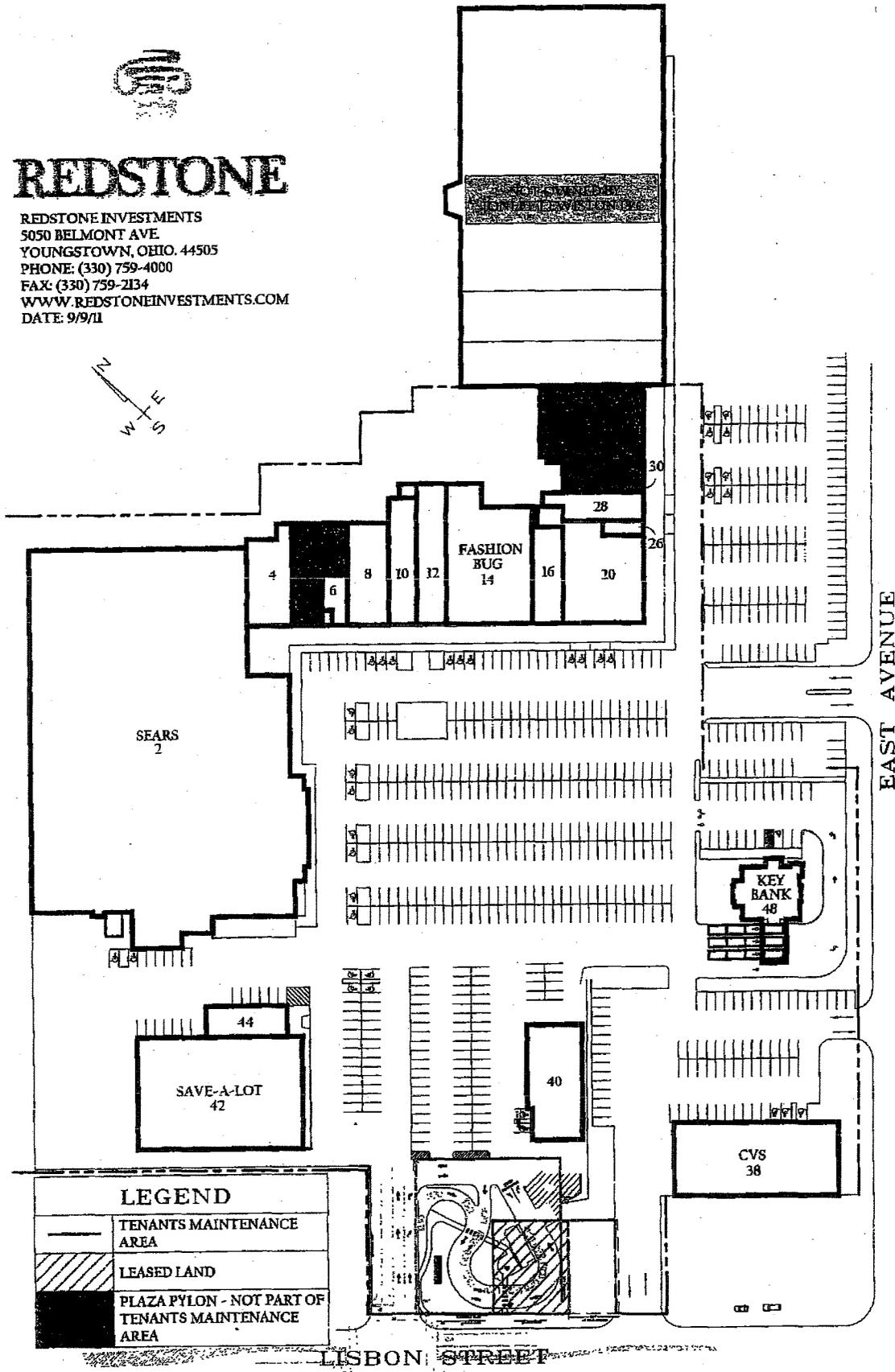
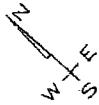
[www.redstoneinvestments.com](http://www.redstoneinvestments.com)

# EXHIBIT 'A'



## REDSTONE

REDSTONE INVESTMENTS  
 5050 BELMONT AVE  
 YOUNGSTOWN, OHIO, 44505  
 PHONE: (330) 759-4000  
 FAX: (330) 759-2134  
 WWW.REDSTONEINVESTMENTS.COM  
 DATE: 9/9/11



LEGEND	
	TENANTS MAINTENANCE AREA
	LEASED LAND
	PLAZA PYLON - NOT PART OF TENANTS MAINTENANCE AREA

LISBON STREET

EAST AVENUE

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:  
Jeffrey M. Grinstein, Esq.  
5050 Belmont Avenue  
Youngstown, Ohio 44505

PREPARED BY:

**QUITCLAIM DEED**

The undersigned Grantor(s) Declare(s)

DOCUMENTARY TRANSFER TAX is \$ 0

X transaction is exempt from transfer tax: Transfer of title under  
Section 1146(c) of the Bankruptcy Code

NO MAINE R.E.  
TRANSFER TAX PAID

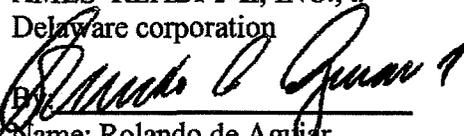
FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, AMES REALTY II, INC., a Delaware corporation, being a wholly-owned subsidiary of Ames Department Stores, Inc., ("Debtor") hereby SELLS, CONVEYS, TRANSFERS, REMISES, RELEASES AND FOREVER QUITCLAIMS to JLB Lewiston, LLC ("JLB"), having an address at 5050 Belmont Avenue, Youngstown, Ohio 44505, with Quit-Claim Covenants, all of the Debtors' right, title and interest in certain commercial real property located in Lewiston, Androscoggin County, Maine, more particularly described as follows:

See Exhibit A attached hereto and made a part hereof.

together with all and singular the rights, privileges and appurtenances thereto in any manner belonging to said Grantor.

Dated: January 28, 2008

AMES REALTY II, INC., a  
Delaware corporation

By: 

Name: Rolando de Aguiar

Its: President

Grantor's Address:  
805 Brooke Street  
Rocky Hill, CT 06067

STATE OF Connecticut  
COUNTY OF Hartford ) SS. Rocky Hill

On this 28th day of January, in the year 2008, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Rolando de Aguiar, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Signature Lyn C. Hussein  
Name (Typed or Printed) Lyn C. Hussein  
Notary Public in and for said County and State

LYN C. HUSSEIN  
NOTARY PUBLIC  
MY COM. EX. 10000  
JUNE 30, 2008

SEAL

Mail Subsequent Tax Bills To:

**EXHIBIT A  
LEGAL DESCRIPTION**

Having a street address of 828 Lisbon Street

**Parcel I**

A certain parcel of land with the buildings thereon situated in the Lewiston, County of Androscoggin, State of Maine, bounded and described as follows:

Beginning at a point on the easterly line of Lisbon Street at the southwesterly corner of land conveyed by Franklin Company to Thomas Doyle by deed dated December 15, 1862, recorded in the Androscoggin County Registry of Deeds, Book 12, Page 224; thence the line runs in an easterly direction along said land conveyed to Doyle a distance of one hundred (100) feet to a point; thence the line turns at a right angle and runs in a southerly direction a distance of fifty (50) feet to a point; thence the line turns at a right angle and runs in a westerly direction a distance of one hundred (100) feet to said line of Lisbon Street, thence the line runs in a northerly direction by said line of Lisbon Street a distance of fifty (50) feet to the point of beginning,

**Parcel II**

A certain lot or parcel of land situated in the City of Lewiston, County of Androscoggin and State of Maine, bounded and described as follows, to wit:

Beginning at a point on the northeasterly line of Lisbon Street situated 350 feet northwesterly from the intersection of Lisbon Street with East Avenue; thence

- (1) Northwesterly by the northeasterly line of Lisbon Street twenty-five feet (25') to a point; thence
- (2) Northeasterly by the southeasterly line of other land of the Grantor, one hundred feet (100') to a point; thence
- (3) Southeasterly by land shown as SKAM Parcel 2 on a plan entitled Plot Plan Skam-Zayre Land, East Avenue and Bartlett Street, Lewiston, Maine dated May 1970 by Aliberti, LaRochelle & Hodson Engineering, recorded with Androscoggin County Registry of Deeds, twenty-five feet (25') to a point at the westerly corner of Skam Parcel 4 shown on said plan; thence
- (4) Southwesterly by Zayre Parcel 2 shown on said plan, one hundred feet (100') to the point of beginning.

ANDROSCOGGIN COUNTY  
*Tina M. Chouard*  
REGISTER OF DEEDS

**WARRANTY DEED**

LEWISTON MALL LIMITED PARTNERSHIP, a Massachusetts limited partnership with a place of business in Allston, County of Suffolk, and Commonwealth of Massachusetts, for consideration paid, grants to JONLEE LEWISTON LLC, a Maine limited liability company with a place of business in Youngstown County of \_\_\_\_\_, Ohio, with **WARRANTY COVENANTS**, a certain lot or parcel of land, with any buildings thereon, situated in Lewiston, County of Androscoggin, and State of Maine, bounded and described as follows:

Refer to Exhibit A annexed hereto which is specifically incorporated herein by reference.

IN WITNESS WHEREOF, the Grantor has set its hand and seal on this 23 June,

2000.

*Luci Daley Vincent*  
Witness

**LEWISTON MALL LIMITED PARTNERSHIP**

By: Lewiston Mall, Inc., its General Partner

*[Signature]*  
Witness

By: *[Signature]*  
Ronald Brown, President

MAINE REAL ESTATE  
TRANSFER TAX PAID

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

June 23, 2000

Then personally appeared the above-named RONALD BROWN, President of Lewiston Mall, Inc., duly authorized general partner of LEWISTON MALL LIMITED PARTNERSHIP and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of LEWISTON MALL, INC. as general partner of LEWISTON MALL LIMITED PARTNERSHIP.



Before me,

*[Signature]*

Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Linda Vaccaro, Notary Public  
My Commission Expires: 10/4/02

**EXHIBIT A**

A certain lot or parcel of land situated in Lewiston in Androscoggin County, State of Maine, bounded and described as follows:

Beginning at an existing 3/4 inch iron rod found in the ground in the Northwesterly line of East Avenue, so called, at the Easterly corner of land now or formerly owned by Washitall, Inc. as described in a deed recorded in the Registry of Deeds for Androscoggin County in Book 1622, Page 185, thence:

1. North thirty-nine degrees fifty-seven minutes twenty-two seconds West (N 39° 57' 22" W) along the Northeasterly line of said Washitall, Inc. land, a distance of one hundred eighty-eight and forty-nine hundredths (188.49) feet to an existing 3/4 inch iron rod found in the ground at the Northerly corner of said Washitall, Inc. land, thence:
  2. South forty-nine degrees fifty-two minutes forty-six seconds West (S 49° 52' 46" W) along the Northwesterly line of said Washitall, Inc. land, a distance of one hundred fifteen and eighty hundredths (115.80) feet to a railroad spike found at the Westerly corner of said Washitall, Inc. land and in the apparent Northeasterly right-of-way line of Lisbon Street, so called, thence:
  3. North thirty-nine degrees thirty-two minutes seventeen seconds West (N 39° 32' 17" W) along the apparent Northeasterly right-of-way line of said Lisbon Street, a distance of fifty and no hundredths (50.00) feet to a capped 3/4" iron rod set I.D. #492 at the Southerly corner of land now or formerly owned by the State of Maine as described in a deed recorded in said Registry in Book 1120, Page 321, thence:
  4. North forty-nine degrees fifty-two minutes forty-six seconds East (N 49° 52' 46" E) along the Southeasterly line of said State of Maine land and along the Southeasterly line of land now or formerly owned by Daniel Leonas, Paul Leonas and Suzanne Nadeau as described in a deed recorded in said Registry in Book 2545, Page 223, a distance of ninety-one and sixty-three hundredths (91.63) feet to a capped 3/4" iron rod set I.D. #492 at the Easterly corner of said Leonas/Nadeau land, thence:
  5. North thirty-nine degrees fifty-six minutes fifty seconds West (N 39° 56' 50" W) along the Northeasterly line of said Leonas/Nadeau land and along the Northeasterly line of land now or formerly owned by Zayre Eleventh Realty Corp. as described in two (2) deeds recorded in said Registry in Book 1023, Page 765 and Book 1038, Page 547, a distance of one hundred twenty-five and no hundredths (125.00) feet to a capped 3/4" iron rod set I.D. #492 at the Northerly corner of said Zayre Eleventh Realty Corp. land, thence:
  6. South forty-nine degrees fifty-one minutes fifty seconds West (S 49° 51' 50" W) along the Northwesterly line of said Zayre Eleventh Realty Corp. land, a distance of ninety and seventy-four hundredths (90.74) feet to a railroad spike found at the Westerly corner of said
-

Zayre Eleventh Realty Corp. land and in the apparent Northeasterly right-of-way line of said Lisbon Street, thence:

7. In a Northwesterly direction along the apparent Northeasterly right-of-way line of said Lisbon Street and along the arc of a five thousand seven hundred sixty-eight and fifty-eight hundredths (5,768.58) foot radius curve to the left, a distance of fifty-six and fifty-four hundredths (56.54) feet to the point of tangency of said curve, thence:
8. North forty degrees five minutes fifty-nine seconds West (N 40° 05' 59" W) along the apparent Northeasterly right-of-way line of said Lisbon Street a distance of sixty-eight and eight hundredths (68.08) feet to a railroad spike found at the Southerly corner of land now or formerly owned by Diane Darling and Priscilla Gendron as described in a deed recorded in said Registry in Book 2616, Page 1, thence:
9. North forty-nine degrees fifty-two minutes forty-six seconds East (N 49° 52' 46" E) along the Southeasterly line of said Gendron/Darling land, a distance of one hundred forty and eighty-five hundredths (140.85) feet to a railroad spike found at the Easterly corner of said Gendron/Darling land, thence:
10. North thirty-nine degrees fifty-six minutes forty-four seconds West (N 39° 56' 44" W) along the Northeasterly line of said Gendron/Darling land, along the Northeasterly line of land now or formerly owned by Priscilla Gendron as described in a deed recorded in said Registry in Book 2198, Page 58, and along the Northeasterly line of land now or formerly owned by Peoples Savings Bank as described in two (2) deeds recorded in said Registry in Book 1021, Page 716 and Book 1023, Page 53, a distance of three hundred fifty and no hundredths (350.00) feet to a point at the Southerly corner of land now or formerly owned by David L. Ouellette as described in a deed recorded in said Registry in Book 2897, Page 252, thence:
11. North forty-nine degrees fifty-two minutes forty-six seconds East (N 49° 52' 46" E) a distance of six hundred fifty and no hundredths (650.00) feet to a capped 3/4" iron rod set I.D. #492, said iron rod being the Westerly corner of land now or formerly owned by Fredrick D. Dowden and Doris A. Dowden as described in a deed recorded in said Registry in Book 1006, Page 206, this call running along the Southeasterly lines of lands now or formerly owned by the following persons as described by deeds recorded in said Registry:

David L. Ouellette, Book 2897, Page 252;  
 Dennis D. Hutchinson and Marianne V. Hutchinson, Book 2620, Page 260;  
 Georgette D. Cote, Book 1612, Page 117;  
 James Anderson, Book 2810, Page 116;  
 Leo N. LeBlond and Jeanne LeBlond, Book 3263, Page 155;  
 Thomas P. Shannon and Gale C. Shannon, Book 1841, Page 53;  
 Vinal Patrick Violette, Book 1032, Page 390;  
 George M. Dycio and Cheryl Dycio, Book 2699, Page 249; and  
 James J. Chervewak and Marcia H. Chervewak, Book 2023, Page 294, thence:

12. South thirty-nine degrees fifty-six minutes fifty seconds East (S 39° 56' 50" E) along the Southwesterly line of said Dowden land and the Southwesterly line of land now or formerly owned by Mark R. Garant, Lisa M. Garant and Marcelle Labbe as described in a deed recorded in said Registry in Book 2371, Page 74 and along the apparent Southwesterly terminus of Cumberland Avenue, so called, and along the Southwesterly line of land now or formerly owned by George F. Ricker and Jeanne Ricker as described in a deed recorded in said Registry in Book 970, Page 780, a distance of two hundred fifty and no hundredths (250.00) feet to a capped 3/4" iron rod set I.D. #492 at the Southerly corner of said Ricker land, thence:
  13. North forty-nine degrees fifty-two minutes forty-six seconds East (N 49° 52' 46" E) along the Southeasterly line of said Ricker land, a distance of fifty and no hundredths (50.00) feet to a capped 3/4" iron rod set I.D. #492 at the Easterly corner of said Ricker land, thence:
  14. South thirty-nine degrees fifty-six minutes fifty seconds East (S 39° 56' 50" E) along the Southwesterly line of land now or formerly owned by Richard P. Bushey and Florence P. Bushey as described in a deed recorded in said Registry in Book 1179, Page 219, a distance of one hundred and no hundredths (100.00) feet to a capped 3/4" iron rod set I.D. #492 at the Southerly corner of said Bushey land, thence:
  15. North forty-nine degrees fifty-two minutes forty-six seconds East (N 49° 52' 46" E) along the Southeasterly line of said Bushey land, a distance of fifty and no hundredths (50.00) feet to a capped 3/4" iron rod set I.D. #492 in the apparent Southwesterly right-of-way line of Hackett Street, so called, thence:
  16. South thirty-nine degrees fifty-six minutes fifty seconds East (S 39° 56' 50" E) along the apparent Southwesterly right-of-way line of said Hackett Street, a distance of fifty and no hundredths (50.00) feet to a capped 3/4" iron rod set I.D. #492 at the apparent Southeasterly terminus of said Hackett Street, thence:
  17. North forty-nine degrees fifty-two minutes forty-six seconds East (N 49° 52' 46" E) along the apparent Southeasterly terminus of said Hackett Street, a distance of twenty-four and no hundredths (24.00) feet to a capped 3/4" iron rod found I.D. #492 at a Westerly corner of land now or formerly owned by Zayre Eleventh Realty Corp. as described in a deed recorded in said Registry in Book 998, Page 654, thence:
  18. South forty degrees seven minutes fourteen seconds East (S 40° 07' 14" E) along a Southwest line of said Zayre Eleventh Realty Corp. land a distance of two hundred eighty-five and no hundredths (285.00) feet to a railroad spike buried at a corner of said Zayre Eleventh Realty Corp. land, thence:
  19. South forty-nine degrees fifty-two minutes forty-six seconds West (S 49° 52' 46" W) along a Northwest line of said Zayre Eleventh Realty Corp. land a distance of three hundred eighty-two and no hundredths (382.00) feet to a railroad spike buried at a Westerly corner of said Zayre Eleventh Realty Corp. land, thence:
-

20. South forty degrees seven minutes fourteen seconds East (S40°07'14" E) along a Southwest line of said Zayre Eleventh Realty Corp. land a distance of one hundred fifty-four and seven hundredths (154.07) feet to a capped 3/4" iron rod found I.E. #492 in the apparent Northwesterly right-of-way line of said East Avenue, thence:
21. South forty-nine degrees fifty-two minutes forty-six seconds West (S49°52'46" W) along with the apparent Northwesterly right-of-way line of said East Avenue, a distance of two hundred nineteen and fifty-five hundredths (219.55) feet to capped 3/4" iron rod set I.D. #492 in the apparent Northwesterly right-of-way line of said East Avenue, thence:
22. North forty degrees seven minutes twenty-three seconds West (N40°07'23"W) along an apparent Northeasterly right-of-way line of said East Avenue, a distance of one and no hundredths (1.00) foot to a capped 3/4" iron rod set I.D. #492, thence:
23. South forty-nine degrees fifty-two minutes forty-six seconds West (S49°52'46"W) along the apparent Northwesterly right-of-way line of said East Avenue a distance of two hundred and no hundredths (200.00) feet to the point of beginning.

The above description of the Premises herein conveyed is based on an ALTA/ACSM Land Title Survey prepared for The Hamilton Company by A.R.C.C. Land Surveyors, Inc. dated April 21, 1995 under Job No. 95-024, reflecting magnetic north as of October, 1988.

Being the same Premises and meaning and intending to convey all of the land conveyed to Lewiston Mall Limited Partnership from New England Realty Associates by warranty deed dated September 14, 1995 and recorded in said Registry in Book \_\_\_\_\_, Page \_\_\_\_\_.

ANDROSCOGGIN COUNTY

*Jeanine D. Bergeron*

REGISTER OF DEEDS

## Section 5

---

Draft Traffic Movement Permit  
Response to Traffic Comments  
Traffic Study (Narrative Only)



# CITY OF LEWISTON

## Traffic Movement Permit



Applicant: Lisbon Donuts, Inc.  
Project: Proposed Dunkin' Donut Drive-Thru Kiosk  
Permit Category: 200+ PCE  
Traffic Engineer: William C. Eaton, PE  
Eaton Traffic Engineering  
67 Winter Street Ste. 1  
Topsham, ME 04086

Pursuant to the provision of 23 M.R.S.A. § 704-A and Chapter 305 of the MaineDOT's Regulations, the City of Lewiston under delegated review authority by the Maine Department of Transportation has considered the application of Lisbon Donuts, Inc. with supportive data, agency review and other related materials on file.

### **PROJECT DESCRIPTION**

The applicant proposes to construct a 597+/- sf drive-thru kiosk in the Lewiston Mall parking lot just northeast of the intersection of Lisbon Street @ Essex Street. This facility is anticipated to generate an additional 330 trip ends in the AM peak hour, with 50 primary trips, 48 diverted trips and 232 pass-by trips. Access to the site will be provided via an access drive off the Lewiston Mall access drive on Lisbon Street (opposite Essex Street). The project is expected to be completed by the end of 2012.

### **Findings**

Based on a review of the files and related information, City of Lewiston under delegated review authority by the Maine Department of Transportation approves the Traffic Movement Permit Application of Lisbon Donuts, Inc. subject to the following conditions:

### **MITIGATION**

The mitigation is intended to describe that conceptually shown on the following plan provided by Stoneybrook Consultants, Inc.:

1. "Site Plan", Sheet Number 1, dated February 2012 with revised dates through April 13, 2012 signed by William M. Peterlein, P.E.

The mitigation is also intended to describe the recommendations provided in the Traffic Impact Study by Eaton Traffic Engineering.

If the descriptions contained herein conflict with the plans, these descriptions shall take precedence over the plans. Not all of the mitigation discussed herein may be shown on that or any plan. The following mitigation shall be constructed or implemented to City's satisfaction prior to the opening of the facility, unless otherwise approved by the City.

### **On-Site Mitigation**

#### **Site Driveway and Circulation Roadways**

The improvements required for this signalized intersection shall consist of the following:

- Addition of a 50' right turn lane with appropriate tapers on Lewiston Mall driveway for entrance of the drive-thru lane;
- Install pavement markings and STOP and directional signage on the internal site driveways to provide for safe and convenient on-site traffic movement.

#### **General Requirements For All Entrances**

A. The entrances shall provide overhead illumination, if not existing, to illuminate the intersections per MaineDOT standards at a minimum. Overhead lighting shall have an average of 0.6 to 1.0 foot candles, with the maximum to minimum lighting ratio of not more than 10:1 and an average to minimum light level of not more than 4:1.

### **Off-Site Mitigation**

None identified.

### **Overall Requirements**

A. Provide all necessary auxiliary signs, striping and pavement markings to implement the improvements described herein according to City/MaineDOT and/or National standards. All pavement markings will be durable, long lasting materials such as thermo plastic, tape, or other approved products.

B. All plantings and signs (existing and/or proposed; permanent and/or temporary) shall be placed and maintained such that they do not block available sight distances and do not violate the State's "Installations and Obstructions" law. No signage, plantings or structures shall be allowed within the "clear zone" if they constitute a deadly fixed object as determined by MaineDOT. All signs shall meet MRSA Title 23, Chapter 21, Section 1914: "On-Premise Signs".

C. If any of the supporting data or representations for which this permit is based changes in any way or is found to be incorrect/inaccurate, the applicant shall request in writing from MaineDOT a decision of what impacts those changes will have on the permit. The applicant will then be required to submit those changes for review and approval and additional mitigation as a result of those changes may be required at the expense of the applicant.

Lewiston Dunkin' Donut Kiosk

Reg.

Page 3 of 3

D. Because the proposed project affects the State Highway and drainage systems and requires improvement to that system, the applicant must obtain approval of the design plans and coordinate work through MaineDOT's State Traffic Engineer or Assistant State Traffic Engineer, who can be reached at (207) 624-3620 in Augusta.

By:

\_\_\_\_\_  
David Hediger, City Planner

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

Draft



**EATON TRAFFIC ENGINEERING**  
67 Winter Street Suite 5 • Topsham • Maine • 04086  
Tel 207.725.9805 • Fax 207.373.9400

To: Mike Gotto, Stoneybrook Consultants  
Fm: William C. Eaton, PE, Eaton Traffic Engineering  
Re: Response to City of Lewiston Staff Comments and HNTB peer review comments  
Dt: April 18, 2012

Per your request I have review Lewiston Staff comments and HNTB comments regarding the traffic impact study. My responses are as follows:

Lewiston Staff Comments:

The Department of Public Services provided the only comments regarding the traffic impact study. It appears that during the drafting process of Figure 2 that 12 pass-by trips heading westbound at Lisbon/East were omitted, and a few minor math errors in Figure 3 (which were probably due to misreading the data without my reading glasses) resulting in minor changes to Figure 4 (2012 Build traffic volumes). The Figures have been corrected and are attached. The Synchro/SimTraffic analysis was rerun and the summary outputs are attached – changes in the LOS results are insignificant.

HNTB Comments:

1. Other Development Information. The Study included AM peak hour traffic generated by the approved convenience market with gas pumps to be located on outer Lisbon. The trip information was obtained from Gorrill-Palmer Consulting Engineers, the traffic engineers for the applicant, and are depicted in Figure 3B of the traffic impact study. Figure 3 clearly states that the volumes shown are estimated 2012 volumes based upon a 1 percent increase for 2011 traffic data obtained from ATRC, plus the trips associated with the convenience market with gas pumps. The electronic files for the

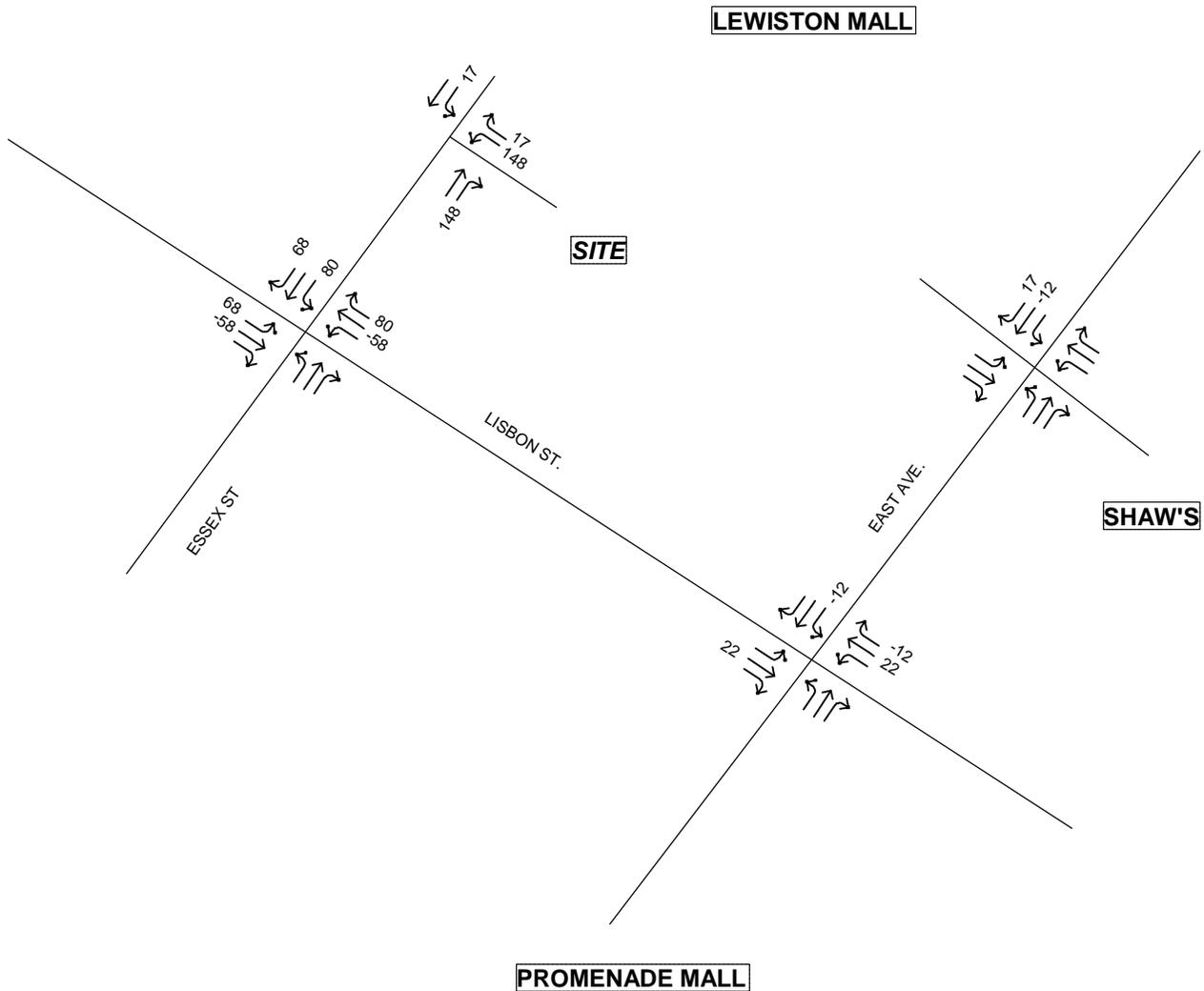
Synchro/SimTraffic model are not normally submitted to the City as the City does not possess the software to review the model – normally the review engineer makes a simple e-mail or telephone request for the files when it is convenient for his/her review. These files are included in electronic format with this response.

2. Capacity Analysis. Synchro/SimTraffic files are included with this response. There is no significant impact on LOS (please review revised Synchro/SimTraffic performance report and LOS summary attached in response to City Staff comments).
3. Capacity Analysis. Signal timing and phasing is based upon data provided by ATRC (see attached ATRC intersection data sheets for intersections 120 – Lisbon/East and 124 – Lisbon/Essex). MDOT staff requested that both intersections be included in the study and evaluated as a coordinated system. ATRC did not have any information on coordination timing plans, so the basic phasing and timing parameters were used to analyze the two intersections as a coordinated-actuated system. The interval timing, phasing and offsets are contained in the model outputs.
4. Crash Data. There were 65 accidents total for the HCLs in the study area, which results in 130 pages of accident reports. These are included in this response in electronic form for ease of transmittal. Copies of the collision diagrams for all HCLs are also included (as they were in the original traffic study).

I trust the above addresses the concerns of City Staff and the Peer Reviewer. If there are any further concerns or requirements for additional information please contact me.



ALL TRIPS  
TOTAL 330 TRIPS  
ENTER - 165 TRIPS  
EXIT - 165 TRIPS



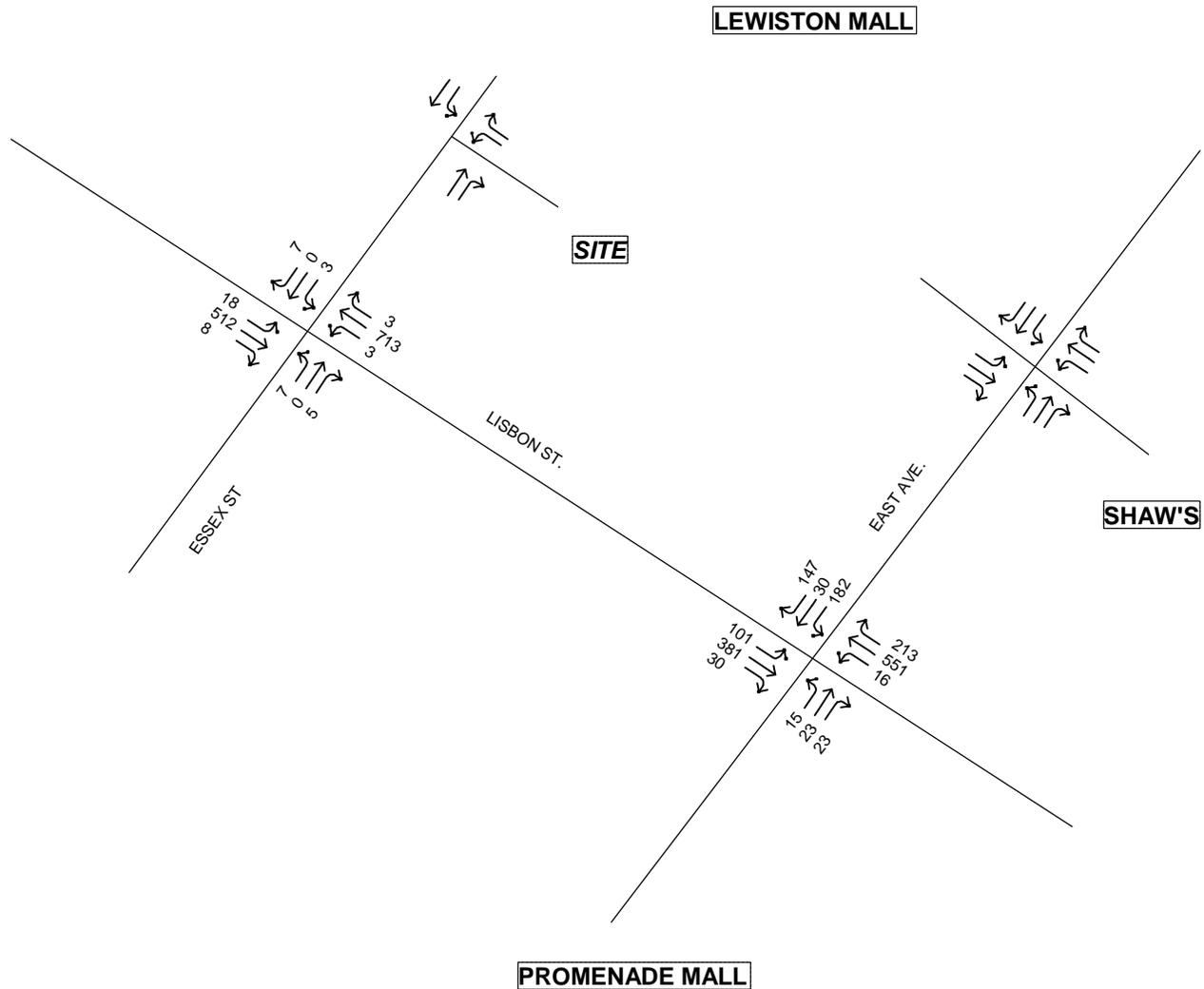
Not to Scale

**ete** EATON  
TRAFFIC  
ENGINEERING

67 Winter Street Ste 1 - Topsham, ME 04086  
Phone/Fax (207) 725-9805

Figure 2 (rev 4/17/12)  
SITE GENERATED AM PEAK HOUR TRAFFIC

**PROPOSED DUNKIN' DONUT KIOSK / LEWISTON, MAINE**



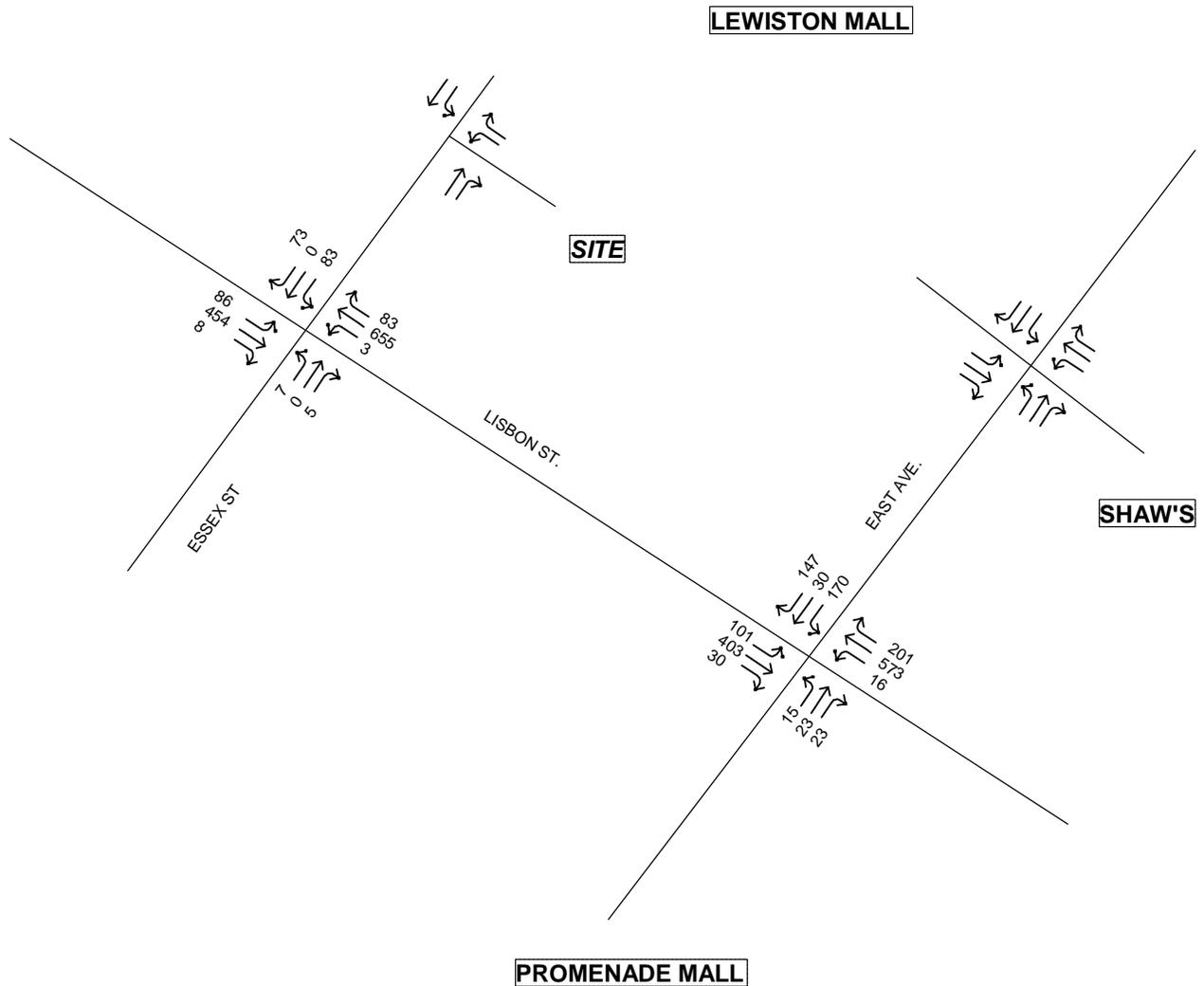
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**ete** EATON  
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Figure 3 (rev 4/17/12)  
2012 AM PEAK HOUR TRAFFIC - PRE-DEVELOPMENT (@ 1% GROWTH + CONV/GAS TRIPS )

**PROPOSED DUNKIN' DONUT KIOSK / LEWISTON, MAINE**



Not to Scale

Figure 4 (rev 4/17/12)

PROJECTED AM PEAK HOUR TRAFFIC - POST-DEVELOPMENT

**PROPOSED DUNKIN' DONUT KIOSK / LEWISTON, MAINE**



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ENGINEERING

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1: Lisbon St. & Lewiston Mall Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBR	SBL	SBR	All
Total Delay (hr)	0.1	0.1	0.0	0.0	0.6	0.0	0.1	0.0	0.0	0.0	1.0
Delay / Veh (s)	27.2	1.0	0.5	54.5	2.9	1.3	40.9	4.0	15.8	8.0	2.8
Stop Delay (hr)	0.1	0.1	0.0	0.0	0.2	0.0	0.1	0.0	0.0	0.0	0.5
St Del/Veh (s)	25.7	0.6	0.2	50.6	1.0	0.4	39.3	3.9	14.0	7.8	1.5

2: Lisbon St. & East Ave. Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Delay (hr)	0.7	0.7	0.0	0.2	2.3	0.6	0.1	0.2	0.0	1.0	0.2	0.2
Delay / Veh (s)	24.8	7.1	4.1	39.3	15.3	9.3	26.1	25.5	5.5	21.0	22.9	5.1
Stop Delay (hr)	0.6	0.5	0.0	0.2	1.8	0.4	0.1	0.2	0.0	0.9	0.2	0.2
St Del/Veh (s)	22.4	4.9	3.3	36.9	11.8	7.1	24.9	22.9	5.3	19.1	19.5	5.0

2: Lisbon St. & East Ave. Performance by movement

Movement	All
Total Delay (hr)	6.3
Delay / Veh (s)	13.3
Stop Delay (hr)	5.2
St Del/Veh (s)	10.9

Total Network Performance

Total Delay (hr)	7.7
Delay / Veh (s)	15.8
Stop Delay (hr)	5.8
St Del/Veh (s)	11.8

Queuing and Blocking Report  
2012 AM Base

4/18/2012

Intersection: 1: Lisbon St. & Lewiston Mall

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	TR	L	T	TR	L	TR	LT	R
Maximum Queue (ft)	38	59	60	31	127	142	35	36	31	41
Average Queue (ft)	9	8	7	3	24	35	7	7	2	9
95th Queue (ft)	31	35	34	17	88	109	28	29	15	32
Link Distance (ft)		640	640		420	420		392	452	
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)	100			100			100			150
Storage Blk Time (%)		0			1					
Queuing Penalty (veh)		0			0					

Intersection: 2: Lisbon St. & East Ave.

Movement	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	T	TR	L	T	T	R	L	TR	L	LT	R
Maximum Queue (ft)	121	91	93	52	152	170	135	47	87	78	112	79
Average Queue (ft)	58	37	51	14	78	93	45	11	29	32	57	36
95th Queue (ft)	107	77	87	42	132	151	92	38	63	66	93	66
Link Distance (ft)		420	420		678	678		392	392		443	443
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	200			200			150			150		
Storage Blk Time (%)						1	0					
Queuing Penalty (veh)						1	0					

Network Summary

Network wide Queuing Penalty: 1

1: Lisbon St. & Lewiston Mall Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBR	SBL	SBR	All
Total Delay (hr)	0.8	0.4	0.0	0.0	1.2	0.1	0.1	0.0	0.6	0.2	3.5
Delay / Veh (s)	34.9	3.1	2.2	49.9	6.7	5.5	33.8	3.6	26.6	10.4	8.7
Stop Delay (hr)	0.7	0.2	0.0	0.0	0.7	0.1	0.1	0.0	0.6	0.2	2.6
St Del/Veh (s)	32.7	2.0	1.7	46.8	3.8	3.0	32.2	3.5	24.4	9.0	6.6

2: Lisbon St. & East Ave. Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Total Delay (hr)	0.7	0.7	0.0	0.2	2.5	0.5	0.1	0.2	0.0	1.0	0.1	0.2
Delay / Veh (s)	23.7	6.4	4.8	37.7	16.3	9.5	26.2	26.9	6.3	21.2	21.0	5.3
Stop Delay (hr)	0.6	0.5	0.0	0.2	1.9	0.4	0.1	0.2	0.0	0.9	0.1	0.2
St Del/Veh (s)	21.1	4.1	3.7	35.2	12.6	7.2	24.9	24.0	6.0	19.3	17.7	5.2

2: Lisbon St. & East Ave. Performance by movement

Movement	All
Total Delay (hr)	6.3
Delay / Veh (s)	13.3
Stop Delay (hr)	5.1
St Del/Veh (s)	10.8

Total Network Performance

Total Delay (hr)	10.2
Delay / Veh (s)	19.5
Stop Delay (hr)	7.8
St Del/Veh (s)	14.9

Intersection: 1: Lisbon St. & Lewiston Mall

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	TR	L	T	TR	L	TR	LT	R
Maximum Queue (ft)	104	74	104	30	160	180	31	31	121	96
Average Queue (ft)	48	20	29	3	47	70	7	6	53	35
95th Queue (ft)	91	55	73	18	120	141	28	27	101	73
Link Distance (ft)		640	640		420	420		392	452	
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)	100			100			100			150
Storage Blk Time (%)	1	0			2				0	0
Queuing Penalty (veh)	2	0			0				0	0

Intersection: 2: Lisbon St. & East Ave.

Movement	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	T	TR	L	T	T	R	L	TR	L	LT	R
Maximum Queue (ft)	122	78	110	51	182	188	156	54	84	70	109	85
Average Queue (ft)	57	32	46	14	82	103	46	11	30	30	53	35
95th Queue (ft)	105	65	90	43	141	163	96	38	67	64	92	66
Link Distance (ft)		420	420		678	678		392	392		443	443
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	200			200			150			150		
Storage Blk Time (%)					0	1	0					0
Queuing Penalty (veh)					0	2	0					0

Network Summary

Network wide Queuing Penalty: 4

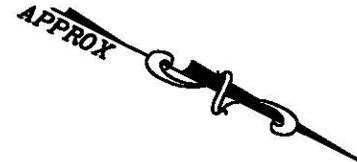
## Proposed Dunkin' Donut Kiosk

### Revised Delay/LOS for Lisbon/Essex and Lisbon/East – April 17, 2012

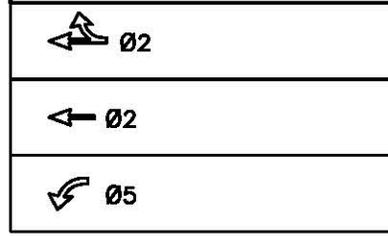
Street - Movement	2012 Pre-Development		2012 Post-Development	
	Delay (sec)	LOS	Delay (sec)	LOS
<b>LISBON @ ESSEX</b>				
EBL (Lisbon)	27.2	C	34.9	C
EBT	1.0	A	3.1	A
EBR	0.5	A	2.2	A
WBL (Lisbon)	54.5	D	49.9	D
WBT	2.9	A	6.7	A
WBR	1.3	A	5.5	A
NBL (Essex)	40.9	D	33.8	C
NBT	-	-	-	-
NBR	4.0	A	3.6	A
SBL (Lew Mall)	15.8	B	26.6	C
SBT	-	-	-	-
SBR	8.0	A	10.4	B
ALL	2.8	A	8.7	A

Street - Movement	2012 Pre-Development		2012 Post-Development	
	Delay (sec)	LOS	Delay (sec)	LOS
<b>LISBON @ EAST</b>				
EBL (Lisbon)	24.8	C	23.7	C
EBT	7.1	A	6.4	A
EBR	4.1	A	4.8	A
WBL (Lisbon)	39.3	D	37.7	D
WBT	15.3	B	16.3	B
WBR	9.3	A	9.5	A
NBL (Promenade)	26.1	C	26.2	C
NBT	25.5	C	26.9	C
NBR	5.5	A	6.3	A
SBL (East)	21.0	C	21.2	C
SBT	22.9	C	21.0	C
SBR	5.1	A	5.3	A
ALL	13.3	B	13.3	B

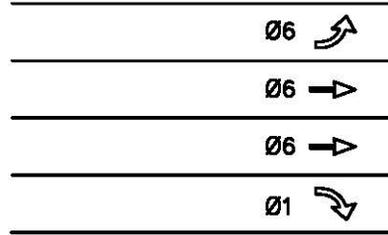
# 120



ENTRANCE

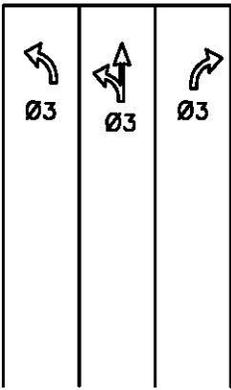


LISBON STREET



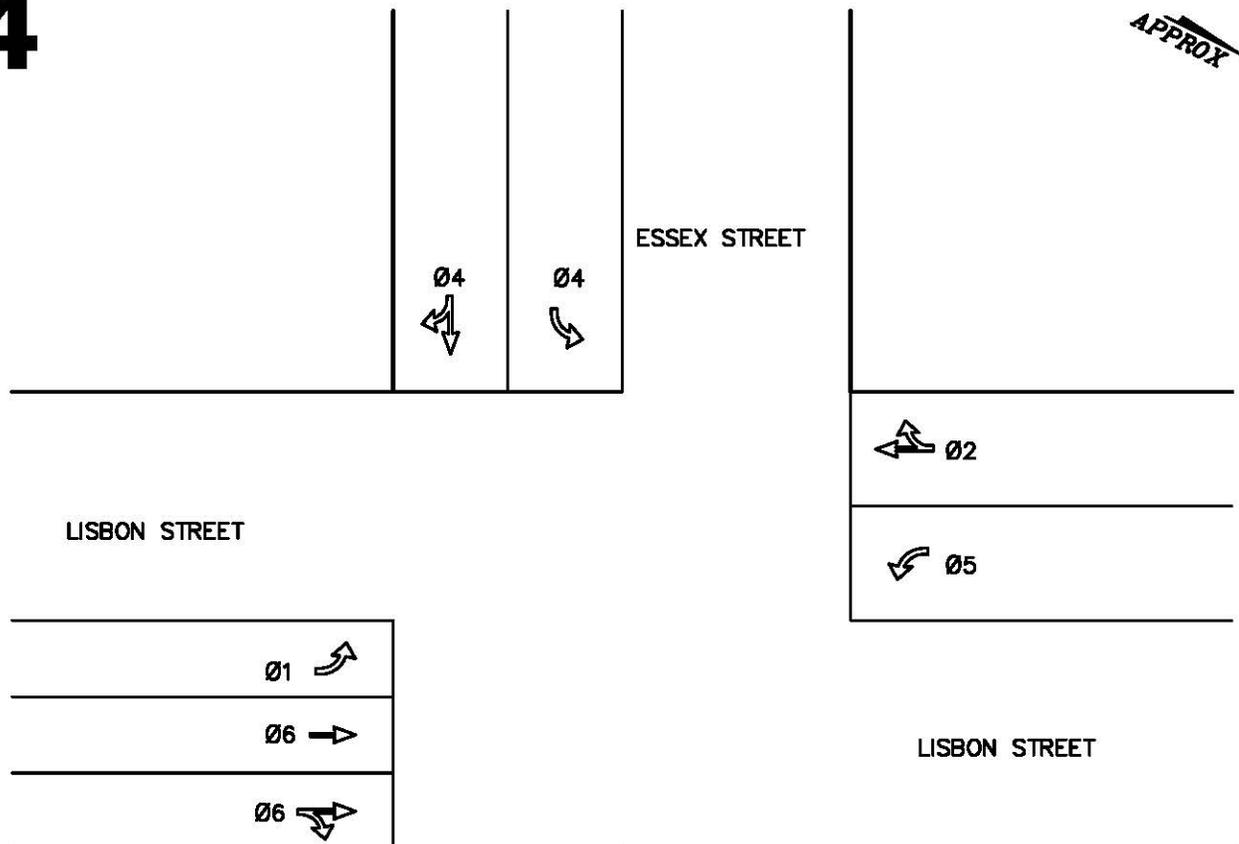
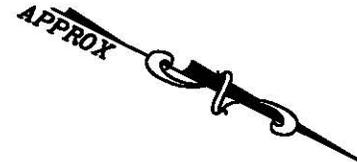
LISBON STREET

EAST AVE.



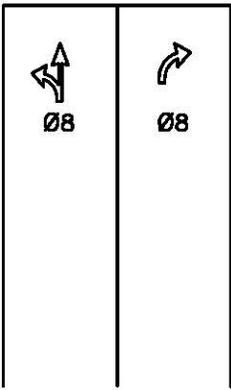
CONTROL BOX

TIMING SETTINGS								
	1	2	3	4	5	6	7	8
MIN. GREEN	4	4	4	4	4	4	2	
EXT.	3	3	3	3	3	3	2	
MAX I	8	32	12	24	8	32		36
MAX II	10	40	28	40	19	31		12
YELLOW CLR.	3	3	3	3	3	3		
ALL RED	1	1.5	1	1	1	1.5	1	1
WALK		5	5	5		5		
WALK CLR.		21	14	17		17		



CONTROL BOX

ENTRANCE



TIMING SETTINGS						
	1	2	4	5	6	8
MIN. GREEN	5	16	5	5	16	5
EXT.	3	4	3	3	3	3
MAX I	9	21	20	9	21	20
MAX II	6	35	10	10	35	15
YELLOW CLR.	3	3	3	3	3	3
ALL RED	1	1.5	1	1	1	1
WALK			5		3	5
WALK CLR.		6			6	9

**CHECK**

NOTE: Ø COULD NOT READ A LOT OF THE NUMBERS OR FIGURE OUT WHERE THEY GO... CHECK AGAINST TABLE

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# Traffic Impact Study

*PROPOSED DUNKIN' DONUT KIOSK*  
Lewiston, Maine

*Prepared for*

**Stoneybrook Consultants**

*Turner, Maine*



Topsham, Maine

March 2012

**PROPOSED**  
**Dunkin' Donut Kiosk / Lewiston, Maine**  
Traffic Impact Study

**Introduction**

Lisbon Donuts, Inc. proposes to construct and operated a Dunkin' Donut Kiosk to be located in the Lewiston Mall adjacent to the intersection of Lisbon Street @ Essex Street in Lewiston, Maine (see Figure 1), Access will be via the existing Lisbon Street access driveway to the Lewiston Mall. The Kiosk will be 597 +/- square feet in floor area, and provide drive-thru service only initially (pedestrian service may be provided in the future).

**Trip Generation / Study Area**

Over the period 1997-2000 inclusive, Eaton Traffic Engineering conducted trip generation surveys at 4 Dunkin' Donut locations in Maine. The table below summarizes the results of these surveys.

**Trip Generation Surveys – AM Peak Hour – Dunkin' Donut**

Location	Enter	Exit	Total	Date
Lewiston	177	179	356	12/9/97
Westbrook	194	184	378	12/12/97
Scarborough	161	156	317	10/27/98
Biddeford	120	120	240	8/17/00
Total	652	639	1291	-

The average of the above locations is 323 trips. In the State of Maine, the Maine DOT utilized

these data as well as a survey conducted in South Portland, Maine to come up with a mandated trip generation of 330 AM peak hour trips (50/50 directional distribution) for all Dunkin' Donut stores. All of these locations were in urban areas with high traffic volumes (typical for stand-alone Dunkin' Donut facilities). Gorrill-Palmer Consulting Engineers of Gray, Maine conducted trip generation studies of 6 facilities in Maine (3 stand-alone, 3 combined with retail). They conducted interviews during the AM peak hour to separate primary, pass-by and diverted-linked trips; the average for the 6 facilities was 15 percent primary, 70 percent pass-by and 15 percent diverted trips.

The proposed Dunkin' Donut Kiosk has a floor area of 597+/- square feet. There will be no sit-down area or counter service at this time (a walk-up window may be added in the future.) In discussing the potential trip generation for a drive-up kiosk, MDOT traffic engineering staff indicated that since most of the AM peak hour traffic is drive-thru, it was likely that AM peak hour trip generation would be similar to a standard Dunkin' Donut. Accordingly the standard MDOT estimate of 330 vehicle trips (165 enter, 165 exit) will be utilized for this study. Primary trips will be estimated at 15% of the total, diverted-linked trips (primarily from East Avenue) at 15%, and pass-by trips (Lisbon Street) at 70%. The table below summarizes site generated AM and PM peak hour traffic. It could be argued that primary trips to the proposed kiosk will be minimal, since it is likely that most primary trips would involve inside service and probably use of tables. However, to keep the analysis conservative, the trip generation will conform to the MDOT mandate.

**Site Generated Traffic – Lewiston Mall Dunkin' Donut Kiosk**

**AM Peak Hour**

Total Trips		Primary Trips		Diverted Trips		Pass-By Trips	
Total	In/Out	Total	In/Out	Total	In/Out	Total	In/Out
330	165/165	50	25/25	48	24/24	232	116/116

Figure 2 presents the assignment of AM peak hour site generated traffic. Figures 2A, 2B and 2C present detailed assignment for primary diverted and pass-by trips respectively. In considering

the study area for this traffic impact study, the volume threshold of 35 vehicles per hour per lane (25 for left turn volumes) is met only at the primary access to the site – the intersection of Lisbon Street @ Essex Street/Lewiston Mall Drive. While MDOT can require any study to include the first major intersection in any direction from the site in the study area, MDOT has generally had a policy of not doing so and focusing all analysis at the project’s “front door”. In this case the MDOT representative at the scoping meeting for this project specifically requested that the intersection of Lisbon Street @ East Avenue /Promenade Mall Drive be included as it is interconnected to the Lisbon/Essex intersection to provide for coordinated flow. Accordingly both intersections are included in this analysis and analyzed as a coordinated signal system.

### **Pre-Development AM Peak Hour Traffic**

Traffic impact analysis is typically performed for traffic conditions that occur during the weekday PM peak hour, as this is usually the time of heaviest traffic flow that occurs on a weekday. For the case of a Dunkin’ Donut shop the AM peak hour is clearly the peak traffic generation period, and this is used as the analysis period in this study. As part of the process of estimating weekday AM peak hour traffic volumes, traffic counts was conducted by ATRC (Androscoggin Transportation Resource Center) at the study area intersections in July 2011 were utilized. The weekday

AM peak hour was found to occur from 7:30 – 8:30 AM. Typically traffic volumes are adjusted to peak seasonal flows using MDOT adjustment factors and adjusted for “background” growth that would occur until the project is complete in 2012. In this case the July count data already reflects peak seasonal traffic. A review of traffic volume growth in the vicinity of the site indicates minimal if any annual growth, thus an annual growth rate of 1 percent was assumed to estimate 2012 AM peak hour volumes. In addition, there is a recently approved convenience

market with gasoline pumps located on outer Lisbon Street which will have some impact on this development, and these trips were included (per data provided by Gorrill Palmer Consulting Engineers, the traffic engineers for that project). Figure 2 presents the estimated 2012 pre-development PM peak hour volumes for the intersections in the study area. Figure 2A presents the 2011 ATRC AM peak hour volumes, and Figure 2B the estimated AM peak hour volumes for the convenience market with gasoline pumps as prepared by Gorrill Palmer.

### **Post-Development AM Peak Hour Traffic Volumes**

Post-development weekday AM peak hour volumes are the combination of pre-development volumes presented in Figure 3, and site generated traffic presented in Figure 2. Figure 4 presents projected 2012 weekday AM peak hour post-development traffic volumes.

### **Operational Assessment Pre/ Post-Development Traffic Volumes**

Capacity analysis was performed for the pre- and post-development PM peak hour traffic projections for the intersections in the study area using the procedures contained in the Highway Capacity Manual<sup>1</sup>. Capacity analysis provides a quantitative assessment of the quality of traffic flow at an intersection, and "rates" this quality in terms of its Level of Service (LOS). LOS ratings range from A to F, and much like a school rank card, A indicates very good conditions, and F indicates extremely congested conditions with long delays.

LOS for **signalized** intersections is based upon the average control delay for all vehicles using the intersection, which includes deceleration delay, stopped delay, queue move-up time and acceleration delay. The relationship between LOS and control delay is shown in the table below.

---

<sup>1</sup> , Highway Capacity Manual, HCM2000, Transportation Research Board, 2000

## Signalized Intersection Level of Service Measures

Level of Service (LOS)	Control Delay Per Vehicle
A	$\leq 10$ Seconds
B	$>10 - \leq 20$ Seconds
C	$>20 - \leq 35$ Seconds
D	$>35 - \leq 55$ Seconds
E	$>55 - \leq 80$ Seconds
F	$> 80$ Seconds

To calculate vehicle delay and associated LOS, the computer software program Synchro/SimTraffic was utilized. This program replicates the procedures contained in the Highway Capacity Manual and also simulates traffic flow through the network based upon actual traffic signal timing and phasing, traffic volumes and arrival patterns. Per MDOT policy, the results are based upon the average of 5 separate simulations, each with a different random arrival pattern. The result of the analysis is presented below:

Street - Movement	2012 Pre-Development		2012 Post-Development	
	Delay (sec)	LOS	Delay (sec)	LOS
<b>LISBON @ ESSEX</b>				
EBL (Lisbon)	26.8	C	34.8	C
EBT	1.0	A	3.2	A
EBR	0.5	A	3.2	A
WBL (Lisbon)	50.5	D	53.2	D
WBT	2.8	A	6.2	A
WBR	2.4	A	6.3	A
NBL (Essex)	39.3	D	32.0	C
NBT	-	-	-	-
NBR	3.6	A	3.3	A
SBL (Lew Mall)	16.1	B	27.2	C
SBT	-	-	-	-
SBR	8.6	A	10.4	B
ALL	2.7	A	8.5	A

Street - Movement	2012 Pre-Development		2012 Post-Development	
	Delay (sec)	LOS	Delay (sec)	LOS
<b>LISBON @ EAST</b>				
EBL (Lisbon)	24.4	C	23.2	C
EBT	7.0	A	6.4	A
EBR	4.1	A	4.6	A
WBL (Lisbon)	41.0	D	53.2	D
WBT	15.6	B	16.2	B
WBR	9.4	A	9.7	A
NBL (Promenade)	27.2	C	28.5	C
NBT	24.2	C	25.7	C
NBR	5.7	A	6.5	A
SBL (East)	21.4	C	21.4	C
SBT	22.1	C	20.6	C
SBR	5.0	A	5.3	A
ALL	13.3	B	13.3	B

The analysis indicates that the additional traffic generated by the proposed development will not affect overall level of service for the two intersections in the study area. All movements, for both pre- and post-development volume projections operate at acceptable levels of service.

Computer printout summaries for the performance measures and queue and blocking reports are in the Appendix. Also in the appendix are Highway Capacity Manual printouts for both intersections which include volumes, signal phasing and timing and coordination parameters. In general the latter show more favorable LOS values, as the HCM analysis only considers the locations individually, not how each interacts with the other (which is incorporated into the simulation output).

## Safety

Safety data for the most recent available 3 year period (2008-10) was obtained from the Accident Records Section of MDOT for roadways in the vicinity of the site. A summary of the accident history in the area is presented in the table below.

**2008-10 Accident History in Site Vicinity**

<b>LOCATION</b>	<b>2008-10 ACCIDENTS</b>	<b>ANNUAL AVERAGE</b>	<b>CRITICAL RATE FACTOR<sup>2</sup></b>
Lisbon St. @ Androscoggin Ave.	3	1.00	<1.00
Androscoggin to Essex	1	0.33	<1.00
Lisbon St. @ Essex St./Lewiston Mall Drive	14	4.67	1.02
Essex to Vine	4	1.33	<1.00
Lisbon St. @ Vine St.	5	1.67	<1.00
Vine to East	8	2.67	1.60
Lisbon St. @ East Ave./Promenade Mall	16	5.33	0.96
East Ave./ Lisbon to Mall/Supermarket Access	7	2.33	<1.00
East Ave. @ Mall/Supermarket Access	15	5.00	1.31
Mall/Supermarket Access to Bartlett/Pleasant	0	0	0
East Ave. @ Bartlett/Pleasant	28	9.33	1.00
Bartlett St./ East Ave. to Cumberland Ave.	5	1.67	1.14
Bartlett St. @ Cumberland Ave.	3	1.00	1.04

MDOT guidelines for identification of a High Crash Location ( HCL - indicating a potential safety deficiency) is that a location must experience both 8 or more accidents in a 3 year period and have a Critical Rate Factor of 1.00 or greater. . Four locations satisfy the criteria – Lisbon St. @ Essex St., Lisbon St. from Vine St. to East Ave., East Ave. @ Mall/Supermarket Entrance, and East Ave. @ Bartlett/Pleasant. Copies of the accident reports for each location was obtained from the MDOT Safety Section and collision diagram summaries were prepared for each location for evaluation as to potential deficiencies and possible hazard countermeasures. A summary of the findings are as follows. (Collision diagrams are contained in the Appendix).

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<sup>2</sup> The Critical Rate Factor is a statistical measure which compares the accident frequency at a location to similar locations throughout the State. A Critical Rate Factor of 1.00 or greater indicates that the location has a higher frequency of accidents than would be expected due to random occurrence, with a 99 percent level of confidence.

Lisbon @ Essex/Lewiston Mall: Accident data at this location indicates that 2008 was a banner year with 9 accidents of the 15 recorded for the 3 year period. In 2009 accidents dropped to 4 and in 2010 to 2. This type of pattern, while not typical, has happened in other locations. Overall there is no clear pattern of accidents that would indicate a physical or operational deficiency – even including 2008 accident experience. It is recommended that this location be monitored to see if the much lower accident experience experienced for 2009 and 2010 continues. This is not to say that accidents are acceptable – but they will happen; that is why they are called accidents. The concern in accident analysis is when there are significant accident numbers of a certain pattern evident that would indicate an operational or physical problem.

Lisbon Street/ Vine to East Avenue: On this section of roadway 3 of the 8 reported accidents involved rear-end collisions on westbound Lisbon Street, primarily associated with traffic backed up from the Lisbon/Essex intersection. This may be due to lack of proper coordination of the traffic lights on this section of Lisbon Street; the remainder of accidents does not evidence any other pattern or occurrence.

East Avenue @ Lewiston Mall/Shaw's: At this location the primary accident pattern is left turn collisions off East Avenue (6 of the 15 accidents). Added to the rear-end and side-swipe collisions on both East Avenue approaches(an additional 6 accidents), it appears that the lack of an exclusive left turn lane for both East Avenue approaches is a major determining factor in these accidents. The proposed project has minimal impact on this existing condition. It is suggested that installation of left turn lanes on both East Avenue approaches be considered to address this problem.

East Avenue @ Bartlett/Pleasant: 17 of the 28 accidents are associated with left turns off East Avenue ( 10 left turn accidents, 6 rear end collisions on East Avenue southbound, 1 northbound). As was the case above at East @ Lewiston Mall/Shaw's, the lack of a left turn lane appears to be

the major contributing factor. Again, the proposed project does not have any significant impact on this location.

### **Summary of Findings**

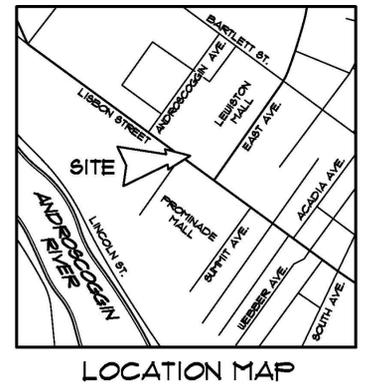
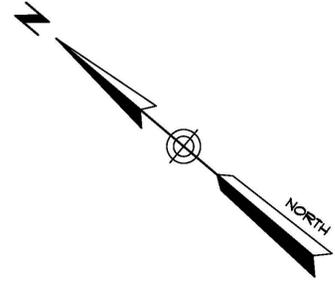
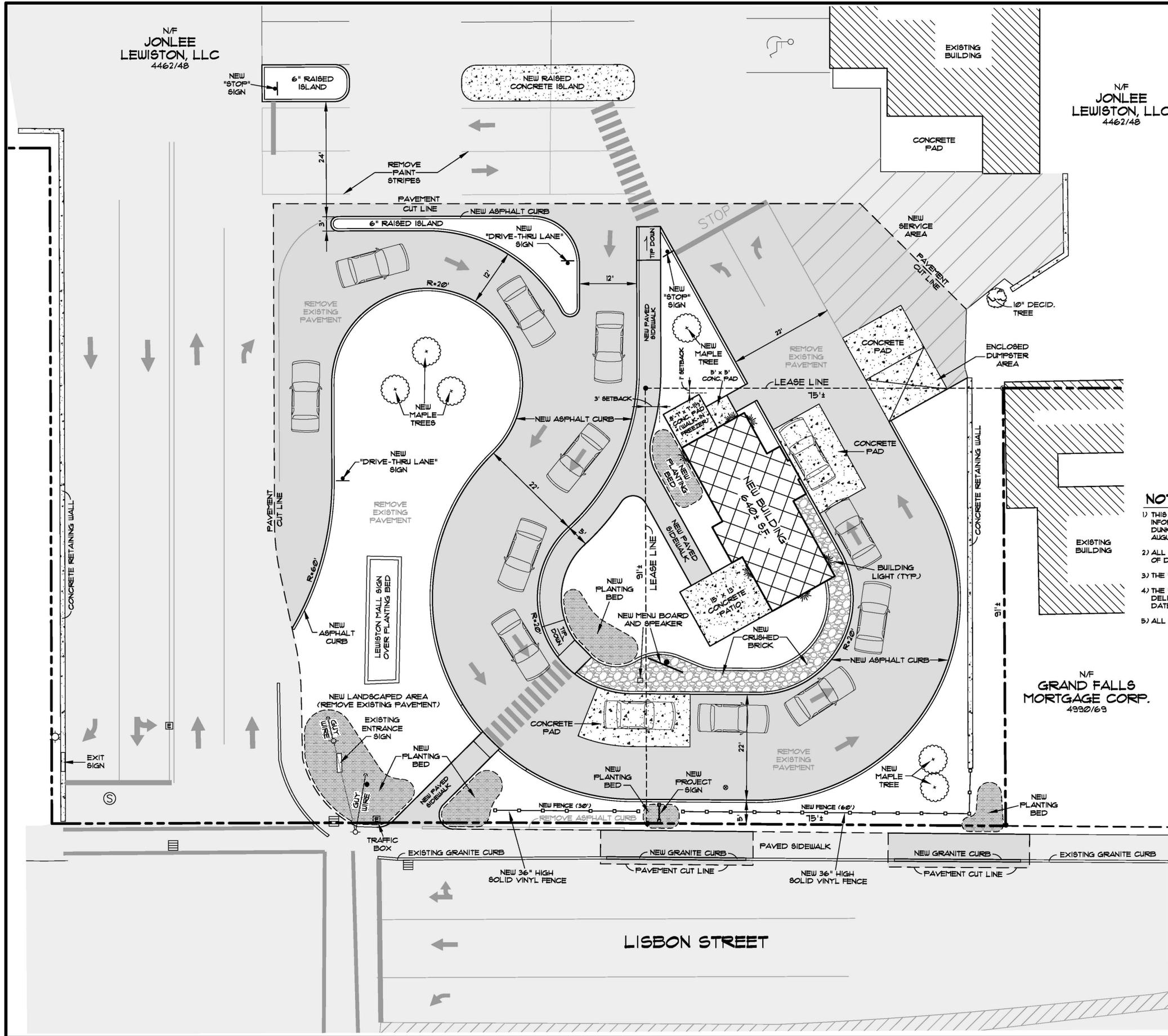
The proposed development is projected to generate 50 net new vehicle trips during the AM peak hour - 25 entering and 25 exiting the site. The intersections in the study area are projected to operate at satisfactory levels of service for both pre and post-development traffic projections. There are 4 High Crash Locations in the vicinity of the site, based upon 2008-10 accident data, which have been discussed in the previous section of this report.

## Section 6

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### Project Plans



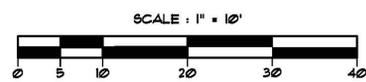


**NOTES**

- 1) THIS IS NOT A BOUNDARY SURVEY. BOUNDARY AND EXISTING CONDITION INFORMATION WAS TAKEN FROM A PLAN ENTITLED "ALTA/ACSM LAND TITLE SURVEY, DUNKIN' LIBSON STREET" PREPARED BY AR.C.C. LAND SURVEYORS INC. DATED AUGUST 2, 2011.
- 2) ALL BOOK AND PAGE NUMBERS REFER TO THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS.
- 3) THE PARCEL IS LOCATED IN THE COMMUNITY BUSINESS ZONING DISTRICT.
- 4) THE PARCEL IS NOT LOCATED IN A 100-YEAR FLOOD HAZARD AREA AS DELINEATED ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 23000 400 10B, DATED SEPTEMBER 28, 1978.
- 5) ALL BUILDING LIGHTING SHALL BE CUT-OFF FIXTURES.

**LEGEND**

---	BOUNDARY LINE (SUBJECT PARCEL)
---	BOUNDARY LINE (OTHER)
●	IRON ROD OR PIPE FOUND
N/F	NOW OR FORMERLY
235-6/83	BOOK AND PAGE NUMBER
⊗	EXISTING SEWER MANHOLE
⊕	EXISTING CATCH BASIN
⊖	EXISTING WATER SHUT OFF VALVE
⊙	EXISTING LIGHT POLE
▨	EXISTING BUILDING
▩	EXISTING PAVEMENT
▧	NEW CONCRETE AREA
▦	NEW BUILDING
▤	NEW PAVEMENT
⊛	NEW MAPLE TREE (2 1/2" CALIFER AT PLANTING)



REVISED: APRIL 13, 2012 - PER CITY REVIEW COMMENTS  
 REVISED: MARCH 21, 2012 - NEW BUILDING LAYOUT

SHEET TITLE:  
**SITE PLAN**  
 SCALE: 1" = 10'  
 DATE: FEBRUARY 2012  
 DRAWN BY: KRF  
 CHECKED BY: WMP

PROJECT:  
**DUNKIN' DONUTS KIOSK**  
 828 LIBSON STREET - LEWISTON, MAINE  
 CLIENT:  
**LIBSON DONUTS, INC.**  
 124 LIBSON STREET - LEWISTON, MAINE 04240

Stoneybrook Consultants, Inc.  
 456 Buckfield Road - Turner, Maine 04282  
 (207) 514-7491 Voice  
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6-40 MAIN ST.  
 LEWISTON, ME 04240  
 Tel: (207) 516-3319  
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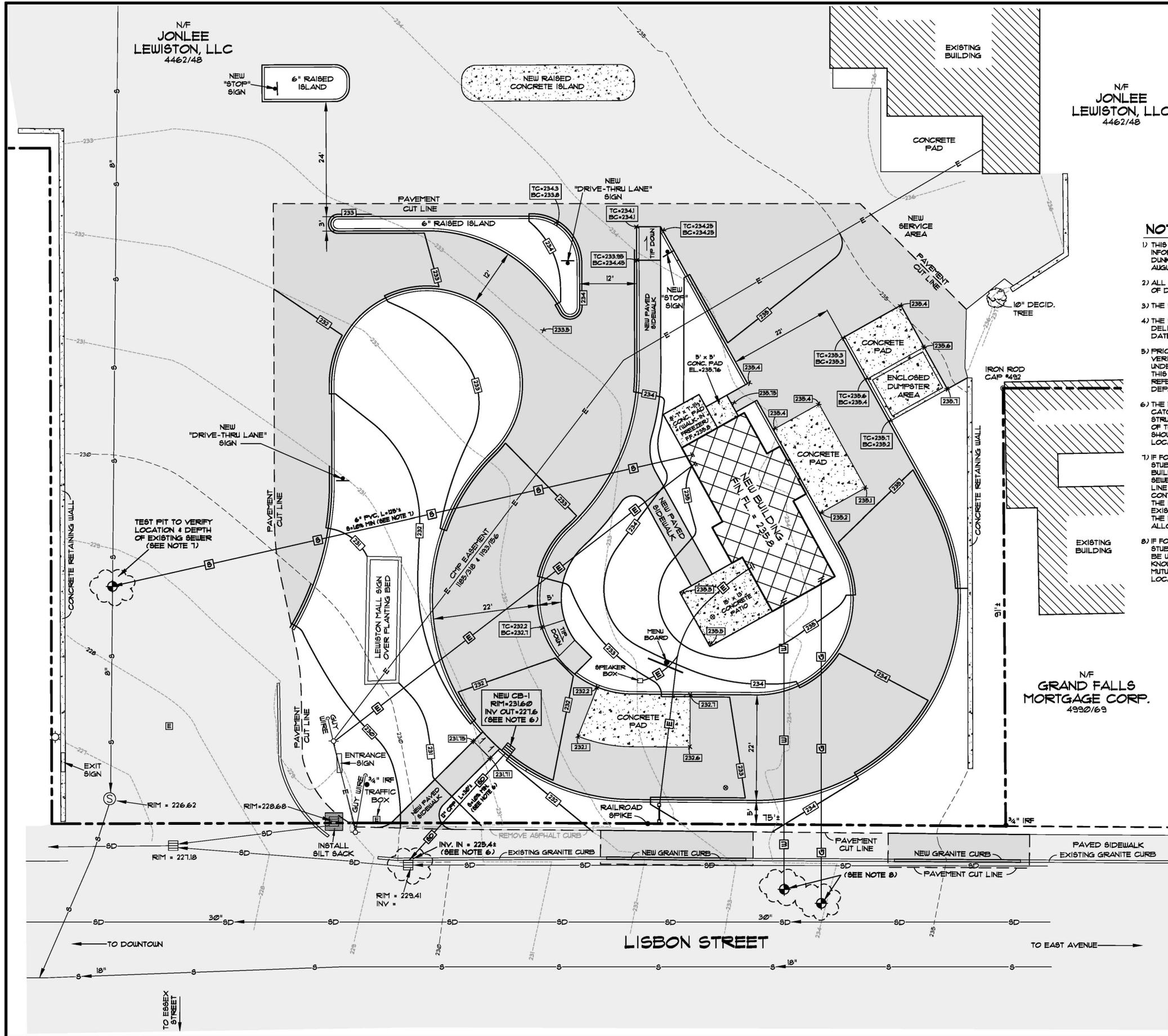
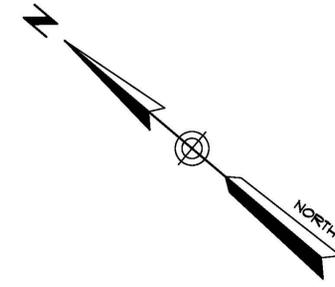


JOB NO. - 11175  
 SHEET NUMBER

N/F  
JONLEE  
LEWISTON, LLC  
4462/48

N/F  
JONLEE  
LEWISTON, LLC  
4462/48

N/F  
GRAND FALLS  
MORTGAGE CORP.  
4930/69



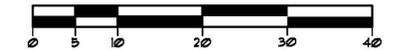
**NOTES**

- 1) THIS IS NOT A BOUNDARY SURVEY. BOUNDARY AND EXISTING CONDITION INFORMATION WAS TAKEN FROM A PLAN ENTITLED "ALTA/ACSM LAND TITLE SURVEY, DUNKIN LISBON STREET" PREPARED BY AR.C.C. LAND SURVEYORS INC. DATED AUGUST 7, 2011.
- 2) ALL BOOK AND PAGE NUMBERS REFER TO THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS.
- 3) THE PARCEL IS LOCATED IN THE COMMUNITY BUSINESS ZONING DISTRICT.
- 4) THE PARCEL IS NOT LOCATED IN A 100-YEAR FLOOD HAZARD AREA AS DELINEATED ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 23000 400 10B, DATED SEPTEMBER 28, 1978.
- 5) PRIOR TO EXCAVATION THE CONTRACTOR SHALL CONTACT DISSAFE/ON-TARGET TO VERIFY THE LOCATION, DEPTH AND SIZE OF ALL PUBLIC AND PRIVATE UNDERGROUND UTILITY LINES, TANKS AND/OR STRUCTURES. LOCATIONS SHOWN ON THIS PLAN SHALL BE CONSIDERED SCHEMATIC AND ARE BASED UPON THE ABOVE REFERENCED PLAN AND DATA FROM THE CITY OF LEWISTON ENGINEERING DEPARTMENT.
- 6) THE NEW STORM DRAIN LINE RUNNING FROM NEW CB-1 OUTLETS INTO AN EXISTING CATCH BASIN ALONG THE CURB LINE OF LISBON STREET. THE DEPTH OF THIS STRUCTURE WAS NOT MEASURED. THE CONTRACTOR SHALL VERIFY THAT THE DEPTH OF THIS STRUCTURE IS SUFFICIENT TO ACCOMMODATE THE NEW STORM DRAIN LINE AS SHOWN. ENGINEER SHALL BE CONTACTED IF SITE CONDITIONS DO NOT ALLOW THE LOCATION AND/OR SLOPE SHOWN.
- 7) IF FOUND IN GOOD CONDITION AND OF SUFFICIENT SIZE, THE EXISTING SEWER SERVICE STUB FOR THE BUILDING FORMERLY ON THE PREMISES MAY BE USED FOR THE NEW BUILDING. THE LOCATION OF THIS SERVICE LINE IS NOT KNOWN. IF NOT FOUND, THE SEWER SERVICE FOR THE NEW BUILDING SHALL CONNECT TO THE EXISTING 8" SEWER LINE RUNNING UNDER THE LISBON STREET ENTRANCE TO THE LEWISTON MALL. CONTRACTOR SHALL PROVIDE A TEST PIT TO VERIFY THE LOCATION AND DEPTH OF THE EXISTING SEWER LINE. CONTRACTOR SHALL VERIFY THAT THE DEPTH OF THE EXISTING SEWER LINE IS SUFFICIENT TO PROVIDE FOR A MINIMUM SLOPE OF 10% TO THE NEW BUILDING. ENGINEER SHALL BE CONTACTED IF SITE CONDITIONS DO NOT ALLOW THE LOCATION AND/OR SLOPE SHOWN.
- 8) IF FOUND IN GOOD CONDITION AND OF SUFFICIENT SIZE, THE EXISTING WATER SERVICE STUB AND GAS SERVICE STUB FOR THE BUILDING FORMERLY ON THE PREMISES MAY BE USED FOR THE NEW BUILDING. THE LOCATION OF THESE SERVICE LINES IS NOT KNOWN. IF NOT FOUND, A NEW WATER SERVICE WILL BE ESTABLISHED IN A LOCATION MUTUALLY AGREED UPON BY THE OWNER AND THE LEWISTON WATER DISTRICT. THE LOCATION SHOWN ON THIS PLAN IS SCHEMATIC.

**LEGEND**

---	BOUNDARY LINE (SUBJECT PARCEL)
---	BOUNDARY LINE (OTHER)
●	IRON ROD OR PIPE FOUND
N/F	NEW OR FORMERLY
2356/89	BOOK AND PAGE NUMBER
⊙	EXISTING SEWER MANHOLE
⊕	EXISTING CATCH BASIN
⊖	EXISTING WATER SHUT OFF VALVE
☆	EXISTING LIGHT POLE
---	EXISTING CONTOUR
○	UTILITY POLE WITH OVERHEAD WIRES
—w—	EXISTING WATER LINE
—s—	EXISTING SEWER LINE
—SD—	EXISTING STORM DRAIN LINE
—E—	EXISTING UNDERGROUND ELECTRIC LINE
—W—	NEW WATER LINE (SEE NOTE 8)
—S—	NEW SEWER LINE (SEE NOTE 7)
—SD—	NEW STORM DRAIN LINE
—E—	NEW UNDERGROUND ELECTRIC LINE
—G—	NEW GAS LINE (SEE NOTE 8)
⊕	NEW CATCH BASIN
—	NEW CONTOUR
x-242	NEW SPOT GRADE
▨	EXISTING BUILDING
▩	EXISTING PAVEMENT
▧	NEW CONCRETE AREA
▦	NEW BUILDING
▤	NEW PAVEMENT

SCALE: 1" = 10'



REVISED: APRIL 19, 2012 - REVISIONS PER CITY REVIEW  
REVISED: MARCH 21, 2012 - NEW BUILDING LAYOUT

SHEET TITLE:  
**TOPOGRAPHIC  
SITE PLAN**

PROJECT:  
**DUNKIN' DONUTS KIOSK**  
828 LISBON STREET - LEWISTON, MAINE

CLIENT:  
**LISBON DONUTS, INC.**  
104 LISBON STREET - LEWISTON, MAINE 04240

SCALE: 1" = 10'  
DATE: FEBRUARY 2012  
DRAIN BY: KRF  
CHECKED BY: WMP

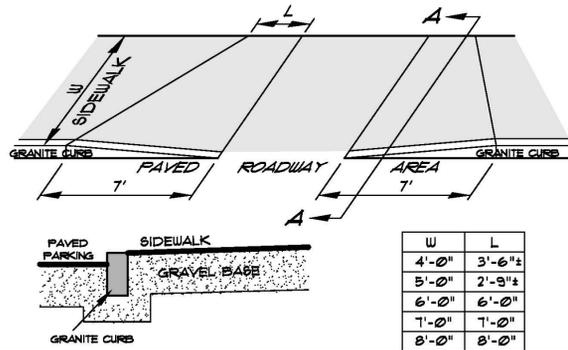
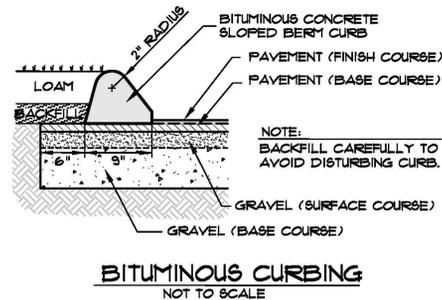
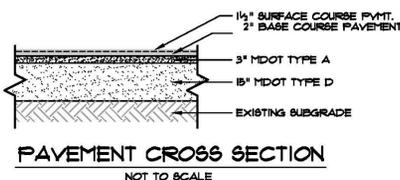
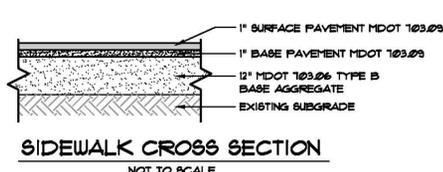
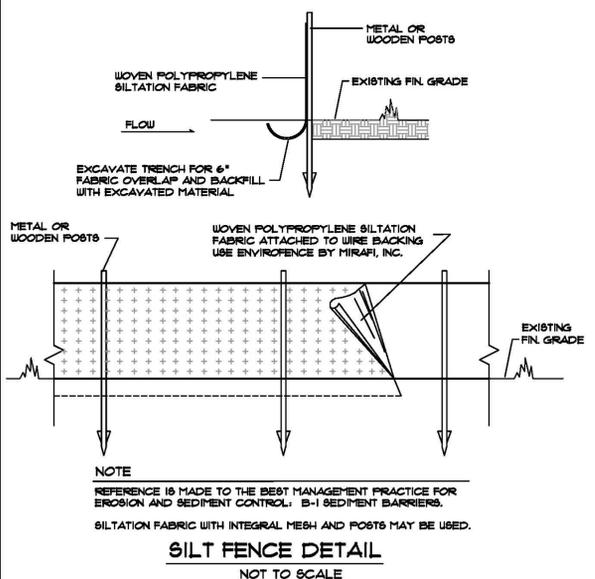
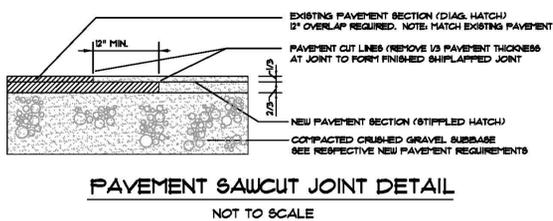
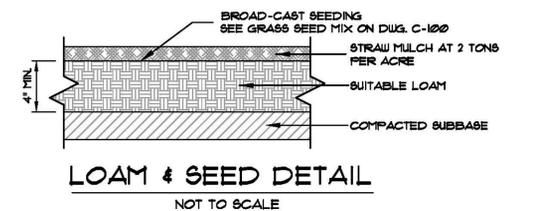
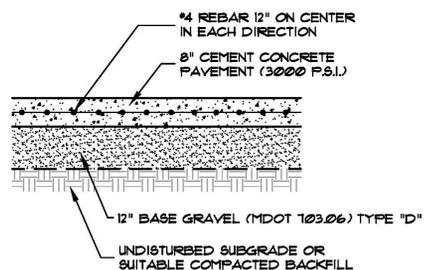
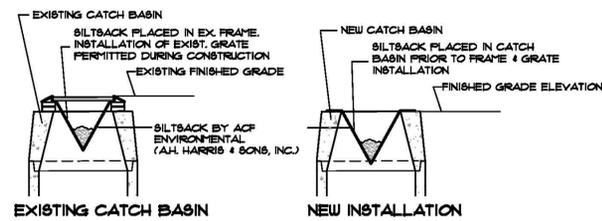
**Stoneybrook Consultants, Inc.**  
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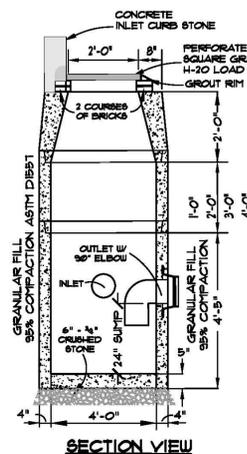
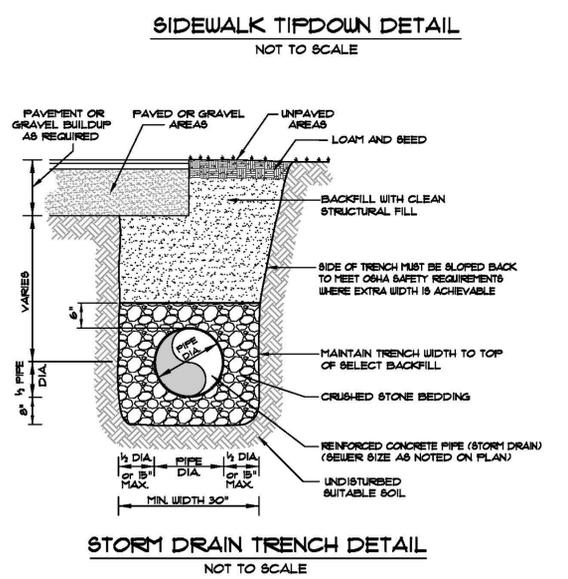
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LEWISTON, ME 04240



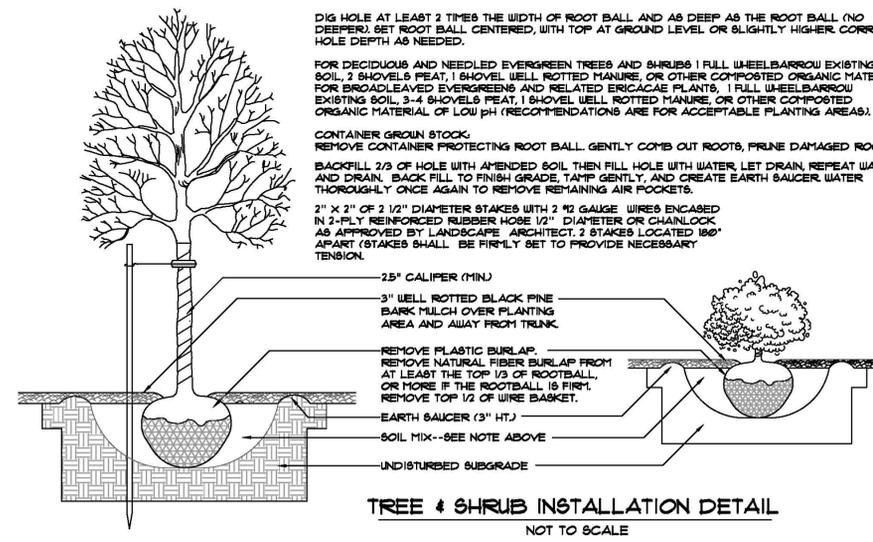
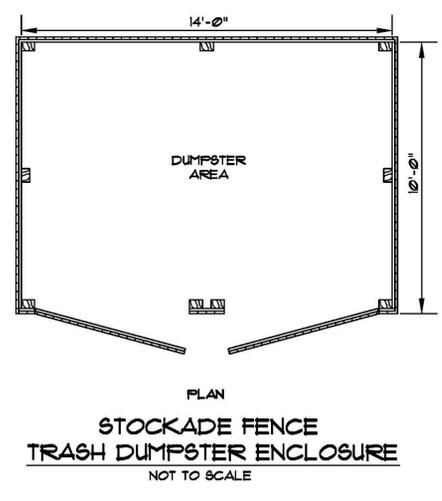
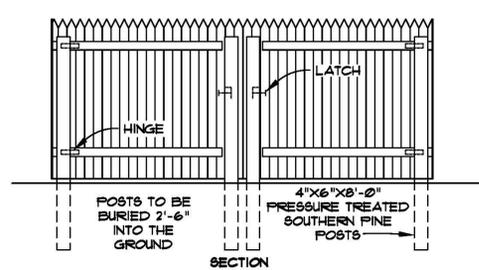
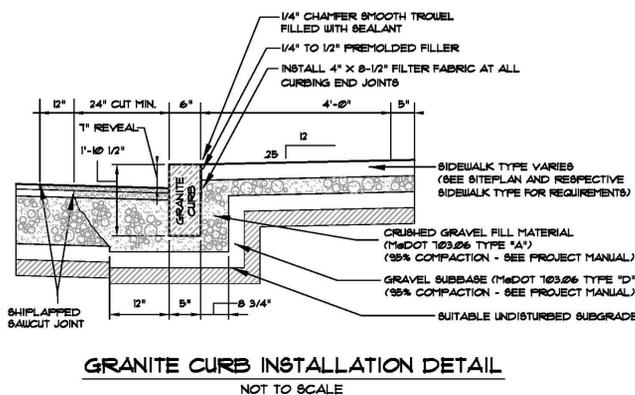
JOB NO. - 11175  
SHEET NUMBER  
**2**



- SECTION A-A**  
**NOTES:**
- 1) THE DIMENSIONS SHOWN AT ROADWAY EDGE ARE FIXED DISTANCES.
  - 2) RAMP CROSS SECTION TO BE SAME AS ADJACENT SIDEWALK (DEPTH OF SURFACE AND FOUNDATION)
  - 3) IN NO CASE ARE THE RAMPS TO BE PLACED BEHIND THE STOP LINE.



- STRUCTURES AND COVERS TO MEET CITY OF LEWISTON STANDARDS
- NOTES:**
1. CONCRETE: 4000 PSI AFTER 28 DAYS.
  2. REINFORCING: H-20 LOADING, 4X4/4X4 W/WM.
  3. 3" SHIPLAP JOINTS SEALED WITH ONE STRIP OF BUTYL RUBBER SEALANT.
  4. EACH CASTING TO HAVE LIFTING HOLES CAST IN.
  5. PIPE OPENINGS CAST IN AS REQUIRED.
  6. 8" THICK H-20 SLAB TOP AVAILABLE.



**GENERAL CONSTRUCTION NOTES**

- 1) THE CONTRACT WORK TO BE PERFORMED ON THIS PROJECT CONSISTS OF FURNISHING ALL REQUIRED LABOR, MATERIALS, EQUIPMENT, INCIDENTS, PARTS AND SUPPLIES NECESSARY FOR OR APPURTENANT TO, THE INSTALLATION OF CONSTRUCTION IMPROVEMENTS IN ACCORDANCE WITH THESE DRAWINGS AND AS FURTHER ELABORATED IN ANY ACCOMPANYING SPECIFICATIONS.
- 2) THE WORK SHALL BE PERFORMED IN A THOROUGH WORKMANLIKE MANNER. ALL CONTRACTORS TO CONFORM TO ALL APPLICABLE OSHA STANDARDS. ANY REFERENCE TO A SPECIFICATION OR DESIGNATION OF THE AMERICAN SOCIETY FOR TESTING MATERIALS, FEDERAL SPECIFICATIONS, OR OTHER STANDARDS, CODES OR ORDERS, REFERS TO THE MOST RECENT OR LATEST SPECIFICATION OR DESIGNATION.
- 3) ALL CONSTRUCTION WITHIN THE CITY OF LEWISTON AND/OR STATE OF MAINE RIGHT OF WAY SHALL COMPLY WITH CITY PUBLIC WORKS AND/OR MDOT STANDARDS.
- 4) THE OWNER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS REQUIRED BY THE CITY OF LEWISTON PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FROM THE CITY OF LEWISTON REQUIRED TO PERFORM ALL THE WORK (STREET OPENINGS, BUILDING PERMIT, ETC.). THE CONTRACTOR SHALL POST ALL BONDS AS REQUIRED, PAY ALL FEES, PROVIDE PROOF OF INSURANCE AND PROVIDE TRAFFIC CONTROL NECESSARY FOR THIS WORK.
- 5) PRIOR TO CONSTRUCTION, THE SITE CONTRACTOR IS TO NOTIFY ALL AREA UTILITY COMPANIES AND GOVERNMENTAL AGENCIES OF PLANNED CONSTRUCTION. THE SITE CONTRACTOR IS REQUIRED TO CONTACT DIG-SAFE (1-800-225-4571) AT LEAST 3 BUSINESS DAYS PRIOR TO ANY EXCAVATION TO VERIFY ALL UNDERGROUND AND OVERHEAD UTILITY LOCATIONS.
- 6) THE PROJECT DRAWINGS ARE GENERALLY SCHEMATIC AND INDICATE THE POSSIBLE LOCATION OF EXISTING UNDERGROUND UTILITIES. INFORMATION ON EXISTING UTILITIES HAS BEEN COMPILED FROM AVAILABLE INFORMATION INCLUDING FISCAL RECORDS MAPS AND FIELD SURVEY. IT IS NOT GUARANTEED TO BE CORRECT OR COMPLETE. UTILITIES ARE SHOWN TO ALERT THE CONTRACTOR TO THEIR PRESENCE. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR DETERMINING ACTUAL LOCATIONS AND ELEVATIONS OF THE EXISTING UTILITIES AS APPROPRIATE. THE CONTRACTOR IS TO PROVIDE ADEQUATE MEANS OF SUPPORT AND PROTECTION DURING THE EXCAVATING AND BACKFILLING OPERATIONS. SHOULD ANY UNCHARTED OR INCORRECTLY CHARTED UTILITIES BE FOUND, THE CONTRACTOR SHALL CONTACT THE DESIGN ENGINEER IMMEDIATELY FOR DIRECTIONS BEFORE PROCEEDING FURTHER WITH THE WORK IN THIS AREA.
- 7) OSHA REGULATIONS MAKE IT UNLAWFUL TO OPERATE CRANES, BOOMS, HOISTS, ETC. WITHIN TEN FEET (10') OF ANY ELECTRIC LINE. IF THE CONTRACTOR MUST OPERATE CLOSER THAN 10', THE CONTRACTOR MUST CONTACT THE POWER COMPANY TO MAKE ARRANGEMENTS FOR PROPER SAFEGUARDS BEFORE ENCROACHING ON THIS REQUIREMENT.
- 8) IT IS THE CONTRACTOR'S RESPONSIBILITY TO EXAMINE ALL PLANS, APPROVALS, AND DETAILS FOR ADDITIONAL INFORMATION. THE CONTRACTOR SHALL VERIFY ALL THE SITE CONDITIONS IN THE FIELD AND CONTACT THE DESIGN ENGINEER IF THERE ARE ANY DISCREPANCIES REGARDING THE CONSTRUCTION DOCUMENTS AND/OR FIELD CONDITIONS SO THAT AN APPROPRIATE REVISION CAN BE MADE PRIOR TO BIDDING.
- 9) ALTERNATIVE METHODS AND PRODUCTS OTHER THAN THOSE SPECIFIED MAY BE USED IF REVIEWED AND APPROVED IN WRITING BY THE OWNER, DESIGN ENGINEER, AND APPROPRIATE GOVERNMENTAL AGENCY PRIOR TO INSTALLATION.
- 10) ALL EXCAVATION SHALL BE BACKFILLED TO EXISTING GRADE BEFORE THE END OF THE DAY OR ADEQUATELY PROTECTED FROM DANGER TO HUMANS AND ANIMALS.
- 11) THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL FIELD LAYOUT. THE OWNER WILL PROVIDE A BENCH MARK AT THE CONSTRUCTION SITE FROM WHICH TO BEGIN LAYOUT.
- 12) THE CONTRACTOR SHALL FURNISH ELECTRICAL, POWER, WATER, AND SANITARY FACILITIES FOR HIS EXCLUSIVE USE AT THE CONSTRUCTION SITE THROUGHOUT THE DURATION OF THE PROJECT INCLUDING WEEKENDS AND HOLIDAYS. ALL EROSION AND SEDIMENT CONTROLS SHALL BE MAINTAINED AS STIPULATED IN THE BASIC AND GENERAL STANDARDS SUBMISSION IN THE STOP-WATER PERMIT.
- 13) WORK MAY PROCEED MONDAY THROUGH FRIDAY 7:00 AM TO 1:00 PM. WORK AT OTHER TIMES MAY PROCEED UPON WRITTEN APPROVAL BY THE OWNER AND THE CITY OF LEWISTON.
- 14) THE CONTRACTOR SHALL GUARANTEE THE FAITHFUL REMEDY OF ANY DEFECTS DUE TO FAULTY MATERIALS OR WORKMANSHIP AND GUARANTEE PAYMENT FOR ANY RESULTING DAMAGE WHICH SHALL APPEAR WITHIN A PERIOD OF ONE (1) YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION OF THE PROJECT.
- 15) THE CONTRACTOR SHALL PROVIDE AS-BUILT RECORDS OF ALL CONSTRUCTION (INCLUDING UNDERGROUND UTILITIES) TO THE OWNER AT THE END OF CONSTRUCTION.
- 16) PROPER IMPLEMENTATION AND MAINTENANCE OF EROSION CONTROL MEASURES ARE OF PARAMOUNT IMPORTANCE FOR THIS PROJECT. THE CONTRACTOR IS RESPONSIBLE FOR CONTROLLING ALL EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES" (DEPARTMENT OF ENVIRONMENTAL PROTECTION, DATED MARCH 2003 (DEPLU 868)). ADDITIONAL MEASURES SHALL BE INSTALLED IF NECESSARY DURING ON-SITE INSPECTIONS BY THE OWNER, THEIR REPRESENTATIVES OR STATE/LOCAL/FEDERAL INSPECTORS AT NO ADDITIONAL COST TO THE OWNER.

**EROSION & SEDIMENTATION CONTROL NOTES**

- 1) THE CONTRACTOR SHALL INSPECT EROSION & SEDIMENT CONTROL MEASURES WEEKLY AND AFTER HEAVY RAINFALLS THROUGHOUT THE DURATION OF THE PROJECT INCLUDING WEEKENDS AND HOLIDAYS. ALL EROSION AND SEDIMENT CONTROLS SHALL BE MAINTAINED AS STIPULATED IN THE BASIC AND GENERAL STANDARDS SUBMISSION IN THE STOP-WATER PERMIT.
- 2) THE CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTING THE EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES" (DEPARTMENT OF ENVIRONMENTAL PROTECTION, DATED MARCH 2003 (DEPLU 868)). ADDITIONAL MEASURES SHALL BE INSTALLED IF NECESSARY DURING ON-SITE INSPECTIONS BY THE OWNER, THEIR REPRESENTATIVES OR STATE/LOCAL/FEDERAL INSPECTORS AT NO ADDITIONAL COST TO THE OWNER.
- 3) AREAS DISTURBED DURING CONSTRUCTION SHALL BE MINIMIZED. AREAS SHALL BE TEMPORARILY STABILIZED WITH MULCH OR NON-ERODIBLE COVER IF EXPOSED SOILS WILL NOT BE WORKED FOR MORE THAN 11 DAYS. STABILIZE AREAS WITHIN 7% OF THE UNPAVED AREA OF THE INITIAL DISTURBANCE OR PRIOR TO ANY STOP-EVENT. PERMANENT SEEDING SHALL TAKE PLACE WITHIN 11 DAYS OF FINAL GRADING.
- 4) PRIOR TO CONSTRUCTION, PROPERLY INSTALL SEDIMENT BARRIERS AT THE DOWN GRADIENT EDGE OF THE DISTURBED AREA AND ADJACENT TO DRAINAGE CHANNELS WITHIN THIS AREA.
- 5) SILT FENCE LOCATIONS SHOWN ARE APPROXIMATE. INSTALL WHERE APPROPRIATE TO CONTROL SEDIMENTATION ON AND OFF SITE. SILT FENCE SHALL BE REMOVED AFTER THE SITE IS STABILIZED WITH AT LEAST 90% VEGETATED GROWTH.
- 6) NO SLOPES, EITHER PERMANENT OR TEMPORARY, SHALL BE STEEPER THAN TWO TO ONE (2 TO 1).
- 7) IF FINAL SEEDING OF THE DISTURBED AREAS IS NOT COMPLETED 45 DAYS PRIOR TO THE FIRST KILLING FROST, USE TEMPORARY MULCHING (DO NOT SEED) MAY BE ATTEMPTED AS WELL TO PROTECT THE SITE AND DELAY SEEDING UNTIL THE NEXT RECOMMENDED SEEDING PERIOD.
- 8) TEMPORARY SEEDING OF DISTURBED AREAS THAT HAVE NOT BEEN FINAL GRADED SHALL BE COMPLETED BY AUGUST 15th OR 45 DAYS PRIOR TO THE FIRST KILLING FROST (OCT. 1) TO PROTECT FROST SPRING BURNOUT PROBLEMS.
- 9) REVEGETATION MEASURES WILL COMMENCE UPON COMPLETION OF CONSTRUCTION EXCEPT AS NOTED ABOVE. ALL DISTURBED AREAS NOT OTHERWISE STABILIZED WILL BE GRADED, SMOOTHED AND PREPARED FOR FINAL SEEDING AS FOLLOWS:
  - A) 4" OF LOAM WILL BE SPREAD OVER DISTURBED AREAS AND SMOOTHED TO A UNIFORM SURFACE.
  - B) APPLY LIMESTONE AND FERTILIZER ACCORDING TO SOIL TEST. IF SOIL TESTING IS NOT FEASIBLE ON SMALL OR VARIABLE SITES, OR WHERE TESTING IS CRITICAL, FERTILIZER MAY BE APPLIED AT THE RATE OF 200 POUNDS PER ACRE OR 20 POUNDS PER SQUARE FOOT USING 10-10-2 (N-P2O5-K2O) OR EQUIVALENT. APPLY GROUND LIMESTONE (EQUIVALENT TO 50% CALCULUS PLUS MAGNESIUM OXIDE) AT A RATE OF 3.3 TONS PER ACRE (50 LB. PER 1000 S.F.).
  - C) FOLLOWING SEED BED PREPARATION, DITCHES AND BANK SLOPES WILL BE SEED TO A MIXTURE OF 47% CREEPING RED FESCUE, 1% REDTOP AND 48% PERENNIAL RYEGRASS WILL BE SEED TO A FRESH TURF MIXTURE OF 44% KENTUCKY BLUEGRASS, 44% CREEPING RED FESCUE AND 12% PERENNIAL RYEGRASS. SEEDING RATE IS ONE POUND PER 1000 S.F. LAMN QUALITY SOIL MAY BE SUBSTITUTE FOR SEED. SEED MIX SHALL CONTAIN 10% ANNUAL RYEGRASS.
  - D) HAY MULCH AT THE RATE OF 1/2" TO 1" HYDRO-APPLICATION OF ANIMAL (WOOD OR PAPER FIBER) SHALL BE APPLIED FOLLOWING SEEDING. A SUITABLE BINDER SUCH AS CURASOL OR RT'S PLUS WILL BE USED ON HAY MULCH FOR WIND CONTROL.

REVISION: APRIL 13, 2012 - PER CITY REVIEW

SHEET TITLE: **DETAIL SHEET**

PROJECT: **DUNKIN' DONUTS KIOSK**  
828 LISBON STREET - LEWISTON, MAINE

CLIENT: **LISBON DONUTS, INC.**  
1124 LISBON STREET - LEWISTON, MAINE 04240

DESIGNER: **Stoneybrook Consultants, Inc.**  
456 Buckfield Road - Turner, Maine 04282  
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DATE: FEBRUARY 2012

DRAWN BY: **KRF**

CHECKED BY: **WJMP**

SCALE: AS NOTED

JOB NO. - 11175

SHEET NUMBER **3**

**SUMMIT**  
GEOENGINEERING SERVICES

STATE OF MAINE  
WILLIAM M. PETERLEIN  
5787  
LICENSED PROFESSIONAL ENGINEER

Use Matrix: All Zoning Districts 4.10.12  USES <sup>(16)</sup>	Rural Agricultural (RA)		Low Density Residential (LDR)		Suburban Residential (SR)	
	Proposed P	Existing P	Proposed P	Existing P	Proposed P	Existing P
Accessory use or structure						
<b>Commercial-Service</b>						
Veterinary facilities excluding kennels and humane societies						
Veterinary facilities including kennels and humane societies	C	P				
Small day care facilities	C	C	P <sup>(22)</sup>	P <sup>(22)</sup>	P <sup>(22)</sup>	P <sup>(22)</sup>
Day care centers	C	C				
Day care centers accessory to public schools, religious facilities, MF or mixed res. developments, and MH parks			C <sup>(22)</sup>	C <sup>(22)</sup>	C <sup>(22)</sup>	C <sup>(22)</sup>
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services						
Restaurants						
Drinking places						
Adult business establishments						
Hotels, motels, inns						
Tourist homes containing not more than eight (8) lodging units for rental						
Movie theaters except drive-in theaters						
Places of indoor assembly, amusement or culture						
Art and crafts studios						
Personal Services						
Retail stores						
Neighborhood retail stores						
Lumber and building materials dealer						
Gasoline service stations						
Gasoline service stations which are a part of and subordinate to a retail use						
New and used car dealers						
Recreational vehicle, mobile home dealers						
Equipment dealers and equipment repair						
Automotive services including repair						
Registered dispensary <sup>(27)</sup>						

Use Matrix: All Zoning Districts 4.10.12	Rural Agricultural (RA)		Low Density Residential (LDR)		Suburban Residential (SR)	
	Proposed	Existing	Proposed	Existing	Proposed	Existing
<b>USES<sup>(15)</sup></b>						
Registered primary caregivers engaged in the cultivations of medical marijuan for two to five registered patients.						
<b>Industrial</b>						
Light industrial uses						
Industrial uses						
Building and construction contractors						
Fuel oil dealers and related facilities						
Wholesale sales, warehousing and distribution facilities and self-storage facilities						
Self storage facilities						
Commercial solid waste disposal facilities						
Junkyards and auto graveyards						
Recycling and reprocessing facilities						
Private industrial/commerical developments <sup>(23)</sup>						
<b>Transportation</b>						
Airports or heliports	C	C				
Commercial parking facilities						
Transit and ground transportation facilities						
Transportation facilities						
<b>Public and Utility</b>						
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	C	P	C	P	C
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C	C	C	C
Municipal buildings and facilities	C	C	C	C	C	C
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways						
Dams						
<b>Institutional</b>						
Religious facilities	P	P	P	P	P	P

Use Matrix: All Zoning Districts 4.10.12	Rural Agricultural (RA)		Low Density Residential (LDR)		Suburban Residential (SR)	
	Proposed	Existing	Proposed	Existing	Proposed	Existing
	P	P C <sup>(19)</sup> C	P	P	P	P
<b>USES<sup>(16)</sup></b>						
Cemeteries						
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities						
Hospitals, medical clinics,						
Museums, libraries, and non-profit art galleries and theaters						
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,						
Civic and social organizations						
Public community meeting and civic function buildings including auditoriums						
<b>Residential</b>						
Single-family detached dwellings on individual residential lots	P	P	P	P	P	P
Mobile homes on individual residential lots	P	P				
Two-family dwellings						
Multifamily dwellings in accordance with the standards of Article XIII						
Single-Family attached dwelling in accordance with the standards of Article XIII	C	C				
Mixed single-family residential developments in accordance with the standards of Article XIII	C	C	P			
Mixed residential developments in accordance with the standards of Article XIII			P	P		
Mixed use structures						
Lodging houses						
Home occupations	P	P	P	P	P	P
Bed and breakfast establishments as a home occupation	P	P	P	P	P	P
In-law apartments in accordance with the standards of Article XII	P	P	P	P	P	P

Use Matrix: All Zoning Districts 4.10.12	Rural Agricultural (RA)		Low Density Residential (LDR)		Suburban Residential (SR)	
	Proposed	Existing	Proposed	Existing	Proposed	Existing
<b>USES<sup>(15)</sup></b>						
Single family cluster development	P	P	P	P	P	P
Family day care home	P	P	P	P	P	P
Shelters						
<b>Natural Resource</b>						
Agriculture	P	P	P	P		
Farm Stands	P	P				
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P	P	P	P	P
Earth material removal	C	C				
Community gardens <sup>(20)</sup>	P	P	P	P	P	P
Water dependant uses, e.g. piers, docks and wharfs						
Piers, docks, marinas						
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet						
<b>Recreation</b>						
Campgrounds	C	C				
Public or private facilities for nonintensive outdoor recreation	C	C	C	C		
Commercial outdoor recreation and drive-in theaters						
Fitness and recreational sports centers as listed under NAICS Code 713940						

Use Matrix: All Zoning Districts 4.10.12  USES <sup>(15)</sup>	Medium Density Residential (MDR)		Riverfront (RF)		Neighborhood Conservation "A" (NCA)		Neighborhood Conservation "B" (NCB)	
	Proposed P	Existing P	Proposed P	Existing P	Proposed P	Existing P	Proposed P	Existing P
Accessory use or structure								
<b>Commercial-Service</b>								
Veterinary facilities excluding kennels and humane societies								
Veterinary facilities including kennels and humane societies								
Small day care facilities	P <sup>(22)</sup>	P <sup>(22)</sup>			P <sup>(22)</sup>	P <sup>(22)</sup>	P	P
Day care centers			P	P				
Day care centers accessory to public schools, religious facilities, MF or mixed res. developments, and MH parks	C <sup>(22)</sup>	C <sup>(22)</sup>			C <sup>(22)</sup>	C <sup>(22)</sup>	C <sup>(22)</sup>	C <sup>(22)</sup>
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services			P <sup>(9)</sup>	P				C
Restaurants			P <sup>(1)</sup>	P <sup>(1)</sup>				
Drinking places			P	P				
Adult business establishments								
Hotels, motels, inns			P	P				
Tourist homes containing not more than eight (8) lodging units for rental								
Movie theaters except drive-in theaters			P	P				
Places of indoor assembly, amusement or culture			P	P				
Art and crafts studios			P	P				
Personal Services			P	P			P	C
Retail stores			P	P				
Neighborhood retail stores	C <sup>(21)</sup>	P					P	C
Lumber and building materials dealer								
Gasoline service stations								
Gasoline service stations which are a part of and subordinate to a retail use								
New and used car dealers								
Recreational vehicle, mobile home dealers								
Equipment dealers and equipment repair								
Automotive services including repair								
Registered dispensary <sup>(27)</sup>								

Use Matrix: All Zoning Districts 4.10.12	Medium Density Residential (MDR)		Riverfront (RF)		Neighborhood Conservation "A" (NCA)		Neighborhood Conservation "B" (NCB)	
	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing
<b>USES<sup>(15)</sup></b>								
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.								
<b>Industrial</b>								
Light industrial uses								
Industrial uses								
Building and construction contractors								
Fuel oil dealers and related facilities								
Wholesale sales, warehousing and distribution facilities and self-storage facilities								
Self storage facilities								
Commercial solid waste disposal facilities								
Junkyards and auto graveyards								
Recycling and reprocessing facilities								
Private industrial/commercial developments <sup>(23)</sup>								
<b>Transportation</b>								
Airports or heliports								
Commercial parking facilities			P	P			C	C
Transit and ground transportation facilities			P	P				
Transportation facilities								
<b>Public and Utility</b>								
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	C	P	C	P	C	P	C
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C	C	C	C	C	C
Municipal buildings and facilities	C	C	P	P	C	C	C	C
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways								
Dams								
<b>Institutional</b>								
Religious facilities	P	P	P	P	P	P	P	P

Use Matrix: All Zoning Districts 4.10.12  USES <sup>(15)</sup>	Medium Density Residential (MDR)		Riverfront (RF)		Neighborhood Conservation "A" (NCA)		Neighborhood Conservation "B" (NCB)	
	Proposed P	Existing P	Proposed	Existing	Proposed P	Existing P	Proposed P	Existing P
Cemeteries	C	P/C	P	P			C	C/P
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities			P	P			C	C
Hospitals, medical clinics,			P	P				
Museums, libraries, and non-profit art galleries and theaters								
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,	C <sup>(13)</sup>	C	P	P			C <sup>(13)</sup>	C <sup>(13)</sup>
Civic and social organizations							C	C
Public community meeting and civic function buildings including auditoriums			P	P				
<b>Residential</b>								
Single-family detached dwellings on individual residential lots	P	P			P	P	P <sup>(2)</sup>	P <sup>(2)</sup>
Mobile homes on individual residential lots	P	P						
Two-family dwellings	P	P			P	P	P	P
Multifamily dwellings in accordance with the standards of Article XIII	P	P	P <sup>(11)</sup>	P <sup>(11)</sup>		P	P	P
Single-Family attached dwelling in accordance with the standards of Article XIII	P	P	P <sup>(11)</sup>	P <sup>(11)</sup>		P	P	P
Mixed single-family residential developments in accordance with the standards of Article XIII	P	P					P	P
Mixed residential developments in accordance with the standards of Article XIII	P	P						P
Mixed use structures			P <sup>(11)</sup>	P <sup>(11)</sup>			P	P
Lodging houses							P	P
Home occupations	P	P			P	P	P	P
Bed and breakfast establishments as a home occupation	P	P	P	P	P	P	P	P
In-law apartments in accordance with the standards of Article XII	P	P	P		P	P	P	P

Use Matrix: All Zoning Districts 4.10.12	Medium Density Residential (MDR)		Riverfront (RF)		Neighborhood Conservation "A" (NCA)		Neighborhood Conservation "B" (NCB)	
	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing
<b>USES<sup>(15)</sup></b>								
Single family cluster development	P	P				C		
Family day care home	P	P	P	P	P	P		
Shelters							C	C
<b>Natural Resource</b>								
Agriculture								
Farm Stands								
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P			P	P	P	P
Earth material removal								
Community gardens <sup>(20)</sup>	P	P	P	P	P	P	P	P
Water dependant uses, e.g. piers, docks and wharfs			P	P				
Piers, docks, marinas								
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet								
<b>Recreation</b>								
Campgrounds								
Public or private facilities for nonintensive outdoor recreation	C	C	P	P	C	C	C	C
Commercial outdoor recreation and drive-in theaters			P	P				
Fitness and recreational sports centers as listed under NAICS Code 713940								

Use Matrix: All Zoning Districts 4.10.12  USES <sup>(15)</sup>	Office Residential (OR)		Downtown Residential (DR)		Insituational Office (IO)		Community Business (CB)	
	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing
Accessory use or structure	P	P	P	P	P	P	P	P
<b>Commercial-Service</b>								
Veterinary facilities excluding kennels and humane societies	P				P	P	P	P
Veterinary facilities including kennels and humane societies								
Small day care facilities	P	P	P		P	P	P	P
Day care centers	P	P	P	P	P	P	P	P
Day care centers accessory to public schools, religious facilities, MF or mixed res. developments, and MH parks								
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	P <sup>(9)</sup>	P	P <sup>(9)</sup>	P	P	P	P <sup>(9)</sup>	P
Restaurants			P <sup>(1)</sup>	P <sup>(1)</sup>	P	P	P <sup>(25)</sup>	P <sup>(25)</sup>
Drinking places							C	C
Adult business establishments							C	C
Hotels, motels, inns			C	P	P <sup>(4)</sup>	P <sup>(4)</sup>	P	P
Tourist homes containing not more than eight (8) lodging units for rental								
Movie theaters except drive-in theaters			P	P			P	P
Places of indoor assembly, amusement or culture							P	P
Art and crafts studios			P	P			P	P
Personal Services	P	C	P	P	P	P	P	P
Retail stores			P	P			P	P
Neighborhood retail stores								
Lumber and building materials dealer							C	C
Gasoline service stations								
Gasoline service stations which are a part of and subordinate to a retail use							P	P
New and used car dealers								
Recreational vehicle, mobile home dealers								
Equipment dealers and equipment repair								
Automotive services including repair							P <sup>(9)</sup>	P <sup>(9)</sup>
Registered dispensary <sup>(27)</sup>								

Use Matrix: All Zoning Districts 4.10.12	Office Residential (OR)		Downtown Residential (DR)		Insitituional Office (IO)		Community Business (CB)	
	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing
<b>USES<sup>(15)</sup></b> Registered primary caregivers engaged in the cultivations of medical marijuan for two to five registered patients.								
<b>Industrial</b>								
Light industrial uses								
Industrial uses								
Building and construction contractors								
Fuel oil dealers and related facilities								
Wholesale sales, warehousing and distribution facilities and self-storage facilities								
Self storage facilities								
Commercial solid waste disposal facilities								
Junkyards and auto graveyards								
Recycling and reprocessing facilities								
Private industrial/commercal developments <sup>(23)</sup>							P	P
<b>Transportation</b>								
Airports or heliports								
Commercial parking facilities			C <sup>(3)</sup>	C <sup>(3)</sup>	C	C	C	C
Transit and ground transportation facilities			C	P				
Transportation facilities								
<b>Public and Utility</b>								
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	C	P	C	P	C	P	C
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C	C	C	C	C	C
Municipal buildings and facilities	C	C	P	P	C	C	P	P
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways								
Dams								
<b>Institutional</b>								
Religious facilities	P	P	P	P	P	P	P	P

Use Matrix: All Zoning Districts 4.10.12  USES <sup>(15)</sup>	Office Residential (OR)		Downtown Residential (DR)		Insituational Office (IO)		Community Business (CB)	
	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing
Cemeteries								
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	P	P	P	P	P	P	P	
Hospitals, medical clinics,	P	P	C	P	P	P	P	P
Museums, libraries, and non-profit art galleries and theaters			P	P	P	P		
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,	C	C	P	P	P <sup>(12)(24)</sup>	P <sup>(12)(24)</sup>	P	P
Civic and social organizations	P	P			C	C		
Public community meeting and civic function buildings including auditoriums			P	P	P	P		
<b>Residential</b>								
Single-family detached dwellings on individual residential lots	P	P	P <sup>(11)</sup>	P <sup>(11)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>		
Mobile homes on individual residential lots								
Two-family dwellings	P	P	P <sup>(11)</sup>	P <sup>(11)</sup>				
Multifamily dwellings in accordance with the standards of Article XIII	P	P	P <sup>(11)</sup>	P <sup>(11)</sup>		P	P	P
Single-Family attached dwelling in accordance with the standards of Article XIII	P	P	P <sup>(11)</sup>	P <sup>(11)</sup>		P		
Mixed single-family residential developments in accordance with the standards of Article XIII								
Mixed residential developments in accordance with the standards of Article XIII	P	P						
Mixed use structures	P		P <sup>(11)</sup>	P <sup>(11)</sup>	P		P	P
Lodging houses			P <sup>(11)</sup>	P <sup>(11)</sup>				
Home occupations	P	P	P	P			P	P
Bed and breakfast establishments as a home occupation	P	P	P	P	P	P	P	P
In-law apartments in accordance with the standards of Article XII	P	P	P	P				

Use Matrix: All Zoning Districts 4.10.12	Office Residential (OR)		Downtown Residential (DR)		Insituional Office (IO)		Community Business (CB)	
	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing
<p style="text-align: center;"><b>USES<sup>(15)</sup></b></p> <p>Single family cluster development Family day care home Shelters</p>	P	P	P C	P C	P	P	P	P
<p style="text-align: center;"><b>Natural Resource</b></p> <p>Agriculture Farm Stands Forest management and timber harvesting activities in accordance with the standards of Article XIII Earth material removal Community gardens<sup>(20)</sup> Water dependant uses, e.g. piers, docks and wharfs Piers, docks, marinas</p>								
<p>Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet</p>								
<p style="text-align: center;"><b>Recreation</b></p> <p>Campgrounds Public or private facilities for nonintensive outdoor recreation Commercial outdoor recreation and drive-in theaters Fitness and recreational sports centers as listed under NAICS Code 713940</p>								
	C	C	C	C				
	C	C					C	C

Use Matrix: All Zoning Districts 4.10.12  USES <sup>(16)</sup> Accessory use or structure	Highway Business (HB)		Centreville (CV)		Office Service (OS)		Industrial (I)	
	Proposed P	Existing P	Proposed P	Existing P	Proposed P	Existing P	Proposed P	Existing P
<b>Commercial-Service</b>								
Veterinary facilities excluding kennels and humane societies	P							
Veterinary facilities including kennels and humane societies		P			P	P		
Small day care facilities	P	P			P	P	P	P
Day care centers	P	P	P	P	P	P	P	P
Day care centers accessory to public schools, religious facilities, MF or mixed res. developments, and MH parks								
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	P	P	P <sup>(9)</sup>	P	P	P	P	P
Restaurants	P <sup>(26)</sup>	P <sup>(26)</sup>	P <sup>(1)</sup>	P	P	P	P <sup>(5)</sup>	P <sup>(5)</sup>
Drinking places	C	C	P	P			P <sup>(5)</sup>	P <sup>(5)</sup>
Adult business establishments								
Hotels, motels, inns	P	P	P	P	P	P		
Tourist homes containing not more than eight (8) lodging units for rental								
Movie theaters except drive-in theaters	P	P	P	P	P	P		
Places of indoor assembly, amusement or culture	P	P	P	P	P	P		
Art and crafts studios	P	P	P	P	P	P		
Personal Services	P	P	P	P	P	P	P <sup>(5)</sup>	P <sup>(5)</sup>
Retail stores	P	P	P	P			P <sup>(5)</sup>	P <sup>(5)</sup>
Neighborhood retail stores								
Lumber and building materials dealer	P	P						
Gasoline service stations	P	P						
Gasoline service stations which are a part of and subordinate to a retail use	P	P	P	P				
New and used car dealers	P	P						
Recreational vehicle, mobile home dealers	P	P						
Equipment dealers and equipment repair		P					P	C
Automotive services including repair	P	P						
Registered dispensary <sup>(27)</sup>	C	C			C	C	C	C

Use Matrix: All Zoning Districts 4.10.12	Highway Business (HB)		Centreville (CV)		Office Service (OS)		Industrial (I)	
	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing
<b>USES<sup>(15)</sup></b> Registered primary caregivers engaged in the cultivations of medical marijuan for two to five registered patients.	P	P			P	P	P	P
<b>Industrial</b>								
Light industrial uses	P <sup>(9)</sup>	P <sup>(9)</sup>			P	P	P	P
Industrial uses			P <sup>(16)</sup>	P <sup>(16)</sup>			P	P
Building and construction contractors	P <sup>(6)</sup>	P <sup>(6)</sup>			P <sup>(6)</sup>	P <sup>(6)</sup>	P	P
Fuel oil dealers and related facilities							P	P
Wholesale sales, warehousing and distribution facilities and self-storage facilities	P	P			P	P	P	P
Self storage facilities					P	P		
Commercial solid waste disposal facilities							C	C
Junkyards and auto graveyards							C	C
Recycling and reprocessing facilities							C	C
Private industrial/commercal developments <sup>(23)</sup>	P	P			C	C	P	P
<b>Transportation</b>								
Airports or heliports								
Commercial parking facilities	P	P	P	P				
Transit and ground transportation facilities			P	P				
Transportation facilities	P	P			C	C	P	P
<b>Public and Utility</b>								
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	C	P	C	P	C	P	C
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C	C	C	C	C	C
Municipal buildings and facilities	P	P	P	P	P	P	P	P
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways								
Dams								
<b>Institutional</b>								
Religious facilities	P	P	P	P	P	P		

Use Matrix: All Zoning Districts 4.10.12  USES <sup>(15)</sup>	Highway Business (HB)		Centreville (CV)		Office Service (OS)		Industrial (I)	
	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing
Cemeteries	P		P	P	P	P		
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	P	P	P	P	P	P		
Hospitals, medical clinics,			P	P				
Museums, libraries, and non-profit art galleries and theaters								
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,	P	P	P	P	P	P	P	C
Civic and social organizations			P	P				
Public community meeting and civic function buildings including auditoriums			P	P				
<b>Residential</b>								
Single-family detached dwellings on individual residential lots								
Mobile homes on individual residential lots								
Two-family dwellings	P <sup>(14)</sup>							
Multifamily dwellings in accordance with the standards of Article XIII			P	P				
Single-Family attached dwelling in accordance with the standards of Article XIII								
Mixed single-family residential developments in accordance with the standards of Article XIII								
Mixed residential developments in accordance with the standards of Article XIII								
Mixed use structures	P	P	P	P				
Lodging houses			P	P				
Home occupations								
Bed and breakfast establishments as a home occupation	P	P	P	P	P	P		
In-law apartments in accordance with the standards of Article XII			P	P				

Use Matrix: All Zoning Districts 4.10.12	Highway Business (HB)		Centreville (CV)		Office Service (OS)		Industrial (I)	
	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing
<b>USES<sup>(15)</sup></b>								
Single family cluster development								
Family day care home	P	P	P	P				
Shelters								
<b>Natural Resource</b>								
Agriculture								
Farm Stands								
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P			P	P	P	P
Earth material removal					C	C	C	C
Community gardens <sup>(20)</sup>	P	P	P	P			P	P
Water dependant uses, e.g. piers, docks and wharfs								
Piers, docks, marinas								
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet								
<b>Recreation</b>								
Campgrounds								
Public or private facilities for nonintensive outdoor recreation								
Commercial outdoor recreation and drive-in theaters	C	C			C	C		
Fitness and recreational sports centers as listed under NAICS Code 713940							P	P

Use Matrix: All Zoning Districts 4.10.12  USES <sup>(15)</sup>	Urban Enterprise		Mill (M)		Resource Conservation (RC)	
	Proposed	Existing	Proposed	Existing	Proposed	Existing
Accessory use or structure	P	P	P	P	P	P
<b>Commercial-Service</b>						
Veterinary facilities excluding kennels and humane societies						
Veterinary facilities including kennels and humane societies	P	P				
Small day care facilities	P	P				
Day care centers	P	P	P	P		
Day care centers accessory to public schools, religious facilities, MF or mixed res. developments, and MH parks						
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	P	P	P <sup>(6)</sup>	P		
Restaurants	P	P	P <sup>(1)</sup>	P		
Drinking places			P	P		
Adult business establishments						
Hotels, motels, inns	P	P	P	P		
Tourist homes containing not more than eight (8) lodging units for rental						
Movie theaters except drive-in theaters	P	P	P	P		
Places of indoor assembly, amusement or culture	P	P	P	P		
Art and crafts studios	P	P	P	P		
Personal Services	P	P	P	P		
Retail stores	P	P	P	P		
Neighborhood retail stores						
Lumber and building materials dealer	P	P	P	P		
Gasoline service stations	P	P	P	P		
Gasoline service stations which are a part of and subordinate to a retail use						
New and used car dealers	P <sup>(8,17)</sup>	P <sup>(8,17)</sup>				
Recreational vehicle, mobile home dealers	P					
Equipment dealers and equipment repair	P	P				
Automotive services including repair	P	P	P <sup>(9)</sup>	P <sup>(9)</sup>		
Registered dispensary <sup>(27)</sup>	C	C				

Use Matrix: All Zoning Districts 4.10.12  USES <sup>(15)</sup>	Urban Enterprise		Mill (M)		Resource Conservation (RC)	
	Proposed	Existing	Proposed	Existing	Proposed	Existing
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.	P	P				
<b>Industrial</b>						
Light industrial uses	P	P	P	P		
Industrial uses	C	C	C	C		
Building and construction contractors			P <sup>(6)</sup>	P <sup>(6)</sup>		
Fuel oil dealers and related facilities	P <sup>(6,7)</sup>	P <sup>(6,7)</sup>				
Wholesale sales, warehousing and distribution facilities and self-storage facilities	P	P	P	P		
Self storage facilities	P	P	P	P		
Commercial solid waste disposal facilities						
Junkyards and auto graveyards						
Recycling and reprocessing facilities	C	C	P <sup>(9)</sup>	P <sup>(9)</sup>		
Private industrial/commercial developments <sup>(23)</sup>	P	P	P	P		
<b>Transportation</b>						
Airports or heliports						
Commercial parking facilities	P	P	P	P		
Transit and ground transportation facilities						
Transportation facilities	P	P	P <sup>(10)</sup>	P <sup>(10)</sup>		
<b>Public and Utility</b>						
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	C	P	C	P	C
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C	C	C	C
Municipal buildings and facilities	P	P	P	P	C	C
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways					P	P
Dams					C	C
<b>Institutional</b>						
Religious facilities	P	P	P	P		

Use Matrix: All Zoning Districts 4.10.12  USES <sup>(15)</sup>	Urban Enterprise		Mill (M)		Resource Conservation (RC)	
	Proposed	Existing	Proposed	Existing	Proposed	Existing
Cemeteries						
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	P	P	P	P		
Hospitals, medical clinics,	P	P	P	P		
Museums, libraries, and non-profit art galleries and theaters			P	P		
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,	P	P	P	P		
Civic and social organizations						
Public community meeting and civic function buildings including auditoriums			P	P		
<b>Residential</b>						
Single-family detached dwellings on individual residential lots						
Mobile homes on individual residential lots						
Two-family dwellings						
Multifamily dwellings in accordance with the standards of Article XIII	P	C	P	P		
Single-Family attached dwelling in accordance with the standards of Article XIII						
Mixed single-family residential developments in accordance with the standards of Article XIII						
Mixed residential developments in accordance with the standards of Article XIII						
Mixed use structures	P	P	P	P		
Lodging houses		C				
Home occupations	C	C				
Bed and breakfast establishments as a home occupation	P	P	P	P		
In-law apartments in accordance with the standards of Article XII			P	P		

Use Matrix: All Zoning Districts 4.10.12	Urban Enterprise		Mill (M)		Resource Conservation (RC)	
	Proposed	Existing	Proposed	Existing	Proposed	Existing
<b>USES<sup>(15)</sup></b>						
Single family cluster development						
Family day care home	P	P	P	P		
Shelters						
<b>Natural Resource</b>						
Agriculture					P	P
Farm Stands						
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P			P	P
Earth material removal						
Community gardens <sup>(20)</sup>	P	P	P	P		
Water dependant uses, e.g. piers, docks and wharfs					C	C
Piers, docks, marinas					C	C
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet					C	C
<b>Recreation</b>						
Campgrounds					C	C
Public or private facilities for nonintensive outdoor recreation					P	P
Commercial outdoor recreation and drive-in theaters						
Fitness and recreational sports centers as listed under NAICS Code 713940						

Use Matrix: All Zoning Districts 4.10.12	Groundwater conservation overlay district (GC) <sup>(28)</sup>	No Name Pond Conservation Overlay District (NNP) <sup>(29)</sup>	Mobile Home Park overly district (MH) <sup>(30)</sup>
<b>USES<sup>(15)</sup></b>			
Accessory use or structure			
<b>Commercial-Service</b>			
Veterinary facilities excluding kennels and humane societies			
Veterinary facilities including kennels and humane societies			
Small day care facilities			
Day care centers			
Day care centers accessory to public schools, religious facilities, MF or mixed res. developments, and MH parks			
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services			
Restaurants			
Drinking places			
Adult business establishments			
Hotels, motels, inns			
Tourist homes containing not more than eight (8) lodging units for rental			
Movie theaters except drive-in theaters			
Places of indoor assembly, amusement or culture			
Art and crafts studios			
Personal Services			
Retail stores			
Neighborhood retail stores			
Lumber and building materials dealer			
Gasoline service stations			
Gasoline service stations which are a part of and subordinate to a retail use			
New and used car dealers			
Recreational vehicle, mobile home dealers			
Equipment dealers and equipment repair			
Automotive services including repair			
Registered dispensary <sup>(27)</sup>			

Use Matrix: All Zoning Districts 4.10.12	Groundwater conservation overlay district (GC) <sup>(28)</sup>	No Name Pond Conservation Overlay District (NNP) <sup>(29)</sup>	Mobile Home Park overly district (MH) <sup>(30)</sup>
<p style="text-align: center;"><b>USES<sup>(15)</sup></b></p>			
<p>Registered primary caregivers engaged in the cultivations of medical marijuan for two to five registered patients.</p>			
<p style="text-align: center;"><b>Industrial</b></p>			
<p>Light industrial uses</p>			
<p>Industrial uses</p>			
<p>Building and construction contractors</p>			
<p>Fuel oil dealers and related facilities</p>			
<p>Wholesale sales, warehousing and distribution facilities and self-storage facilities</p>			
<p>Self storage facilities</p>			
<p>Commercial solid waste disposal facilities</p>			
<p>Junkyards and auto graveyards</p>			
<p>Recycling and reprocessing facilities</p>			
<p>Private industrial/commercal developments<sup>(23)</sup></p>			
<p style="text-align: center;"><b>Transportation</b></p>			
<p>Airports or heliports</p>			
<p>Commercial parking facilities</p>			
<p>Transit and ground transportation facilities</p>			
<p>Transportation facilities</p>			
<p style="text-align: center;"><b>Public and Utility</b></p>			
<p>Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use</p>			
<p>Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use</p>			
<p>Municipal buildings and facilities</p>			
<p>Preservation of historic areas; emergency and fire protection activities; bridges and public roadways</p>			
<p>Dams</p>			
<p style="text-align: center;"><b>Institutional</b></p>			
<p>Religious facilities</p>			

Use Matrix: All Zoning Districts 4.10.12	Groundwater conservation overlay district (GC) <sup>(28)</sup>	No Name Pond Conservation Overlay District (NNP) <sup>(29)</sup>	Mobile Home Park overly district (MH) <sup>(30)</sup>
<b>USES<sup>(15)</sup></b>			
Cemeteries			
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities			
Hospitals, medical clinics,			
Museums, libraries, and non-profit art galleries and theaters			
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,			
Civic and social organizations			
Public community meeting and civic function buildings including auditoriums			
<b>Residential</b>			
Single-family detached dwellings on individual residential lots			
Mobile homes on individual residential lots			
Two-family dwellings			
Multifamily dwellings in accordance with the standards of Article XIII			
Single-Family attached dwelling in accordance with the standards of Article XIII			
Mixed single-family residential developments in accordance with the standards of Article XIII			
Mixed residential developments in accordance with the standards of Article XIII			
Mixed use structures			
Lodging houses			
Home occupations			
Bed and breakfast establishments as a home occupation			
In-law apartments in accordance with the standards of Article XII			

Use Matrix: All Zoning Districts 4.10.12	Groundwater conservation overlay district (GC) <sup>(28)</sup>	No Name Pond Conservation Overlay District (NNP) <sup>(29)</sup>	Mobile Home Park overly district (MH) <sup>(30)</sup>
<p style="text-align: center;"><b>USES<sup>(15)</sup></b></p> <p>Single family cluster development Family day care home Shelters</p>			
<p style="text-align: center;"><b>Natural Resource</b></p> <p>Agriculture Farm Stands Forest management and timber harvesting activities in accordance with the standards of Article XIII Earth material removal Community gardens<sup>(20)</sup> Water dependant uses, e.g. piers, docks and wharfs Piers, docks, marinas  Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet</p>			
<p style="text-align: center;"><b>Recreation</b></p> <p>Campgrounds Public or private facilities for nonintensive outdoor recreation  Commercial outdoor recreation and drive-in theaters Fitness and recreational sports centers as listed under NAICS Code 713940</p>			

## **Use Matrix**

### **Reference Notes 4.10.12**

- (1) Excludes drive-in restaurants.
- (2) Allowed only on existing lot of record as of the date of adoption of this code.
- (3) Limited to two (2) parking levels.
- (4) Limited to less than twenty-five (25) rooms.
- (5) If accessory to an allowed use.
- (6) Provided there is no exterior storage of materials or equipment visible from a public street or abutting property.
- (7) Screening shall be at least eight (8) feet tall
- (8) New and used car dealerships are prohibited in the downtown portion of the city as defined as north of Gulley Brook and south of Island Avenue.
- (9) Must be fully enclosed with no exterior storage.
- (10) Except those that include truck transportation as classified under group 484, NAICS 1997 unless approved as a conditional use.
- (11) All new residential construction shall comply with the design standards of Article XII Sec. 22.
- (12) Dormitories must be at least 125 feet from all district boundaries unless approved as a conditional use.
- (13) Excluding residential facilities and dormitories.
- (14) Existing non-conforming single-family dwellings in lawful existence as of January 9, 1988 may be converted to a two-family dwelling as long as the conversion is done within the existing building envelope.
- (15) Buildings, structures and uses accessory to permitted or conditional uses are allowed in all districts.
- (16) Limited to commercial bakeries and printing facilities including newspaper publishers and information services.

- (17) Used car dealerships may be deemed an accessory use to gasoline service station, auto repair garages and automotive services, except repair uses, if the following criteria are met: that all the criteria outlined in the definition of accessory use under Article II, section 2 are adhered to; that the parking and on-site circulation for both the existing and proposed use is reviewed and approved pursuant to development review under Article XIII; that the maximum number of used vehicles for sale on site, at any one (1) item, does not exceed six (6) vehicles. Used car dealerships which are not an accessory use to gasoline service stations, auto repair garages and automotive services, except repair uses, are permitted only after the issuance of a conditional permit in accordance with Article X of this Code, and the project is reviewed and approved pursuant to development review under Article XIII.
- (18) Any use involving the construction of nonresidential floor space or the conversion of an existing structure from one (1) use to another shall be subject to the development review requirements of Article XIII of the Code.
- (19) Limited to group homes.
- (20) Shall comply with Article XII, Section 4.
- (21) Neighborhood stores as part of a multifamily development, mixed single-family residential development or mixed residential development provided that the gross floor area devoted to retail use shall not exceed ten percent of the total floor area of the development.
- (22) Accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks.
- (23) Shall comply with Article XIII, Section 10.
- (24) Includes housing facilities on the premise of academic institutions permitted for staff members of such institutions and service buildings or structures ancillary to and affiliated with permitted institutional uses including but not limited to pharmacies and medical supply outlets.
- (25) Drive-in restaurants are allowed as part of and subordinate to restaurants.
- (26) Includes drive-in restaurants.
- (27) Only one allowed in the city.
- (28) Any use permitted in the underlying zoning district and not prohibited by subsection (e) shall be permitted in the groundwater conservation overlay district. Any use permitted with a conditional use permit in the underlying zoning district and not prohibited by subsection (e) shall be permitted as a conditional use in the groundwater conservation overlay district. Any use prohibited in the underlying

zoning district together with the use identified in Article XI, Section 19, even if permitted in the underlying zoning district, shall be prohibited in the groundwater conservation overlay district:

- (29) Any use permitted by right in the underlying zoning district shall be permitted in the no name pond conservation overlay district. Any use permitted with a conditional use permit in the underlying zoning district shall be permitted as a conditional use in the No Name Pond conservation overlay district. Any use prohibited in the underlying zoning district shall be prohibited in the No Name Pond conservation overlay district.
- (30) Any use permitted in the underlying zoning district shall be permitted in the mobile home park overlay district, in addition to the accessory uses listed in Article XI, Section 21.



Use Matrix: All Zoning Districts 4.10.12	Rural Agricultural (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Riverfront (RF)	Neighborhood Conservation on "A" (NCA)	Neighborhood Conservation on "B" (NCB)	Office Residential (OR)	Downtown Residential (DR)	Institutional Office (IO)	Community Business (CB)	Highway Business (HB)	Centreville (CV)	Office Service (OS)	Industrial (I)	Urban Enterprise	Mill (M)	Resource Conservation (RC)	Groundwater conservation overlay district (GC) <sup>(28)</sup>	No Name Pond Conservation Overlay District (NNP) <sup>(29)</sup>	Mobile Home Park overlay district (MH) <sup>(30)</sup>	
USES <sup>(19)</sup>	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	
Accessory use or structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>Commercial-Service</b>																						
Veterinary facilities excluding kennels and humane societies								P		P	P	P										
Veterinary facilities including kennels and humane societies	C													P		P						
Small day care facilities	C	P <sup>(22)</sup>	P <sup>(22)</sup>	P <sup>(22)</sup>		P <sup>(22)</sup>	P	P	P	P	P	P		P	P	P						
Day care centers	C				P			P	P	P	P	P	P	P	P	P						P
Day care centers accessory to public schools, religious facilities, MF or mixed res. developments, and MH parks		C <sup>(22)</sup>	C <sup>(22)</sup>	C <sup>(22)</sup>		C <sup>(22)</sup>	C <sup>(22)</sup>															
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services					P <sup>(9)</sup>			P <sup>(9)</sup>	P <sup>(9)</sup>	P	P <sup>(9)</sup>	P	P <sup>(9)</sup>	P	P	P					P <sup>(6)</sup>	
Restaurants					P <sup>(1)</sup>				P <sup>(1)</sup>	P	P <sup>(25)</sup>	P <sup>(26)</sup>	P <sup>(1)</sup>	P	P <sup>(5)</sup>	P					P <sup>(1)</sup>	
Drinking places					P						C	C	P		P <sup>(5)</sup>							P
Adult business establishments											C											
Hotels, motels, inns					P				C	P <sup>(4)</sup>	P	P	P	P							P	P
Tourist homes containing not more than eight (8) lodging units for rental																						
Movie theaters except drive-in theaters					P				P		P	P	P	P							P	P
Places of indoor assembly, amusement or culture					P						P	P	P	P							P	P
Art and crafts studios					P				P		P	P	P	P							P	P
Personal Services					P		P	P	P	P	P	P	P	P	P <sup>(5)</sup>	P					P	P
Retail stores					P				P		P	P	P		P <sup>(5)</sup>	P					P	P
Neighborhood retail stores				C <sup>(21)</sup>			P															
Lumber and building materials dealer											C	P									P	P
Gasoline service stations												P									P	P
Gasoline service stations which are a part of and subordinate to a retail use											P	P	P									
New and used car dealers												P									P <sup>(8,17)</sup>	
Recreational vehicle, mobile home dealers												P									P	
Equipment dealers and equipment repair															P	P					P	P
Automotive services including repair											P <sup>(9)</sup>	P									P	P <sup>(9)</sup>
Registered dispensary <sup>(27)</sup>												C		C	C	C						
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.												P		P	P	P						
<b>Industrial</b>																						
Light industrial uses												P <sup>(9)</sup>		P	P	P					P	P
Industrial uses													P <sup>(16)</sup>		P	C					C	C
Building and construction contractors												P <sup>(6)</sup>		P <sup>(6)</sup>							P <sup>(6)</sup>	
Fuel oil dealers and related facilities															P	P <sup>(6,7)</sup>						
Wholesale sales, warehousing and distribution facilities and self-storage facilities												P		P	P	P					P	P
Self storage facilities														P		P					P	P
Commercial solid waste disposal facilities															C							
Junkyards and auto graveyards															C							
Recycling and reprocessing facilities															C	C					P <sup>(9)</sup>	
Private industrial/commercial developments <sup>(23)</sup>											P	P		C	P	P					P	P
<b>Transportation</b>																						
Airports or heliports	C																					
Commercial parking facilities					P		C		C <sup>(3)</sup>	C	C	P	P								P	P
Transit and ground transportation facilities					P				C				P									P
Transportation facilities												P		C	P	P						P <sup>(10)</sup>
<b>Public and Utility</b>																						
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Municipal buildings and facilities	C	C	C	C	P	C	C	C	P	C	P	P	P	P	P	P	P	P	P	P	P	C
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways																						P
Dams																						C

Use Matrix: All Zoning Districts 4.10.12	Rural Agricultural (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Riverfront (RF)	Neighborhood Conservati on "A" (NCA)	Neighborhood Conservati on "B" (NCB)	Office Residential (OR)	Downtown Residential (DR)	Institutional Office (IO)	Community Business (CB)	Highway Business (HB)	Centreville (CV)	Office Service (OS)	Industrial (I)	Urban Enterprise	Mill (M)	Resource Conservati on (RC)	Groundwater conservation overlay district (GC) <sup>(28)</sup>	No Name Pond Conservation Overlay District (NNP) <sup>(29)</sup>	Mobile Home Park overly district (MH) <sup>(30)</sup>
USES <sup>(19)</sup>	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed
<b>Institutional</b>																					
Religious facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P				
Cemeteries	P	P	P	P		P	P														
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities				C	P		C	P	P	P	P	P	P	P		P	P				
Hospitals, medical clinics,					P		C	P	C	P	P	P	P	P		P	P				
Museums, libraries, and non-profit art galleries and theaters					P				P	P			P								P
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,				C <sup>(13)</sup>	P		C <sup>(13)</sup>	C	P	P <sup>(12)(24)</sup>	P	P	P	P	P	P	P				
Civic and social organizations							C	P		C			P								
Public community meeting and civic function buildings including auditoriums					P				P	P			P								P
<b>Residential</b>																					
Single-family detached dwellings on individual residential lots	P	P	P	P		P	P <sup>(2)</sup>	P	P <sup>(11)</sup>	P <sup>(2)</sup>											
Mobile homes on individual residential lots	P			P																	
Two-family dwellings				P		P	P	P	P <sup>(11)</sup>			P <sup>(14)</sup>									
Multifamily dwellings in accordance with the standards of Article XIII				P	P <sup>(11)</sup>		P	P	P <sup>(11)</sup>		P		P			P	P				
Single-Family attached dwelling in accordance with the standards of Article XIII	C			P	P <sup>(11)</sup>		P	P	P <sup>(11)</sup>												
Mixed single-family residential developments in accordance with the standards of Article XIII	C	P		P			P														
Mixed residential developments in accordance with the standards of Article XIII		P		P				P													
Mixed use structures					P <sup>(11)</sup>		P	P	P <sup>(11)</sup>	P	P	P	P			P	P				
Lodging houses							P		P <sup>(11)</sup>				P								
Home occupations	P	P	P	P		P	P	P	P		P										C
Bed and breakfast establishments as a home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P				
In-law apartments in accordance with the standards of Article XII	P	P	P	P	P	P	P	P	P				P								P
Single family cluster development	P	P	P	P																	
Family day care home	P	P	P	P	P	P		P	P	P	P	P	P			P	P				
Shelters							C		C												
<b>Natural Resource</b>																					
Agriculture	P	P																			P
Farm Stands	P																				
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P	P	P		P	P	P	P	P	P	P		P	P	P					P
Earth material removal	C													C	C						
Community gardens <sup>(20)</sup>	P	P	P	P	P	P	P	P	P		P	P	P		P	P	P				
Water dependant uses, e.g. piers, docks and wharfs					P																C
Piers, docks, mannas																					C
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet																					C
<b>Recreation</b>																					
Campgrounds	C																				C
Public or private facilities for nonintensive outdoor recreation	C	C		C	P	C	C	C	C												P
Commercial outdoor recreation and drive-in theaters					P						C	C		C							
Fitness and recreational sports centers as listed under NAICS Code 713940								C							P						

**APPENDIX A – ZONING AND LAND USE CODE**  
**ARTICLE II. DEFINITIONS**

**Sec. 1. Meaning of words.**

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural. The word "lot" shall include "parcel" and "plot." The word "shall" is used to indicate the mandatory and the word "may" is used to indicate the permissive. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

**Sec. 2. Definitions.**

Unless otherwise expressly stated, the following words shall, for the purpose of this Code, have the meaning herein indicated:

*Abutting property* means any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located across a public or private street or way from the lot in question in such a manner so that the extension of the side lot lines of the subject lot would touch the lot or enclose the lot.

*Accessory use or structure* means a subordinate use of a building, other structure or land, or a subordinate building or other structure:

- (1) Whose use is customary in connection with the principal building, other structure or use of land;
- (2) Whose use is clearly incidental to the use of the principal building, other structure or use of land;
- (3) Which is located on the same lot with the principal building, other structure or use of land or on a lot abutting such lot if in the same ownership or part of the same establishment, even if located in another district, or off-street parking in accordance with Article XII, Section 17(e)(2) of this Code. However, if the accessory use of structure is proposed to be located on a lot which is in another district and across a public or private street from the principal building, the use or structure must be permitted in that district in order to be allowed. Furthermore, accessory structures to be located on a lot across a public or private street may not be utilized for a home occupation and the sale of either lot in common ownership separating the accessory structure from the principal structure will create an illegal nonconformance which shall either be removed or brought into conformance with all provisions of the Code; and
- (4) Which does not constitute, in effect, conversion of the principal use of the premises to one not permitted.

*Addition* means as applied to a building or structure, means any construction which increases the floor area or the height of any portion of the building or structure.

*Adjacent grade* means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Adjoining property* means any lot which is physically contiguous with the lot in question

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even if only at a point.

*Adult business establishment* means a business which:

- (1) Keeps for public patronage, or permits or allows the operation of, any adult amusement device as defined in Chapter 22, Article I, section 22-2 of the Code of Ordinances of the City of Lewiston; or
- (2) Offers live entertainment, customarily exhibits motion pictures, or displays any other visual representation described or advertised as being "X-Rated" or "For Adults Only", and which excludes persons from any portion of the premises by reason of immaturity of age or by use of such, or similar phrases; or
- (3) Offers as a substantial portion of its stock-in-trade, books, magazines, other periodicals, video recordings, marital aides, and devices characterized by their emphasis on specified anatomical areas or specified sexual activities, as defined in Chapter 22, Article I, section 22-2 of the Code of Ordinances of the City of Lewiston, "adult amusement devices"; or
- (4) Has an adult oriented live entertainment license pursuant to Chapter 10, Article IV of the aforementioned Code; or
- (5) Performs or practices the art of tattooing (tattoo parlors)

As used in this definition, "customarily" shall mean more often than an average of one (1) calendar week during any calendar month of operation, and "substantial portion" shall mean greater than thirty (30) percent of the books, magazines, other periodicals, video recordings, marital aides, and devices carried as stock-in-trade.

*Agriculture* means the cultivation of the soil, production of crops, including crops in commercial greenhouses, and raising and keeping of livestock and farm animals, including animal husbandry-, orchards, truck gardens, plan nurseries, poultry and other nondomestic animals, bees, the use of manure and fertilizers, the processing of agricultural products.

*Allowed use* means a use which is a permitted use or a conditional use, for which a conditional use permit has been granted, in the district in which it is located.

*Alteration* means as applied to a building or structure, means any change or modification in construction, exit facilities or permanent fixtures or equipment which does not include an addition to the building or structure. Ordinary repairs shall not be considered alterations.

*Amendment* means the addition of new material to this Code or the correction, modification or alteration of this Code by the city council in the manner prescribed by this Code for its amendment.

*Aquifer* means a geologic formation composed primarily of rock or sand and gravel which stores and yields significant quantities of groundwater to wells, springs, or streams.

*Area of shallow flooding* means a designated AO and AH zone on a community's Flood Insurance Rate Map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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*Area of special flood hazard* means the land in the flood plain having a one (1) percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article XIV of this Code.

*Art & craft studio* means a business or commercial establishment which provides working space for artists or craftspeople including facilities for classes or demonstrations. Activities may include the accessory sales of supplies or materials necessary for these activities.

*Arterial street* is a public street shown on the most recent functional classification of the Maine Department of Transportation as a major or minor arterial, providing longer through travel between major trip generators (larger cities, recreational areas, etc.).

*Automobile dealer (new)* means an establishment primarily engaged in the retail sales of new automobiles together with accessory repair, service and parts facilities which are incidental to the sales operation. Sales of used vehicles are permitted as an accessory use.

*Automobile dealer (used)* means an establishment primarily engaged in the retail sales of used automobiles together with accessory repair and service facilities which are incidental to the sales operation.

*Automobile graveyard* means a yard, field or other area used as a place of storage for three (3) or more unserviceable, unregistered and/or uninspected, discarded, worn-out or junked motor vehicles.

*Automobile repair garages* means facilities for major maintenance and repair of passenger vehicles, motorcycles, pickup trucks and similar vehicles. The type of work normally provided by repair garages includes engine overhauls, transmission repairs, glass replacement, body work, painting and similar work not involving routine maintenance. Repair garages shall include muffler shops, brake shops, body shops, paint shops, and tune-up centers.

*Automotive services, except repair* means the uses listed under U.S. Standard Industrial Classification Code 754, which include car washes, detailing, automotive diagnostic centers, lubricating services, road services, rustproofing and other service uses similar to those listed.

*Auxiliary business establishment* means a business establishment primarily engaged in performing management, support services, and other general administrative functions related to business offices, located in a central facility, for other establishments such as, but not limited to, computer operation facilities, corporate offices and clearinghouses.

*Awning (or canopy)* means a roof-like cover that provides shelter or ornamentation. Awnings and canopies are said to be made of nonpermanent materials when constructed of cloth and small-diameter tubing, such as those commonly found projecting from buildings for the purpose of shielding doorways or windows from the elements.

*Base flood* means the flood having a one (1) percent chance of being equalled or exceeded in any given year, commonly called the one hundred (100) year flood.

*Basement* means a story (or portion of a story) of a building or structure having one-half or more of its clear height below grade or having its floor subgrade below ground level on all sides.

*Bed and breakfast establishment* means an accessory use to a single-family dwelling involving the renting of rooms to transient guests who are staying for a limited duration and the serving of breakfast to houseguests. A bed and breakfast establishment with four (4) or fewer

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rooms available for lodging shall be considered a home occupation if criteria (1) through (7) for home occupations are met. A bed and breakfast establishment may have five (5) or six (6) rooms available for lodging and shall also be considered a home occupation if approved pursuant to Article XIII and:

- (1) Criteria (2) through (7) for home occupations are met;
- (2) The lot on which it is located has frontage on one (1) of the following streets:  
College Street;  
East Avenue;  
Lisbon Street;  
Main Street;  
Russell Street;  
Sabattus Street;  
Webster Street; and
- (3) Any meeting facilities are limited to twelve (12) non-guests.
- (4) Special outdoor functions such as weddings are limited to daylight hours only with no more than two (2) functions per month and a total of eight (8) functions per year. (Note: meeting facilities and special outdoor functions are limited to bed and breakfast establishments with five (5) or six (6) rooms available for lodging.)

Notwithstanding the provisions of criterion (5) for home occupations, the applicant shall submit plans and evidence to the reviewing authority that, due to the presence of physical buffers, as further described in Article XIII, and the location of outdoor functions on the property, noise associated with outdoor functions is not expected to be greater off the lot than that associated with normal residential activities.

A bed and breakfast establishment with seven (7) or eight (8) sleeping rooms for the public shall be considered as a tourist home for the purposes of this Code. A bed and breakfast establishment with more than eight (8) rooms shall be considered a hotel.

*Board of appeals* means the Lewiston Board of Appeals shall constitute the board of appeals within the meaning of this Code.

*BOCA code* means a model building code issued by the Building Officials and Code Administrators International, Inc. entitled "The BOCA Basic National Building Code/1987," as amended.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

*Buffer* means a portion of a lot along a property boundary reserved for the purpose of mitigating the impacts of the use of the parcel on adjacent parcels. Within this portion of the lot, improvements consisting of landscaping, fencing, earth mounding or other similar devices shall

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be installed and maintained.

*Building* means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattels.

*Building and construction contractors* means a business or commercial establishment that may include an office, warehousing or equipment storage of a contracting firm.

*Business and professional office* means the uses listed under U.S. Standard Industrial Classification Codes 60 through 67 and 73, as amended, which include financial, real estate, and insurance offices, tradesman's offices, and other office uses similar to those listed and Codes 81, 83, 87, and Industry Group Numbers 801 through 804, which include social services, doctor's offices, legal offices, engineering offices, architectural offices, surveying services, research, development and testing services, and management services and other office uses similar to those listed.

*Campground* means a plot of ground upon which two or more campsites are located and maintained for occupancy by tents, camper trailers or other recreational vehicles as temporary living quarters for recreational, educational or vacation purposes.

*Canopy.* See "awning."

*Cemetery* means land used for the internment of the dead and dedicated for cemetery purposes including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

*Certificate of compliance* means a document signed by the director of planning and code enforcement or his designee stating that a structure is in compliance with all of the provisions of this Code.

*Changeable message sign (or display)* means a sign capable of displaying words, symbols figures or images that can be electronically or mechanically changed by remote or automatic means.

*Church* means a building, together with its contiguous accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

*Clear-cut* means any timber harvesting on a forested site greater than one (1) acre in size which over a ten-year period results in an average residual basal area of trees over six (6) inches in diameter of less than thirty (30) square feet per acre, unless one (1) or both of the following conditions exist:

- (1) If, after harvesting, the average residual basal area of trees over one (1) inch in diameter measured at four and one-half (4 1/2) feet above the ground is thirty (30) square feet per acre or more, a clear-cut does not occur until the average residual basal area of trees six (6) inches or larger measured at four and one-half (4 1/2) feet above the ground is less than ten (10) square feet per acre; or
- (2) After harvesting, the site has a well-distributed stand of trees at least five (5) feet in height, that meets the regeneration standards applicable under 12 M.R.S.A., ch. 805, § 8869, subsection 1.

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*Civic and social organization Club* means a not-for-profit organization of a charitable, philanthropic, social or fraternal nature organized under the laws of the State of Maine.

*Collector street* is a public street shown on the most recent functional classification of the Maine Department of Transportation as a collector street which collects traffic from local roads and also connects smaller cities and towns with each other and to the arterials.

*Commercial parking facilities* means a facility for the short or long term parking of passenger vehicles which is not accessory to another use.

*Commercial solid waste disposal facilities* means a facility for the disposal of solid wastes which is operated as a business or commercial enterprise and not by a unit of local or state government. This definition shall include landfills, incinerators and similar facilities. Cogeneration facilities which involve the production of electricity are also included.

*Community garden* means the use of a lot(s) or a portion thereof for the purpose of growing vegetables, flowers and/or other cultivated plants which are intended for consumption and/or use primarily by the surrounding neighborhood as regulated under Article XII, section 4.

*Comprehensive plan* means a compilation of policy statements, goals, standards, maps and all pertinent data relative to the past, present and future trends of the municipality as defined by the laws of the State of Maine.

*Conditions (requirements)* means three (3) broad categories of conditions are recognized:

- (1) General conditions defined in a land use control ordinance which must be met by all applicants seeking a required permit under this Code;
- (2) Special conditions defined in a land use control ordinance which must be met, in addition to the general conditions, by applicants seeking a conditional use permit under this Code;
- (3) Those conditions which may be imposed by a board of appeals or planning board in granting approval of an application to protect abutting and nearby property owners from any adverse effects which would otherwise flow from the grant of the requested approval and to ensure consistency with the comprehensive plan.

*Conditional use* means a use which would not be appropriate without restriction but is acceptable if controlled as to number, area, location, relation to the neighborhood and similar criteria.

*Congregate care and assisted living facilities* means a residential facility that is primarily engaged in providing residential and personal care services for the elderly and/or other persons who are unable to or do not desire to live independently. The care typically includes room, board, supervision, and assistance in daily living, such as housekeeping, community spaces, common dining areas, transportation and specialized services such as medical support and physical therapy.

*Contaminant* means any substance whose concentration in surface or groundwater exceeds the background level or the current public health drinking water standards for Maine or standards for aquatic toxicity, whichever are most stringent. Background levels can be established by pre-development groundwater analysis. The drinking water and aquatic toxicity standards referenced above may be obtained from current manuals, including but not limited to: State of Maine Rules of the Department of Human Services relating to Drinking Water; Lewiston Code

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"Drinking Water and Health" published by the National Academy of Sciences; "Suggested No-Adverse Response Levels" as determined by the EPA; "Ambient Water Quality Criteria" manuals, published by the EPA, or equivalent criteria.

*Contributing structure* means a structure located within a designated local historic district and identified as contributing to the historical, architectural or geographical significance of said district.

*Cultural facilities* means facilities dedicated to recognized public or philanthropic purposes and intellectual endeavor, such as a library, museum, auditorium or performing or visual arts center.

*Day care center* means a building, structure or other place in which a person, or combination of persons, maintains or otherwise carries out a regular program, for consideration, for any part of the day providing protection and child care for more than twelve (12) children under thirteen (13) years of age, who are unattended by parents or guardians for any part of the day.

*Designated historic district* means a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and designated in accordance with the requirements of this Code as appropriate for historic preservation. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

*Designated historic structure* means any improvement, building or structure of particular historical, architectural or geographic significance to the community and designated in accordance with the requirements of this Code as appropriate for historical preservation.

*Developer* means any person, corporation, municipality or other governmental agency or authority or any combination of these entities engaged in any planning or land development activity or activities aimed at using, reusing or rehabilitating air space, land, water or other natural resources.

*Development* means any change caused by individuals or entities to improved or unimproved real estate, including, but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation or drilling operations; or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

*Discharge* means the accidental or intentional injection, dumping, spilling, leaking, or placing of materials upon or into any land or waters.

*Dissolve* means a mode of message transition on a changeable message sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

*Distribution facilities* means facilities for the storage and distribution of products via trucks or similar vehicles including related office facilities.

*Drinking place (alcoholic beverages)* means a business or commercial establishment which customarily excludes persons under the age of twenty-one (21) from admission to its

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premises, including, but not limited to, uses for which a special amusement permit is required pursuant to Chapter 10, Article III of the Code of Ordinances of the City of Lewiston, class A lounges, dance halls and establishments serving alcoholic beverages other than restaurants as defined herein. Drinking places shall not include retail stores where alcoholic beverages are sold for consumption off premises.

*Drive-in restaurant* means an eating establishment which meets one (1) or both of the following criteria:

- (1) The establishment has no provisions for the consumption of food within the building and is designed so that customers eat in their cars or take the food from the premises for consumption, or
- (2) The establishment has facilities allowing the customer to purchase food or beverages without leaving his vehicle.

*Driveway* means an access for vehicles to a parking space, garage, dwelling or other structure. An entrance means an access serving all other uses.

*Dwelling* means any building or structure or portion thereof designed or used for residential purposes.

- (1) *Single-family detached dwelling.* A structure having a length to width ratio of less than four (4) to one (1), and a minimum horizontal dimension at its narrowest point of at least sixteen (16) feet and containing only one (1) dwelling unit for occupation by not more than one (1) family. A family shall include the group of individuals housed within a "community living arrangement" which is a housing facility for eight (8) or fewer persons with disabilities that is approved, certified or licensed by the State of Maine. A community living arrangement may include a group home, foster home or intermediate care facility. A single-family detached dwelling shall not include mobile homes as defined herein, but shall include any other manufactured housing meeting these criteria.
- (2) *Single-family attached dwelling.* A building containing single-family dwelling units each with two (2) or more vertical fire separation walls, or one (1) vertical fire separation wall in the case of a dwelling unit at the end of a group of attached units; which have no dwelling units above or below them; and which have no common hallways.
- (3) *Two-family dwelling.* A building containing two (2) dwelling units, such building being designed for residential use and occupancy by two (2) families living independently of each other.
- (4) *Multifamily dwelling.* A building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units and which is not a single-family attached dwelling.

*Dwelling unit* means a room or group of rooms, containing at least three hundred (300) square feet of living area, designed and equipped exclusively for use as living quarters for one (1) family, including provisions for living, sleeping, cooking, and eating. The term shall not include hotel or motel rooms or suites, rooming house rooms, or similar accommodations.

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*Elevated building* means a nonbasement building (a) built, in the case of a building in Zones A1-30 or A, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, posts, piers, or "stilts;" and (b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to one (1) foot above the magnitude of the base flood. In the case of Zones A1-30 or A, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls less than three (3) feet in height with openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article XIV, Section 6(l).

*Elevation certificate* means an official form (FEMA Form 81-31, 07/00, as amended) that (a) is used to verify compliance with the flood plain management regulations of the national flood insurance program; and, (b) is required as a condition for purchasing flood insurance.

~~*Engineering, research, management, and related services* means the uses listed U.S. Standard Industrial Code 87, excluding Industry Group Number 872. These uses include engineering, architectural and surveying services, research, development and testing services, and management services.~~

*Equipment dealer* means a business or commercial enterprise involving the retail sales and service of trucks and construction, wood harvesting, or similar wheeled or tracked vehicles designed primarily for nonhighway use.

*Equipment repair garage* means a business or commercial enterprise involving the major repair of trucks and construction, wood harvesting, or similar off-road equipment but not including the retail sales of these vehicles.

*Equivalent dwelling unit* means a measure of the density of use of a residential structure equal to one (1) dwelling unit having three (3) or more bedrooms or sleeping rooms, or one (1) and a third dwelling units having two (2) bedrooms or sleeping rooms or two (2) dwelling units having one (1) bedroom or sleeping room.

*Essential services* means 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; and municipal storm drainage systems. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, channels, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

*Fade* means a mode of message transition on a changeable message sign accomplished by varying the light intensity, where the text message gradually reduces the intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

*Family day care home* means child care for three (3) to twelve (12) children under thirteen (13) years of age (not related by blood or marriage to, or legal wards of the operator, or foster children living in the private family residence (i.e. dwelling unit) serving as the day care home) who are unattended by parents or guardians for any part of the day. A family day care home shall be operated by a person who is domiciled and a resident within the private family residence, and who is the holder of all necessary licenses and permits from the State of Maine and/or the City of Lewiston.

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*Farm housing* means dwelling units located on an active farm which are accessory to the agricultural use and are occupied by employees of the farm or members of the farm household. Any farm housing shall be located on the same parcel as the agricultural use.

*Farm stand* means a temporary structure containing less than five hundred (500) square feet of floor area for the sales of agricultural products between May first and December first.

*Fence* means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

*Flood or flooding* means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters.
  - b. The unusual and rapid accumulation or run-off of surface waters from any source.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1)a. of this definition.

*Flood boundary and floodway map* means the official map delineating floodway and flood hazard boundaries as determined by the Federal Insurance Administration.

*Flood elevation study* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

*Flood insurance rate map (FIRM)* means an official map of a community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

*Flood insurance study.* See "Flood Elevation Study."

*Flood plain or flood-prone area* means any land area susceptible to being inundated by water from any source (see definition of "flooding").

*Flood plain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations.

*Flood plain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Floodway.* See "Regulatory Floodway."

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*Floodway encroachment lines* means the lines marking the limits of floodways on federal, state, and local flood plain maps.

*Floodproofing* means any combination of structural and nonstructural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floor area ratio* means the ratio of the sum of the floor area of all stories of a building or group of buildings (excluding basements) on one (1) lot to the total lot area.

*Forest management* means timber cruising and other forest evaluation activities, management planning activities, insect and disease control, pruning and other stand improvement, regeneration of forest stands, and other similar associated activities.

*Forest management plan* means a site specific document signed by a forester registered in the state which outlines proposed activities to ensure compliance with performance standards and regeneration requirements established pursuant to 12 M.R.S.A., ch. 805, subchapter III-A, and describes how other natural resources are being protected.

*Frame* means a complete, static display screen on a changeable message sign.

*Frame effect* means a visual effect used on a changeable message sign to change from one message to another.

*Freeboard* means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

*Frontage* means the linear distance between the sidelines of a lot, measured along a continuous lot line that borders upon an accepted public street or public easement, or upon a private road within a commercial, industrial or residential development that has been reviewed and approved, pursuant to Article XIII of this Code, since January 9, 1988 or previously approved by the planning board. The lot frontage requirement cannot be met by accumulation of noncontiguous frontage segments. In the case of a lot situated on a T-turn or a curve of a way, the measurement of frontage may include the entire length of the property line along such way. Frontage for a single-family dwelling may also be obtained pursuant to Article XII, Section 10 of this Code.

For developed lots of record as of the adoption date of this Code which (i) have frontage on opposing streets and (ii) are themselves comprised of lots shown in whole or in part on recorded subdivision plans, if, but for the frontage could be so divided into two (2) or more lots, each of which will meet currently applicable space and bulk requirements, frontage for the developed parcel shall be deemed to be that closest to the principal structure on the developed parcel.

*Functionally dependent use* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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*Gasoline service stations* means buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail and where routine servicing and minor repairs may be made. Uses permissible at a gasoline service station do not include the operation of a commercial parking facility, major engine repairs or the sales, leasing or renting of vehicles or equipment.

*Grade* means with reference to a building or structure, it means the average elevation of the ground adjoining the building or structure on all sides.

*Gross floor area* means the sum of the gross horizontal areas of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, mechanical rooms, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

*Groundwater* means all of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

*Group care facility* means a boarding care facility for more than eight (8) individuals wherein children under eighteen (18) years of age or adults over sixteen (16) years of age and not legally related to the operator are provided personal care, supervision and social or rehabilitative services. Uses within the meaning of this definition must be licensed by the State of Maine and may include, but are not limited to, group homes, half-way homes and congregate homes but do not include foster family homes.

*Hazardous material* means a product or waste, or combination of substances that, because of quantity, concentration, or physical, chemical, or infectious characteristics, poses a substantial present or potential hazard to human health, safety, or welfare or the environment when improperly treated, stored, transported, used, disposed of or otherwise managed. This term includes petroleum and any materials or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

*Height of building* means vertical measurement from the lowest point of the finished grade on the foundation to the highest point of the building or structure, excluding incidental protrusions such as chimneys and antennae.

*Height equivalent* means a horizontal distance equal to the height of a building or structure.

*Historic structure* means any structure that is:

- (1) Designated as historic and on the local register as provided under article XV;
- (2) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
- (3) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary of the interior to qualify as a registered historic district.

*Home occupation* means an occupation conducted in a dwelling unit or a structure

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accessory thereto, provided that all of the following criteria are met:

- (1) No person other than a member of the family residing on the premises shall be engaged in such occupation; and
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the total floor area of the dwelling unit and accessory structures used in the home occupation shall be used in the conduct of the home occupation; and
- (3) There shall be no change in the outside appearance of the building or premises, or any visible evidence of the conduct of such home occupation other than one (1) sign, except as hereinafter permitted; and
- (4) No traffic shall be generated by such home occupations in greater volumes than would normally be expected in the neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required yard; and
- (5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the home occupation is conducted in a detached one-family dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in a radio or television receiver off the premises, or causes fluctuations in line voltage off the premises; and
- (6) There shall be no stock in trade regularly maintained or any new commodity sold on the premises; and
- (7) The following are specifically excluded as home occupations: Convalescent or nursing home, tourist home, animal hospital, restaurants, doctors' offices, dentists' offices, real estate offices, registered primary caregivers, beauty shops and barber shops, except those that are owner-occupied, one (1) chair, appointment-only shops that meet all the other home occupation criteria.

*Hospital* means an institution providing health services primarily for in-patients and medical or surgical care of the sick or injured, including, as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

*Hotel, inn or motel* means a commercial building or group of buildings built primarily to accommodate for a fee travelers and other transient guests, who are staying for a limited duration, with sleeping and associated rooms. A hotel, inn or motel may include suites or rooms, cooking and similar facilities within the rooms to accommodate guests, restaurant facilities where food is prepared and meals served to its guests and other customers, and associated facilities for the convenience and servicing of guests. A hotel, inn or motel room or suite of rooms, as distinguished from a dwelling unit, each shall contain less than a total of six hundred (600) square feet of living area, provided that the area may be larger if, in the sole opinion of the planning board, the facility will function or is functioning as a hotel or motel and not as a residential dwelling unit.

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*Household pets* means animals for use by the residents of the premises only. Household pets shall not be construed to include farm animals such as: Horses, sheep, pigs, chickens, geese, pigeons. The term "household pets" is distinct from "kennel"; see the latter.

*Impacted property* means a lot which has frontage on the same street(s) as the lot in question and lies, in whole or in part, within five hundred (500) feet of any property line of the subject lot.

*Impervious surface ratio* means the ratio of the total area of a parcel covered by impervious surfaces including buildings, parking lots, roads, drives, accessways, sidewalks, and other paved surfaces, paved drainage ways and any other surfaces covered by materials which substantially impede the percolation of rainwater into the soil to the total lot area.

*Individual private campsite* means an area of land which is not associated with a campground, but which is developed for repeated camping by only one (1) group not to exceed ten (10) individuals and which involves site improvements which may include, but not be limited to gravel pads, parking areas, fire places, or tent platforms.

*Industrial use* means the use of real estate, buildings or structures, or any portion thereof, for assembling, fabricating, finishing, manufacturing, packaging or processing operations, including the processing of raw materials.

*In-law apartment* means an accessory apartment contained within or attached to a single-family dwelling which meets the standards of section 11 of Article XII.

*Intensification* means any construction, reconstruction, use of a building, structure or other land use activity, which results in an increase in the volume of traffic, the amount of required off-street parking, the hours of operation, the size of the use, noise, dust, odor, vibration, glare, smoke, litter, the need for municipal or other facilities serving the site, or the effect on the soils on the site.

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

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

*Kennels* means a business involving the raising or boarding of dogs.

*Level of service* means a measure of the operational performance of a street or intersection as determined in accordance with the procedures of the Institute of Traffic Engineers (ITE).

*Light industrial uses* means industrial activity involving the manufacturing, packaging, assembly, or distribution of finished products from previously prepared material, including, by way of example only, the following: bakeries, bottling, printing and publishing, pharmaceuticals, machine shops, precision instruments, watchmakers, musical instruments, toys and sporting goods, pottery and ceramics using only previously pulverized clay, wood products, jewelry,

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assembly of electrical components, canteen services, tool and die shops, and the packaging of foods. Light industrial uses do not include the processing of raw materials or salvaging operations.

*Loading space* means an on-the-property space for the standing, loading or unloading of vehicles to avoid undue interference with the public use of streets and alleys.

*Locally established datum* means for purposes of this Code, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.

*Lodging house* means a building or group of attached or detached buildings containing three (3) or more lodging units for occupancy for weekly or longer periods of time with or without board, for compensation, in which common kitchen or living facilities may or may not be provided, as distinguished from hotels and tourist homes in which rentals are generally for daily or weekly periods and occupancy is by transients. Lodging units shall not meet the definition of a dwelling unit and for the purposes of computing density and parking requirements; two (2) lodging units shall equal one (1) multi-family dwelling unit. A boarding house shall be considered a type of lodging house.

*Lot* means a contiguous parcel of land in single ownership comprised of one (1) or more parcels described in deeds, plats or other legal documents recorded in the Androscoggin County Registry of Deeds.

*Lot, corner* means a parcel of land at the junction of and fronting on two (2) or more intersecting streets.

*Lot coverage ratio* means the ratio of that area of the lot covered by buildings or structures divided by the total lot area.

*Lot, depth of* means the mean distance from the street line of the lot to its opposite line, measured in the general direction of the side lines of the lot. In a corner lot, the depth is the longer dimension thus measured.

*Lot, interior* means a lot other than a corner lot.

*Lot line* means a line dividing one (1) lot from another, or from a street or other public space.

*Lot of record* means a lot shown on or described in a subdivision plan or deed on file in the Androscoggin County Registry of Deeds on the date of adoption or subsequent amendment of this Code.

*Lot or ground coverage* means the percentage of lot area covered or occupied by principal and accessory structures.

*Lot size* means the area of land enclosed within the boundary lines of a lot.

*Lot width* means the horizontal distance between the side lines of a lot measured along a straight line, either parallel to the front lot line if the front line is a straight line or tangent to the mid point of the curvilinear setback line if the front lot line is curvilinear, both measured at the minimum required front setback line.

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*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of Article XII of this Code.

*Lumber and building material dealer* means a commercial business involving the retail or wholesale sales of lumber, construction materials, hardware, paint and similar materials in which a portion of the inventory is stored outside or in semi-enclosed structures.

*Manufactured home park or subdivision* means for the purposes of article XII, section 4, and article XIV, a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

*Manufactured housing unit/also known as a manufactured home* means structures, transportable in one (1) or two (2) sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein, including both mobile homes and modular homes, but excluding travel trailers. For the purposes of article XII, section 4, and article XIV, the term manufactured home also includes park mobile homes, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

*Marijuana* means the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake or sterilized seed of the plant which is incapable of germination.

*Mean sea level* means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

*Mineral exploration* means 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* means 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 transports the removed material away from the extraction site.

*Minor improvement* means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than fifty (50) percent of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article XIV, Section 6(j), mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

*Mixed residential development* means a residential development involving a mixture of

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detached single-family dwellings, single-family attached dwellings with less than eight (8) common walls, two-family dwellings or multifamily dwellings with less than five (5) dwelling units per structure. Mixed residential developments may contain a mixture of the listed building types; but, multifamily dwellings shall not constitute more than sixty (60) percent of the total number of dwelling units in the development.

*Mixed single-family residential development* means a planned residential development involving a mixture of single-family detached dwellings and attached single-family dwellings.

*Mixed-use structure* means a building containing one (1) or more dwelling units and nonresidential space. Said nonresidential space must be permitted in the underlying zoning district.

*Mobile home* means a factory-fabricated structure meeting the standards of the U.S. Department of Housing and Urban Development which is built on a permanent chassis, is designed to be used as a dwelling unit and was constructed after June 15, 1976. Mobile homes built before June 15, 1976, are considered to be older mobile homes and are prohibited, unless they meet safety and design standards put forth by the state manufactured housing board and those contained in the Revised Code of Ordinances of the City of Lewiston.

*Mobile home lot* means a parcel of land within a mobile home park for the placement of a single manufactured housing unit and the exclusive use of its occupants.

*Mobile home park* means a contiguous parcel of under land unified ownership with a minimum area of five (5) acres designed and/or used to accommodate a minimum of three (3) manufactured housing units on mobile home lots which are to be rented or leased, but not sold. The management and maintenance of a mobile home park shall be deemed to be the responsibility of a single owner or operator, with improved lots and/or services being available under a leasing arrangement.

*Mobile home park cluster development* means a mobile home park where the lot area of the individual mobile home lots may be reduced to a minimum of four thousand (4,000) square feet in accordance with the provisions of this Code provided that the density of the park conforms with the minimum net lot area of six thousand five hundred (6,500) square feet per unit by providing permanent open space as part of the development.

*Mobile home park road* is a private road used for access of motor vehicles to homes located in a mobile home park and used solely for vehicular movement within the park.

*Modular home* means those units which the manufacturer certifies are constructed in compliance with 10 M.R.S.A. Chapter 951, and rules adopted under that chapter, meaning structures, transportable in one (1) or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings and must be placed on permanent foundations.

*Multi-family development* means a residential development that includes three (3) or more freestanding, multi-family dwellings on single or multiple contiguous lots in common ownership; or a single building containing twelve (12) or more dwelling units.

*Municipal buildings and facilities* means facilities owned and operated by the City of Lewiston for the conduct of the city's business including, but not limited to, municipal office buildings, schools, police and fire stations, public works garages and facilities, public safety facilities, solid waste disposal facilities, sewerage systems, sewage disposal facilities and similar uses.

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*National Geodetic Vertical Datum (NGVD)* means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called (1929 Mean Sea Level (MSL)).

*Neighborhood stores* means a retail store that occupies less than five thousand (5,000) square feet of total floor space and within which no alcoholic beverages are consumed.

*Net lot area* means the total acreage of a lot less the area required for access and less the area which is not suitable for development because of sustained slopes in excess of twenty-five (25) percent, water bodies, one hundred (100) year flood plains, and wetlands. "Access" as used herein includes all land within street right-of-way boundaries, but does not include land used for individual driveways or for parking areas.

*New construction* means structures for which the "start of construction" commenced on or after the effective date of flood plain management regulations adopted by a community and includes any subsequent improvements to such structures.

*Nonconforming lot* means a lot of record which is defined as a lot in a plan or deed filed in the Androscoggin County Registry of Deeds, which, at the effective date of the adoption or amendment of this Code, was in lawful existence, but which does not comply with one (1) or more of the space and bulk requirements of the zoning district in which it is located.

*Nonconforming structure* means a structure which, at the effective date of the adoption or amendment of this Code, was in lawful existence, but which does not comply with one (1) or more of the space and bulk requirements of the zoning district in which it is located.

*Nonconforming use* means a use of a premise, parcel of land or structure which, at the effective date of the adoption or amendment of this Code, was in lawful existence, but which does not comply with the applicable use regulations of the zoning district in which it is located.

*Nonintensive outdoor recreation* means outdoor recreational uses that involve minimal structural development or regrading of the terrain but which, if properly designed, neither cause nor are subject to serious damage from flooding or soil erosion. Examples of nonintensive recreational uses include, but are not limited to, golf courses, tennis courts, playing fields, ice skating rinks, and boat docks.

*Normal high water line* means that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high water line is the upland edge of the wetland, and not the edge of the open water.

*Nursing or convalescent home* means a state licensed residential care facility in which nursing care and medical services are performed under the general direction of persons licensed to practice medicine in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care, but who do require, on a twenty-four (24) hour basis, nursing care and related medical services. This definition shall include skilled nursing facilities, intermediate care facilities and nursing homes.

*Official map* means a map, prepared and adopted by the planning board and approved by the city council, which shows the lines of ways, public property and subdivisions.

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*Official zoning map* means a map prepared by the City of Lewiston Planning Board and adopted by the city council outlining each district established or modified by the municipality. The map is filed in the office of the city clerk.

*Off-street parking space* means a paved or gravel surfaced area not in a street or alley which is permanently reserved for the temporary storage of one (1) automobile.

*One hundred-year flood.* See "base flood."

*Open space* means that portion of a lot which is characterized by natural scenic beauty or openness and which is dedicated to being preserved or kept open in order to enhance urban or rural areas as important physical, social, recreation, conservation, aesthetic or economic assets.

*Open space ratio* means the ratio of the total area of a parcel maintained in lawns, gardens, planters, or other natural vegetation to the total lot area.

*Owner* means the owner of record of a property and his duly authorized agent or attorney, a purchaser, devisee, fiduciary and a person having a vested or contingent interest in the property in question.

*Penthouse* means an enclosed structure, other than a roof structure, located on the roof, extending not more than twelve (12) feet above and used primarily for living or recreational accommodations.

*Performance guaranteed* means a cash, property or other bond satisfactory to the City of Lewiston to ensure the actual carrying out of every duty, act, requirement or condition, the performance of which was the basis for issuing the permit or approval.

*Permanent foundation* means a foundation that includes all of the following:

- (1) A full, poured concrete or masonry foundation;
- (2) A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor;
- (3) A reinforced, floating concrete pad for which the municipality may require an engineer's certification if it is to be placed on soil with high frost susceptibility; and
- (4) Any foundation which, pursuant to Chapter 7 of the Revised Code of Ordinances of the City of Lewiston is permitted for other types of single-family dwellings.

*Permitted use* means a use or structure permitted in a given location as a matter of right under the provisions of this Code subject only to those general conditions which are to be met by all applicants seeking a required permit under this Code.

*Personal service* means a service exemplified by the types of services listed under U.S. Standard Industrial Classification Code 72, including but not limited to laundry and cleaning services, photography studios, shoe repair shops, funeral homes, mortuaries, beauty salons, barber shops, shoe repair facilities, day spas, and similar services to the general public. This definition does not include tattoo parlors.

*Petroleum* means oil, gasoline, petroleum products and by-products, and all other hydrocarbons which are liquid under normal atmospheric conditions.

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*Piers, docks, wharfs, bridges and other structures and uses extending over or beyond the normal high water line or within a wetland* means

*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.

*Pitched, shingled roof* means a roof with a pitch of two (2) or more vertical units for every twelve (12) horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other materials, but specifically excluding corrugated metal roofing materials.

*Places of assembly, amusement, recreation, entertainment, or culture* means facilities designed to accommodate the public for amusement, entertainment, recreation or social activities including halls, auditoria, sports arenas, gymnasiums, skating and hockey rinks, stadia, golf courses, racetrack operations (excluding motorized vehicle racing), meeting rooms, theaters, and similar facilities but not including movie theaters.

*Premises* means one (1) or more parcels of land which are in the same ownership and contiguous.

*Principal building* means the building occupied by the chief or principal use on the premises. When a garage is attached to the principal dwelling in a substantial manner as by a roof or common wall, it shall be considered as a part of the principal dwelling for the purpose of computing yard requirements.

*Private industrial/commercial developments* means industrial or commercial developments where lots within the development may gain their required frontage on private roads, as long as the development meets the standards under Article XIII, section 10.

*Private road* is any road, not maintained or accepted by the Lewiston City Council, that conforms to the applicable public street or public court standards of this policy.

~~*Professional office* means the uses listed under U.S. Standard Industrial Classification Codes 81, 83, 87, and Industry Group Numbers 801 through 804, which include social services, doctor's offices, legal offices, engineering offices, architectural offices and other office uses similar to those listed.~~

*Public court* is a way providing direct access within identifiable neighborhoods and to abutting land accepted by the Lewiston City Council as a public street, used for the access of motor vehicles for up to ten (10) single family dwellings with frontage on said public court.

*Public indoor amenity space* means malls, courts, arcades or other spaces available for public use within a building.

*Public sewerage* means a sewer system operated by the City of Lewiston or other governmental authority.

*Public street* is a way providing direct access within identifiable neighborhoods and to abutting land, and where through traffic is usually discouraged, carrying less than 1,000 ADT and which has been accepted by the Lewiston City Council as a public street, or has been constructed or accepted by the state or federal government as a public street or road.

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*Recharge area* means an area composed of permeable materials which allows precipitation and surface water to filter into the ground and replenish groundwater in aquifers.

*Recreational vehicle* means a vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. Designed to be self-propelled or permanently towable by a motor vehicle; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Recreational vehicle dealer* means a business or commercial enterprise involving the retail sales and service of new or used recreational vehicles including motor homes, camper trailers, boats, snowmobiles and similar vehicles.

*Recycling and reprocessing facility* means a commercial enterprise involving the handling, storing and processing of waste materials including but not limited to automobiles, scrap metal, paper, rags, chemicals, oils, solvents and similar materials but not involving the on-site disposal of these materials.

*Registered dispensary* or dispensary means a not-for-profit entity registered pursuant to State Law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to registered patients who have designated the dispensary to cultivate marijuana for their medical use and the registered primary caregivers of those patients.

*Registered patient* means a patient who has a registry identification card issued by the State of Maine.

*Registered primary caregiver* or primary caregiver means a person, a hospice provider licensed under Title 22 M.R.S.A. chapter 1681 or a nursing facility licensed under Title 22 M.R.S.A. chapter 405 that provides care for a registered patient and that has been named by the registered patient as a primary caregiver to assist with a registered patient's medical use of marijuana. A person who is a primary caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.

*Regulatory floodway* means (1) the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot, and (2) in Zone A riverine areas is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of one-half the width of the flood plain as measured from the normal high water mark to the upland limit of the flood plain.

*Repair* means the replacement of existing work with equivalent materials for the purpose of its maintenance, but not including an addition, change or modification in construction, exit facilities or permanent fixtures or equipment.

*Residential zoning districts* means those zoning districts in which residential uses are predominate uses allowed. This shall include the following districts: Rural-Agricultural (RA), Low Density Residential (LDR), Suburban Residential (SR), Medium Density Residential  
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(MDR), Neighborhood Conservation "A" (NCA), and Neighborhood Conservation "B" (NCB).

*Restaurant* means a business or commercial establishment which serves food to the public for consumption on the premises and may include the sale of food for consumption off premises. Restaurants serving alcoholic beverages, also referred to as food service establishments FSE-Class A, B, C, and E, must offer full course meals at all times while open, shall not exclude persons under the age of twenty-one (21) from full use of the establishment at all times, and shall not possess a special amusement permit for dancing as defined pursuant to Chapter 10, Article III, of the Code of Ordinances of the City of Lewiston. Restaurants serving alcoholic beverages that do not satisfy the above provisions shall be deemed to be and regulated as drinking places.

*Retail* means sale to the ultimate consumer for direct consumption and not for trade.

*Right-of-way* means a strip of land acquired by deed, reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, cross-walk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

*Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

*Roof* means the roof slab or deck with its supporting members.

*Roof structure* means a structure above the roof of any part of a building enclosing a stairway, tank, elevator machinery or service equipment, or such part of a shaft as extends above the roof, and not housing, living or recreational accommodations.

*Rural areas* means rural areas include both open agricultural fields and woodlands. The land is either undeveloped or developed at very low intensity with scattered farms or homes. Although some parcels may abut a highway, they are generally of such a depth that most development will occur off the highway frontage in the form of residential enclaves, large scale retail centers, and/or campus style office industrial parks.

*Scroll* means a mode of message transition on a changeable message sign where the message appears to move vertically across the display surface.

*Self-storage facilities* means a business or commercial establishment consisting of small, individually lockable storage units which are rented, leased or sold to the general public for the storage of personal property. A self-storage facility may contain an accessory dwelling unit for the exclusive use of a resident manager.

*Setback, front* means the distance between the front line of the property or the side line of the street, whichever is closer to any part of any principal or accessory structure, and the nearest part of any principal or accessory structure.

*Setback, normal high water mark* means the distance from the normal high water mark of any perennial stream or pond to the nearest part of a structure.

*Setback, rear* means the distance between the rear line of the lot, extending the full width of the lot, and the nearest part of any principal or accessory structure. Back and rear setback are synonymous terms.

*Setback, side* means the distance between the side property line and the nearest part of

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any principal or accessory structure. Any lot line not a back lot line or a front lot line shall be deemed a side lot line.

*Shelter* means a charitable facility operated by a not-for-profit corporation or a religious organization providing free temporary overnight housing in a dormitory-style, barrack-style, or per-bed arrangement to homeless individuals.

*Shore frontage* means the length of a lot's shoreline as measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high water elevation.

*Sight distance* means the length of unobstructed sight line of motor vehicle drivers in normal daylight conditions. Sight distance shall be measured from the perspective of a hypothetical person seated in a vehicle from three vantage points: (1) sitting in the access viewing vehicles traveling on the highway (both left and right), (2) traveling on the highway viewing a vehicle sitting in an access and (3) traveling on the roadway viewing a vehicle turning into the access (both ahead and behind). In case of discrepancy between these measurements, the lesser measurement shall be used to determine whether the sight distance standard is met. Sight distance shall be measured to and from the point on the centerline of the proposed access that is located ten (10) feet from the edge of traveled way. The height of the hypothetical person's view shall be three and one-half (3 1/2) feet above the pavement and the height of the object being viewed shall be four and one-fourth (4 1/4) feet above the pavement.

*Sign* means a structure, device, letter, banner, symbol, or other representation which is used as or is in the nature of an advertisement, announcement, or direction; which is erected, assembled, affixed or painted on the exterior of a building or structure and which is visible from a public way. For purposes of this Code, "visible from a public way" means capable of being seen without visual aid by a person of normal visual acuity, from a way designated for vehicular use and maintained with public funds.

*Sign area* means the area of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders, but not including structural supports of the sign. A sign's area is the sum of the areas of each of its sides. A wall sign's area shall be based on the area of a freestanding sign as calculated above that would be required to accommodate the same features.

*Sign, awning* means a sign mounted on a temporary overhanging shelter to the face of a building.

*Sign, directory* means a sign listing the names and locations of principal businesses, services, activities, or individuals.

*Sign, ground* means an outdoor sign that is directly and permanently supported on the ground and is physically separated from any other structure.

*Sign, marquee* means a sign mounted on or suspended from a permanent overhanging shelter perpendicular to the face of a building.

*Sign, projecting* means an outdoor sign which is attached to a wall and extends at a ninety (90) degree angle from the wall for more than eighteen (18) inches.

*Sign, roof* means an outdoor sign that is displayed above the eaves of a building.

*Sign, wall* means an outdoor sign that is attached flat to or pinned away from the wall of a

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structure and does not project more than eighteen (18) inches from the wall.

*Sign, window* means a sign mounted on a window or located inside a window and not part of a show window display.

*Single-family cluster development* means a residential subdivision consisting of detached single-family homes with each dwelling located on an individual lot. The lot area of the individual lots may be reduced in accordance with provisions of this Code provided that the overall density of the development conforms to the zoning district regulations by providing permanent open space as part of the development.

*Sludge* means residual materials produced by industrial processes, water or sewage treatment processes, or domestic septic tanks.

*Small day care facility* means child care for three (3) to twelve (12) children under thirteen (13) years of age who, are unattended by parents or guardians for any part of the day, in a non-home setting. Small day care facilities shall not be operated within a private family residence (i. e. dwelling unit).

*Special flood hazard area.* See "area of special flood hazard."

*Start of construction* means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the principal structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Stream* means a channel between defined banks. A channel is created by the action of surface water and has two or more of the following characteristics:

- (1) It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map or, if that is not available, a 15-minute series topographic map.
- (2) It contains or is known to contain flowing water continuously for a period of at least three months of the year in most years.
- (3) The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
- (4) The channel contains aquatic animals such as fish, aquatic insects, or mollusks in the water or, if no surface water is present, within the stream bed.
- (5) The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

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"Stream" does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining stormwater or a grassy swale.

*Structure* means anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, excluding light poles, awnings and canopies, transformer pads, driveways, walkways, patios, and other paved surfaces, fences, and underground utilities and their related appurtenances (not including buildings) whether or not underground. Additionally, for floodplain management purposes, a structure is a walled and roofed building or a gas or liquid storage tank that is principally above ground.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

*Substantial development* means improvements to a site for which development approval has been granted pursuant to the standards set forth in article XIII which constitutes one or more of the following: The complete construction of at least 50 percent of all proposed principal buildings; the installation of all proposed principal building foundations; the construction of all road bases for proposed streets in subdivisions unless the project is phased, in which case only those road bases in an active phase need be constructed; filling and grading to near finish contours for earth material activities in excess of 5,000 cubic yards for major projects, or 1,000 cubic yards for minor projects; and the construction of all proposed additions or accessory uses or structures to a level of completion where a temporary certificate of occupancy has been issued by the code enforcement officer.

*Substantial improvement* means any reconstruction, repair, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. For purposes of this definition "substantial improvement" is considered to occur at the time of the first alteration of any wall, ceiling, floor, or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the board of appeals.

*Subsurface sewage disposal system* means 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 for 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 M.R.S.A. section 414, any surface wastewater disposal system licensed under 38 M.R.S.A. section 413, Subsection 1-a, or any public sewer. The term shall not include a wastewater disposal system designed to

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treat wastewater which is in whole or in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, Subchapter 1.

*Suburban strip* means the organizing principle of the Suburban Strip is the highway, and development is largely geared for automobile convenience. Buildings are spatially separated, and have a relatively low density due mostly to the high parking ratios. Existing land uses are mixed and include residential, commercial retail and office. Some parcels are not yet developed. Historically, buildings have been of relatively inexpensive construction, and lack widely recognized architectural or historical significance.

*Swimming pool* means a body of water in an artificial receptacle or other container, whether in the ground or above the ground, used or intended to be used for swimming or bathing and designed for a water depth of thirty-six (36) inches or more.

*Tattoo parlor* is a business or commercial establishment at which an individual performs or practices the art of tattooing on the person of another. This involves inserting pigment under the skin of a human being by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin.

*Timber harvesting* means the cutting or removal of at least ten (10) cords, or equivalent, of timber on a lot or lots in contiguous ownership during a calendar year for the primary purpose of selling or processing forest products.

*Time and temperature sign* means a special type of changeable message sign that is capable of displaying only public service information such as time, date and temperature, but not words, symbols or other advertising messages.

*Tourist home* means a commercial building which accommodates, for a fee, travelers or other transient guests who are staying for a limited duration, and having eight (8) or fewer sleeping rooms. A tourist home may include associated rooms for meals or the use of guests.

*Transit and ground transportation facilities* means urban transit systems, chartered bus, school bus, interurban bus and rail transportation, and taxis with either scheduled or nonscheduled service, as defined in subsection 485 of the North American Industry Classification System, (NAICS) 1997.

*Travel* means a mode of message transition on a changeable message sign where the text appears to move horizontally across the display surface.

*Urban neighborhoods* means urban neighborhoods are characterized by established housing and commercial development, and may include historically or architecturally significant buildings. Densities are relatively high and buildings are in close proximity to one (1) another. Buildings relate strongly to the street, and the streetscape is well defined by street trees, building facades, and pedestrian activity. Automobile travel speeds are relatively slow, and pedestrian traffic is high.

*Upland edge of a wetland* means the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20)foot) tall or taller.

*Utility structures* means buildings which house or service utility services, including

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structures such as radio towers, transmitting stations, and satellite dishes serving more than a residential use on a single lot. Satellite dishes serving a residential use on a single lot shall be considered accessory to such use.

*Variance* means a relaxation of the terms of this Code where such variance will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Code will result in unnecessary or undue hardship. As used in this Code, a variance is authorized only for the space and bulk requirements of Article XI and the performance standards of Article XII.

*Warehousing* means the storage of goods, wares and merchandise in a warehouse.

*Wetland* means land which is associated with or linked to the drainage systems of streams, ponds, and lakes, and the soils of which are saturated, with the water table at or above surface level for most of the year.

*Wholesale* means sale for resale, not for direct consumption.

*Yard* means an open, landscaped area adjacent to the property line which is not and may not be occupied by buildings, structures, parking lots, storage or similar uses. Access roads or drives and sidewalks may be located to allow vehicular and pedestrian traffic to cross yard areas.

(Ord. No. 89-3, 4-7-89; Ord. No. 89-11, 9-15-89; Ord. No. 90-4, 5-17-90; Ord. No. 90-10, 10-4-90; Ord. No. 90-12, 11-16-90; Ord. No. 90-15, 1-11-91; Ord. No. 91-1, 3-19-91; Ord. No. 91-6A, 7-4-91; Ord. No. 92-5, 3-5-92; Ord. No. 92-18, 9-10-92; Ord. No. 92-20, 9-10-92; Ord. No. 93-9, 6-17-93; Ord. No. 95-1, 2-2-95; Ord. No. 95-8, 7-20-95; Ord. No. 96-7, 7-18-96; Ord. No. 96-11, 9-12-96; Ord. No. 97-7, 9-11-97; Ord. No. 97-9, 10-16-97; Ord. No. 00-16, 8-17-00; Ord. No. 00-17, 8-17-00; Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No. 01-23, 2-7-02; Ord. No. 02-21, 1-9-03; Ord. No. 03-18, 1-1-04; Ord. No. 04-02, 2-19-04; Ord. No. 04-06, 4-15-04; Ord. No. 04-21, 9-9-04; Ord. No. 04-25, 2-3-05; Ord. No. 04-26, 2-3-05; Ord. No. 05-07, 3-17-05; Ord. No. 05-20, 1-19-06; Ord. No. 06-04, 4-20-06; Ord. No. 06-05, 4-20-06; Ord. No. 07-01, 3-8-07; Ord. No. 07-02, 3-22-07; Ord. 10-13, 12-23-10; Ord. No. 10-14, 1-6-11; Ord. No. 11-15, 01-19-12; Ord. No. 12-03, 04-05-12; Ord. No. 12-04, 04-05-12)

