

APPENDIX A. DEFINITIONS

SECTION 1. CONSTRUCTION OF LANGUAGE

In the interpretation and enforcement of this Ordinance, all words, other than those specifically defined in the Ordinance, shall have their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers include the singular.

The word "shall" and "will" are mandatory; the word "may" is permissive.

The word "lot" includes the words "plot" and "parcel".

The word "structure" includes the word "building".

The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied".

The word "Town" means the Town of Dresden, Maine.

SECTION 2. DEFINITIONS

In this Ordinance the following terms shall have the following meanings:

Abutter: The owner of any property with one or more common boundaries or points, or across the road or stream from the property involved in application or appeal.

Accessory Use or Structure: A use or structure which is customarily both incidental and subordinate to the principal use or structure on the same lot only. The term "incidental" in reference to the principal use or structure shall mean both a) subordinate and minor in significance to the principal use or structure, and b) attendant to the principal use or structure. Such accessory uses, when aggregated, shall not subordinate the alleged principal use of the lot.

Adult Business: An establishment consisting of, including, or having the characteristics of selling, renting, leasing, exhibiting, displaying or otherwise dealing in materials or devices of any kind which appeal to prurient interest and/or which depict or describe specified sexual activities and anatomical areas as described and reviewed in the case of

SJD, Inc, v. City of Houston, 837 F. 2d 1268 (5th cir. 1988).

Agent: Anyone having written authorization signed by a property owner to act in behalf of that property owner.

Aggrieved Party: A person whose land is directly or indirectly affected by the grant or denial of a permit or variance under this Ordinance, or a person whose land abuts or is across a road or street or body of water from land for which a permit or variance has been granted.

Agriculture: The cultivation of soil, producing or raising crops, including gardening, as a commercial operation. The term shall also include greenhouses, orchards, nurseries, and versions thereof, but these two terms, when used alone, shall refer specifically to a place where flowers, plants, shrubs, and/or trees are grown for sale.

Alteration: Any change, or modification in construction, or change in the structural members of a building or structure, such as bearing walls, columns, beams or girders, or in the use of a building. The term shall also include change, modification, or addition of a deck, dormer, staircase, or roof of the building, changes to the storm-water drainage or the creation of new impervious surfaces.

Ambient Conditions: The condition as it relates to noise, vibrations, or odor, that exists at any particular geographical area prior to the start of development.

Amusement Facility: Any private, commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

Animal Breeding or Care, Commercial: The keeping or raising of four or more animals, including domestic animals and pets, for commercial purposes. This definition also includes kennels.

Authorized Agent: An individual or a firm having written authorization to act on behalf of a property owner. The authorization shall be signed by the property owner.

Automobile Junkyard/Graveyard: A yard, field, or other area used to store three (3) or more unserviceable, discarded, worn-out, or junked motor vehicles, as defined in Title 29, section 1, subsection 7, or parts of such vehicles. Automobile junkyard does not include any area used for temporary storage by an establishment or place of business which is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable.

Automotive Body Shop: A business establishment engaged in body, frame, or fender straightening and repair, or painting and undercoating.

Automobile Repair Shop: A business establishment engaged in general repair, engine rebuilding, and/or parts replacement.

Bed and Breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one week. This dwelling shall also be the full-time, permanent residence of its owner. There shall be no provisions for cooking in any individual guest room.

Boarding, Lodging Facility: Any residential structure where lodging and/or meals are provided for compensation, for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There shall be no provisions for cooking in any individual guest room.

Buffers/Screening: Buffers/screening are fences, vegetation, landscaping, berms and mounds used to minimize any adverse impacts or nuisance conditions as experienced on the site or from adjacent areas.

Building: Any three (3) dimensional enclosure by any building materials or any space, for any use or occupancy, temporary or permanent, including swimming pools, foundations or pilings in the ground, and all parts of any kind of structure above ground including decks, railings, dormers, and stairs, and excluding sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls. Each portion of a building, separated from other portions by a fire wall, is considered as a separate structure.

Business and Professional Offices: The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors, and the like, or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales or activities utilizing trucks as part of the business operation.

Business Service: An establishment primarily engaged in rendering services to business establishments on a fee or contract basis such as advertising,, mailing services, building maintenance services, employment services, management and consulting services, protective services, personnel services and similar services. This includes those businesses normally identified by SIC Codes 731 - 739.

Campground: Land on which one or more tents are erected or trailers are parked for a fee for temporary family recreational use on sites arranged specifically for that purpose. The word "campground" shall include the words "camping ground", and "tenting grounds".

Catering Establishment:. Any kitchen, commissary or similar place where food or drink is prepared for sale or service elsewhere or for food service on the premises

Cemetery: Property used for the interring of the dead.

Church: A building or structure, or group of buildings or structures, designed, primarily intended and used for the conduct of religious services, excluding school.

Civic, Convention Center: A building or complex of buildings that house Town offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

Cluster Development: A development consisting exclusively of residential dwelling units or commercial uses, planned, developed as a whole, or in a programmed series of developments, and controlled by one developer which contemplates an innovative, more compact grouping of dwelling units or other uses. Cluster developments treat the developed area as an entirety to promote flexibility in design, architectural diversity, the efficient use of land, a reduction in the size of road and utility systems, the creation of permanent, common open space, and the conservation of natural characteristics of the land.

Code Enforcement Officer: A person appointed by the Town Officers to administer and enforce this Ordinance.

Commercial Communication Tower: A structure on which commercial transmitting and/or receiving devices are located.

Commercial Greenhouse: A building or group of buildings, whose sides and/or roof are made largely of glass or other sunlight transmitting material, used to grow plants and/or produce for sale.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including, but not limited to: campgrounds, racquet and tennis clubs, health facilities, amusement parks, golf courses, gymnasiums and swimming pools, etc., but not including: bowling alleys or amusement centers, as defined herein.

Commercial Use: Any activity carried out for pecuniary gain.

Community Activity Center: A building which is used for meetings, recreation, and similar uses by the general public, and not operated for profit.

Community Center, Club: A building that houses any voluntary association of persons organized for social, religious, benevolent, literary, scientific, or political purposes; whose facilities, especially a clubhouse, are open to members and guests only, and not the general public; and are not engaged in activities customarily carried on by a business or for pecuniary gain.

Comprehensive Plan: The Comprehensive Plan duly adopted by the Town of Dresden as the Town's official policy with respect to the use and development of land within the Town, as currently exists and as may from time to time be amended.

Conforming: A building, structure, use of land, or portion thereof, which complies with the

provisions of this Ordinance.

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

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

Correctional Facility. A building or group of buildings used to house persons who are awaiting trial or person who have been confined, whether for all day or part of the day, by the courts.

Craft and Flea Market: The sale of merchandise where vendors may rent tables and/or display space.

Day Care: Homes and Centers licensed as such by the Maine Department of Human Services.

Deck: An uncovered structure with a floor elevated more than 6 inches above ground of a size larger than thirty two (32) sq. ft

Density: The number of dwelling units per lot of land or unit.

Development: Any man-made changes to improved or unimproved real estate including, but not limit to: buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

District: A specified portion of the Town, delineated on the land use map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-in Restaurant: An eating establishment which has no provisions for consumption of food within the building, and which is designed so that customers eat in their cars or take the food from the premises for consumption.

Dry Cleaner: An establishment where garments, and the like, are cleaned by using solvents and not soap and water.

Dwelling: Any building or structure or portion thereof designed or used for residential

purposes.

1. Accessory Dwelling: A second dwelling unit which occupies a portion of, or is attached to, a single-family residence (not associated with a duplex) that comprises not more than 25% of the gross floor area of the building, nor more than a total of 600 square feet.
2. Single-Family Dwelling: Any structure containing one (1) dwelling unit for occupation by not more than one (1) family. Units may be attached.
3. Two-Family Dwellings: A building containing only two (2) dwelling units, for occupation by not more than two (2) families.
4. Multi-Family Dwellings: A building containing three (3) or more dwelling units, such buildings being designed exclusively 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.
5. Dwelling Unit: A room or suite of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities.

Easement: A right or privilege, less than fee-simple ownership, that a person may have in another's land, such as a right-of-way.

Engineered System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2,000 gallons per day or more; or any system designed to treat waste water which has characteristics significantly different from domestic waste water.

Environmental Impact Report: Environmental impact report means a detailed study describing and analyzing the environmental impacts of an activity, discussing ways to mitigate or avoid such impacts, and evaluating responsible alternatives to the proposed activity or the method in which it is proposed to be conducted.

Erect: Any building activity including construction, reconstruction, renovation relocation, alteration, enlargement, placement, or any other words of like significance.

Essential Services: Facilities for the transmission or distribution of water, gas, electricity, or essential communications, or for the collection, treatment or disposal of wastes including, without limitation: towers, poles, wires, mains, drains, sewers, traffic signals, hydrants and similar accessories but not buildings. Essential services do not include commercial communication towers.

Expansion of use: The addition of weeks or months to a use's operation season; additional hours of operation; or an increase of floor area or ground area devoted to a

particular use.

Extractive Industries: extractive activity means an activity or process involving the extraction of land for borrow, topsoil, clay, rock quarries, and the processing of borrow pit materials. The following activities are specifically exempt from this definition and are not considered to be extractive activities:

- (1) Topsoil operations in which no more than 1 acre of topsoil is removed per year, and the owner provides a written erosion control and rehabilitation plan to re-vegetate the site within 120 days but no later than October first.
- (2) Removal of materials when necessary and incidental to the construction or alteration of a building, road or parking area on the same site as that from which the materials are removed.
- (3) Activity involved in the removal of metallic minerals or metallic mineral deposits which such activity shall not be considered a mining activity and shall not be permitted where extractive activity is permitted under the terms and conditions of this Code.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a tourist home, rooming house, hotel, motel or inn.

Farmers' Market: The outdoor display and sale of locally grown farm products. This use may involve one or more vendors displaying and selling produce.

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

Firewood Processing, Commercial: The processing of firewood at a fixed location, for commercial purposes.

Flea Market: Any enterprise engaged in the sale of used articles other than a garage sale.

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

1. Flood Insurance Rate Map: The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones.
2. Flood Plain: The lands adjacent to a body of water which have been, or may be, covered by the regional flood.
3. Regional Flood: The maximum known flood of a body of water; either the one-hundred (100) year frequency flood, where calculated, or the flood of record.
4. Floodway: 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 foot.

Floor Area, Gross: The sum, in square feet, of the floor areas of all portions of a building enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Floor Area Ratio: Determined by dividing the sum of the gross floor area of all stories of a building, excluding basements, by the total lot area.

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

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition. The Codes Enforcement Officer shall be responsible for the delineation of freshwater wetlands boundaries, where such is not clearly mapped.

Front Building Line: The line parallel to the front lot line transacting that point in the building face which is closest whether enclosed or unenclosed, but not including steps.

Frontage, Road: The horizontal, straight-line distance between the intersections of the side lot lines with the road right-of-way.

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

Garage: An accessory building, or part of a principal building, including a car port, used primarily for the storage of motor vehicles as an accessory use.

Garage and Yard Sale: All general sales, open to the public, conducted from or on a residential premises for the purpose of disposing of personal property.

Gasoline Service Station: Any place of business at which gasoline, other motor fuels or motor oil are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

Grandfathered: A use that was legally existing prior to the adoption of the Dresden Land Use and Development Ordinance, as amended, and such use has been continuous and without interruption since it was originally initiated. A lapse in such use for two years immediately preceding the resumption of that same use is allowed only if such continued use was prevented by an action of the courts (such as bankruptcy or probate). After a lapse of such use for two years such use is no longer allowed.

Hazardous Material: Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, according to current guidelines of the U.S. Environmental Protection Agency, or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

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

Home Occupation: An occupation or profession which is carried on in no more than five-hundred (500) square feet or twenty-five percent (25%) of the floor area of a detached, single-family dwelling unit by the full-time permanent occupants of the dwelling and no more than two (2) non-resident employees on site at any time, which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof (by way of illustration and not of limitation, the term home occupation shall include the manufacture and sale of such items as food stuffs, rugs, birdhouses, fishing flies, and quilts). The term "home occupation" shall include both professional and personal services.

Hospital: An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured including, as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

Hotel/Motel: A commercial building or group of buildings built to accommodate, for a fee, travelers and other transient guests who are staying for a limited duration with sleeping rooms with or without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

Industrial Uses: Industrial uses shall have the following definitions:

Light Industry: Industrial uses that, generally, do not have offensive characteristics and can be conducted entirely within enclosed buildings. These may include:

industrial processes such as printing, manufacturing of products from component parts, food packaging, or warehousing.

Heavy Industry: Industrial uses, such as the manufacture, recycling, or processing of chemicals, metal, cement, plastic, or rubber products, that generally produce nuisances. These nuisances may be in the form of air pollutants, excessive noise, traffic, glare or vibrations, noxious odors, danger of explosion, or unsightly appearance.

Inn: A business which accommodates travelers and other paying guests with sleeping and dining facilities and services for a limited duration, having fewer than 20 sleeping rooms, and in which some or all bath, sitting, and dining rooms are used or intended for use in common by such guests.

Kennel: Any place, building, tract of land, abode, enclosure, or vehicle which, for compensation:

provides food and shelter for house-hold pets for purposes not primarily related to medical care, or

engages in the breeding or more than 2 female dogs for the sale of their off-spring.

Lot: An area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

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

Lot, Minimum Area: The minimum required lot area within a district for a single use.

Lot, Corner: A lot with at least two contiguous sides abutting a street or right-of-way.

Lot, Coverage: The percentage of a lot covered by all buildings.

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

1. Front Lot Line: Interior lots: the line separating the lot from a street or right-of-way. corner lot or through lot; the line separating the lot from either street or right-of-way.
2. Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite from the front lot line of least dimension.
3. Side Lot Line: Any lot line other than the front lot line or rear lot line.

Lot of Record: A parcel of land, a legal description of which, or the dimensions of which, are recorded on a document or map on file with the County Register of Deeds.

Lot, Shorefront: Any lot abutting a body of water.

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

Lot Width: The distance between the side boundaries of the lot measured at the front setback line.

Manufactured Housing Unit: A mobile home or single-side modular home constructed after June 1, 1976, in accordance with the applicable State and Federal standards governing the construction of mobile or modular homes, and which meets the following additional requirements.

- (1) The minimum horizontal dimension as installed on the site shall be twelve feet.
- (2) The roof shall be a hip roof with a minimum pitch of 3 inches vertical rise for each 12 inches of horizontal run . The roof shall be covered by approved wood or asphalt composition shingles.
- (3) The exterior wall surfaces shall be covered with materials similar to conventional construction such as cedar shakes, wood, vinyl or metal clapboards, board and batten siding, etc. It shall not be covered with flat, ridged or corrugated metal or plastic panels.
- (4) All manufactured housing units shall be erected on a permanent masonry foundation. This foundation shall be properly designed for loads and frost effects and shall extend to the underside of the perimeter of the unit.

A permanent foundation shall mean all of the following:

- (a) A full poured concrete or masonry foundation.
- (b) A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor.
- (c) A reinforced floating concrete pad for which an engineers certificate may be required if it is to be placed on soil with high frost susceptibility.
- (d) Any foundation which is permitted for other types of single-family dwellings in accordance with applicable building codes.

Marina: Any complex of land buildings, facilities, haulways, driveways, automobile parking areas and boat indoor or outdoor storage spaces in a common ownership for docking, mooring berthing, storing, repairing, selling, supplying, fueling and servicing boats and yachts.

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

Mobile Food Service Unit: A unit including a motor vehicle or a pushcart or stand or any other such unit designed and constructed to transport, prepare, sell or serve food at a number of sites and which shall be capable of being moved from its serving site.

Mobile Home Park: A plot of land laid out to accommodate at least three (3) manufactured homes for commercial purposes.

Multi-family Housing: A building, arranged, intended or designed to be occupied by three or more families living in independent dwelling units.

Neighborhood "Convenience" Stores: A store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood primarily with the sale of merchandise, including such items as, but not limited to, basic food, newspapers, emergency home repair articles, and other household items, but not to include "sit-down" dining or "eat-in" foods or take out windows.

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

Non-Conforming: A building, structure, lot, use of land, or portion thereof, legally existing at the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to all applicable provisions of this Ordinance.

Normal High Water Mark: The line along the shore of a pond, river, stream, brook, or other non tidal body of water which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or from changes in vegetation and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, coastal and freshwater wetlands, the normal high-water mark is the upland edge of the wetlands and not the edge of the open water. The Codes Enforcement Officer is responsible for the delineation of the normal high water mark, where such is not clearly mapped.

Normal High Water Mark—Inland: That line on the shores and banks of nontidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water relative to vegetation, it is the line where the vegetation changes from predominantly aquatic to predominantly terrestrial.

Nursing Home: A privately operated establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

Parking Space: An area, exclusive of drives or aisles giving access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto is construed as to be usable year round.

Parks and Recreation: Non-commercially operated recreation facilities open to the general public including, but not limited to, playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities. The term shall not include campgrounds, or commercial recreation and amusement centers.

Permitted Use: Uses which are listed as permitted uses in the various districts set forth in this Ordinance. The term shall not include prohibited uses.

Place of Worship: A building or group of buildings used for the conduct of religious services.

Planning Board: The Planning Board of the Town of Dresden.

Preliminary Subdivision Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Principal Structure: The structure in which the primary use of the lot is conducted.

Principal Use: The primary use to which the premises are devoted.

Public and Private Schools: Primary and secondary schools, or parochial schools, which satisfy either of the following requirements: the school is not operated for a profit or as a gainful business; or the school teaches courses of study which are sufficient to qualify attendance in compliance with State Compulsory Education Requirements.

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

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

Relocation: The removal of a building or other structure to a new location, whether to a different lot or to another location on the same lot.

Residential Care: Care which is greater than that necessarily attendant upon mere eating and lodging services, but which is less than that attendant upon nursing home care or hospital care.

Residential Care Facility: A building or group of buildings where, for compensation, residential care is provided. This use does not include “nursing home” or “congregate care facility”.

Restaurant: A place the primary use of which is to prepare and serve meals to the general public for compensation.

Resubdivision: The division of an existing subdivision or any change of lot size therein, or the relocation of any street, lot, or lot line in a subdivision.

Retail Business: A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

Right-of-way: All public or private roads and streets, state and federal highways, private ways (now called public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

Road: An existing state, county, or town way or a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the County Registry of Deeds or a road dedicated for public use and shown on a plan duly recorded in the County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term "road" shall not include those ways which have been discontinued or abandoned.

Rooming House: Any dwelling in which more than three persons, whether individually or as families, are housed for compensation with or without meals, and with shared facilities. This definition includes fraternity or sorority houses.

School, Public or Private Elementary or Secondary: A place where courses of study which are sufficient to qualify attendance as compliance with State compulsory education requirements for grades K through 12 are taught.

School, Public or Private Nursery: A place where courses of study are taught to pre-kindergarten students.

School, Public or Private Post-Secondary: A place where courses of study which are sufficient to lead to a degree recognized by the State are taught.

School, Special Purpose: A place where any specialized branch of knowledge such as dancing, gymnastics, music, automobile driving, business skills, not including horseback riding, is taught for compensation.

Setback: The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps, and railings.

Shopping Center: Any concentration of two or more retail stores or service establishments under one ownership or management containing 15,000 sq. ft. or more of gross floor space.

Shoreland Zone: The land area which is required to be regulated by MRSA, Title 38,

Ordinance 3, Subchapter I, article 2-B.

Sign: A means of conveying information, or directing attention to a business, product, service or other commodity.

Street: A way established or maintained under public authority, ***or a 50 foot wide recorded private way approved by the Planning Board***, or a way shown on a plan of a subdivision duly approved by the Planning Board.

Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, billboards, signs, commercial park rides and games, carports, porches, and other building features, including stacks and antennas, but not including sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls. For purposes of this Ordinance, utility poles are not considered structure.

Subdivision: Subdivision means subdivision (1) as defined in Title 30-A M.R.S.A., 4401, as amended (i.e. generally a division of a tract or parcel of land into three (3) or more lots within a five year period (see statute for full definition) and (2) as such definition is augmented by the following:

1. Such division may be accomplished by sale, lease, development, building or otherwise, including informal arrangements which result in the functional division of a tract or parcel. The term subdivision may, at the Planning Board's discretion, also include cluster housing, shopping centers, lodging places (e.g. motels, inns., etc.) and apartment, condominium, or cooperative housing units, when any of these items contain three or more units.
3. Under such definition, lots of forty (40) or more acres each shall be counted as lots if the lots are wholly or partly within the Shoreland District and the average lot-depth-to-shore-frontage ratio is greater than three to one.

Substantial Improvement: Any repair, reconstruction, or improvement of the structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when 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 any project for improvement of a structure to comply with existing State or local health sanitary, or safety code specifications which are solely necessary to assure compliance with the Code.

Subsurface Sewage Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s), and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface

of the earth. The term does not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term does not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Ordinance 13, subchapter 1.

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

Swimming Pool: An outdoor man-made receptacle or excavation designed to hold water to a depth of at least twenty-four (24) inches, primarily for swimming or bathing, whether in the ground or above the ground.

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

Tower: Any structure whose principal function is to support something such as an antenna, a windmill, a water tank, and observation platform, or other similar uses.

Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, camping, recreational, or vacation uses, and when equipped for the road has a body width not exceeding 8 feet and which is eligible to be licensed or registered and insured for highway use.

Undue Hardship: The term "undue hardship" shall mean *all* of the following:

1. That the land in question cannot yield a reasonable return, unless a variance is granted;
2. That the need for a variance is due to the unique circumstances of the property and not to general conditions in the neighborhood;
3. That the granting of a variance will not alter the essential character of the locality; and
4. That the hardship is not the result of action taken by the applicant or a prior owner.

Use: The manner in which land or a structure is arranged, designed or intended, or is occupied.

Utility Facility: Any facility (not including an office building, business office, storage yard, or vehicle or equipment maintenance or repair facility) operated by an electrical utility, a telephone utility, a water district or private water company, a sanitary district, a sewer district or municipal sewer department, a cable television supplier, or any other utility. Such facilities include: sanitary sewer lines, water lines, pumping and pressure control stations, telephone equipment huts, telephone and electrical power transmission

lines (including poles, cross connects, subscriber loop carriers, network interface equipment, distribution area interfaces, service drops, and similar structures), standpipes, reservoirs, wells and other water storage structures, electricity regulating substations, water treatment plants, electric generating plants, and electric transmission lines. Utilities do not include microwave, radio, television, or other telecommunication transmitters and towers. For the purposes of this Ordinance there are 3 classifications of utility facilities as follows:

Small Scale Utility Facility. A utility facility consisting of structures which cover no more than 200 square feet of land. Also in this classification are utility distribution lines.

Medium Scale Utility Facility. A utility facility consisting of structures other than utility transmission lines and utility distribution lines, which covers more than 200 square feet of land but less than 500 square feet of land.

Large Scale Utility Facility. A utility facility consisting of structures which cover 500 square feet or more of land. Also in this classification are utility transmission lines.

Water Body:

River. A free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of 25 square miles to its mouth. The following bodies of water are rivers: the Kennebec River and Merrymeeting Bay.

Stream. The free flowing body of water from the outlet of a great pond or the confluence of 2 perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map to the point where the body of water becomes a river or flows into a great pond.

Tributary Stream. A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing water-borne deposits on exposed soil, parent material or bed-rock, and which flows to a water body or wetland as defined. This definition does not include the term “stream” as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

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

Water Transportation Services: Establishments engaged in passenger transportation and establishments furnishing incidental services such as lighterage, towing, sightseeing boats, marine surveyors, and the like.

Waterfront: Abutting a water body.

Water-Oriented Uses: A use which by its nature of operation requires a waterfront location.

Wetland: All coastal and freshwater wetlands. "Coastal Wetlands" are all tidal and sub-tidal lands including all areas below any identifiable debris line left by tidal action, all areas with vegetation present that is tolerant of salt water and occurs primarily in a salt-water habitat, and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action or normal storm activity. Coastal wetlands may include portions of coastal sand dunes. Fresh-water wetlands are all lands identified by the Department of Inland Fisheries and Wildlife in accordance with Title 38 M.R.S.A. Section 407A, or areas identified by the United States Environmental Protection Agency having jurisdiction under Section 404 of the Clean Water Act.

Wholesale Business: A business establishment engaged in the sale of goods or commodities in large quantities for individual consumption or resale.