

CHAPTER 11. DEFINITIONS

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

**ABUTTERS:** For the purpose of notification, abutters shall include owners whose land directly touches the applicant's land as well as the owner(s) of land directly across a street from any part of the applicant's land.

**ACCESSORY USE OR STRUCTURE:** A use or structure which is incidental or subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**ADJACENT GRADE:** The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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

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

**ANIMAL HUSBANDRY:** Dairying, raising of livestock, breeding, or keeping of animals, fowl, or birds as a gainful occupation.

**ANTENNA:** Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

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

**AQUACULTURE:** The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**AREA OF SHALLOW FLOODING:** A designated AO and AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three 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.

**AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Chapter 5 of this Ordinance.

**BASAL AREA:** The area of cross-section of a tree stem at 4½ feet above ground level and inclusive of bark.

**BASE FLOOD:** The flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

**BASEMENT:** Any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level. Also, for floodplain management purposes, any area of the building having its floor subgrade (below ground level) on all sides.

**BOARDING KENNEL:** Pursuant to 7 M.R.S.A., Section 3907 “Boarding Kennel” means any place, building, tract of land, abode or vehicle in or on which privately owned dogs or other pets, or both, are kept for their owners in return for a fee.

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

**BREEDING KENNEL:** Pursuant to 7 M.R.S.A., Section 3907 “Breeding Kennel” means a kennel operated for the purpose of breeding or buying, selling or in any way exchanging dogs that exchanges more than twelve (12) dogs in a twelve (12) month period.

**BUILDING HEIGHT:** The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and the ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.

~~**BUILDING OR STRUCTURE:** See “STRUCTURE” Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, exclusive of fences.~~

~~**BUREAU OF FORESTRY:** State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.~~

**BUSINESS DIRECTORY SIGN:** A free standing business directory sign identifying names and/or uses, and/or locations in a multi-tenant (two or more) development.

~~**CAMPGROUND:** Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to cabins, tents, recreational vehicles or other shelters as transient forms of lodging, and for which a fee is charged. This term does not include those structures defined as dwelling units as denoted herein.~~

CANOPY: The more or less continuous cover formed by tree crowns in a wooded area associated with forestry. Also, a roof-like structure providing covering, protection, or ornamentation.

CERTIFICATE OF COMPLIANCE: A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of Chapter 2 and Chapter 5.

CODE ENFORCEMENT OFFICER: ~~Any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.~~ A person certified under MRSA 30-A; Section 4451 and employed by a municipality to enforce all applicable laws and ordinances in the following areas:

- Shoreland zoning;
- Comprehensive planning and land use;
- Internal plumbing;
- Subsurface wastewater disposal;
- Building standards.

COMMERCIAL CAMPGROUND: Any premises providing temporary accommodation to the public for a fee in a recreational vehicle or tent.

CLUSTER SUBDIVISION: A subdivision in which the lot sizes are reduced below those normally required in the district in which the development is located in return for the provision for permanent open space owned in common by lot/unit owners, the Town, or a land conservation organization approved by the Town. The total of the land in development and open space shall not be less than that required if the dwelling units were on full size individual lots.

COLLOCATION: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

COMMERCIAL STRUCTURE: Any building or other structure, except a single or two-family dwelling, intended for commercial use, or which houses goods or equipment for that purpose. Buildings which are primarily dwellings or accessories to dwellings used for a home occupation are not considered commercial.

COMMERCIAL USE: The use of lands, buildings, or structures as, other than a "home occupation," the intent and result of which activity is the production of income from the buying and selling of goods and/or services, or the provision of non-residential facilities for a fee, and exclusive of rental of residential buildings and/or dwelling units. (See Home Occupation)

COMPLETE APPLICATION: An application shall be considered complete upon submission of the required fee and all information required by these regulations ~~for a Final Plan~~, or by a vote of the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

CONDOMINIUM: One or more multi-family housing units on the same common lot in which the dwelling units are individually owned.



Also, a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring. Improvements such as replacing windows, doors, roofing and siding materials, painting and replacement of plumbing fixtures in-kind are considered normal maintenance and shall not be deemed part of this definition.

**DEVELOPMENT RIGHTS:** The rights of an owner of land to make site improvements or changes including but not limited to buildings, landscaping, parking areas, and streets. If the development rights to a piece of land are transferred to the Town or a conservation organization approved by the Town, the Town or such organization may permit site improvements or changes necessary to and consistent with the traditional use of the land prior to the transfer of the development rights.

**DIAMETER BREAST HEIGHT (DBH):** The diameter of a standing tree measured 4.5 feet from ground level.

**DIMENSIONAL REQUIREMENTS:** Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

**DISABILITY:** ~~A person who has a physical or mental impairment that substantially limits one or more major life activity. This includes people who have a record of such an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability..Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services in accordance with the Americans with Disabilities Act of 1990.~~

**DISRUPTION OF SHORELINE INTEGRITY:** The alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

**DRIVEWAY:** A vehicular access-way serving no more than ~~two one lot residential buildings.~~

**DWELLING:** A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters. The term shall include mobile homes, but not recreational vehicles.

**SINGLE-FAMILY DWELLING:** A building containing only one (1) dwelling unit.

**TWO-FAMILY DWELLING (DUPLEX):** A building containing only two (2) dwelling units.



use is to provide non-profit municipal, State or County emergency medical, fire, or police services to protect the health, safety and welfare of the public.

**ESSENTIAL SERVICES:** Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers (including communication towers), utility poles and wires, mains, drains, pipes, conduits, 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.

**EXCAVATION:** A process of creating a cavity by cutting, dragging, digging, or scooping.

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

**EXPANSION OF USE:** The addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

**FAA:** The Federal Aviation Administration, or its lawful successor.

**FACADE:** The facade of a building is the face of the building on which the primary entrance is located, regardless of the orientation of the building on the lot. The area of the facade shall include all portions of the building which are visible in an elevation view, regardless of fenestrations, setbacks, or other wall breaks. It does not include any portions of the roof visible from the front elevation.

**FAMILY:** One or more persons occupying a premises and living as a single housekeeping unit.

**FCC:** The Federal Communications Commission, or its lawful successor.

**FILLING:** To bring to the desired level, shape, smoothness, or condition by introducing other materials.

**FINAL PLAN:** The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may-must be recorded at the Registry of Deeds.

**FLOOD or FLOODING:**

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 runoff 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 paragraph 1.a of this definition.

**FLOOD ELEVATION STUDY:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**FLOOD INSURANCE RATE MAP (FIRM):** 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"

**FLOODPLAIN or FLOOD-PRONE AREA:** Any land area susceptible to being inundated by water from any source (see definition of "flooding").

**FLOODPLAIN MANAGEMENT:** 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 floodplain management regulations.

**FLOODPLAIN MANAGEMENT REGULATIONS:** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain 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 provides standards for the purpose of flood damage prevention and reduction.

**FLOOD PROOFING:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY:** See "Regulatory Floodway"

**FLOODWAY ENCROACHMENT LINES:** The lines marking the limits of floodways on Federal, State, and local floodplain maps.

**FLOOR AREA:** The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls plus the horizontal area of any unenclosed portions of a structure such as porches and decks. This includes the floor of the basement, as defined.

**FOOTPRINT - the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.**



reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

**GREAT POND:** Any inland body of water which in a natural state has a surface area in excess of ten acres, any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres, and any natural inland body of water which originally had a surface area of ten acres or less which has been artificially enlarged to a surface area in excess of thirty (30) acres, except where the artificially formed or enlarged inland body of water is completely surrounded by land held by a single owner.

**GREAT POND CLASSIFIED GPA:** Any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

**GROUND COVER:** Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

**HARVEST AREA:** The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

**HAZARD TREE:** A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

**HEIGHT OF A STRUCTURE:** The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure excluding chimneys and antennas.

**HIGH INTENSITY SOIL SURVEY:** A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. ~~The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that point. Single soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.~~



4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior, or
  - b. Directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: A commercial activity which results in a product or service intended for financial gain conducted in whole or in part on the same premises where the owner of the occupation resides~~An occupation or profession which is customarily conducted on or in a residential structure or property~~ and:

1. which is clearly incidental to and compatible with the residential use of the property and surrounding residential uses,
2. which may be carried on in the principal structure or an accessory structure,
3. which will not exceed 1,000 square feet of ~~coverage~~structures, nor exceed the coverage of the principle use structure, and
4. which employs no more than three (3) persons other than family members.

INCREASE IN NONCONFORMITY OF A STRUCTURE: Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

INDIVIDUAL PRIVATE CAMPSITE: Any premises providing temporary accommodation in a recreational vehicle or tent and used exclusively by the owner of the property and his or her family and friends~~An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.~~

INDUSTRIAL/COMMERCIAL PARK OR DEVELOPMENT: A subdivision planned for industrial and/or commercial uses and developed and managed as a unit, usually with provision for common services for the users.

**INDUSTRIAL STRUCTURE:** Any building or structure, except a single or two-family dwelling, intended for the making of goods and articles by hand or by machinery including assembly, fabrication, finishing, warehousing, packaging and processing. This term shall include any building or structure which houses goods or equipment for that purpose. Buildings which are primarily dwellings or accessories to dwellings used for a home business are not considered industrial. (See Home Occupation)

**INDUSTRIAL USE:** The use of real estate, buildings or structures or any portion thereof, for assembling, fabricating, finishing, warehousing, manufacturing, packaging or processing operations involving goods, or for warehousing and distribution of goods; or the extraction of minerals. Uses conducted in buildings which are primarily dwellings or accessory to dwellings as home businesses are not considered industrial. (See Home Occupation)

**INLAND WETLANDS:** Areas enclosed by the normal high water mark of inland waters and areas otherwise identified on the basis of soils, vegetation, or other criteria as inland wetlands including but not limited to swamps, marshes or bogs.

**INSTITUTIONAL:** A non-profit or quasi-public use, ~~or institution~~ such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

**INTERMITTENT STREAM:** Flowing water, resulting from surface water runoff or the position of the ground water table, which occurs for a period of more than three (3) consecutive months during the year, or appearing as a solid and dashed (blue) line on the most recent United States Geological Survey Topographic map (7 ½ minute series) of the Town of China.

**KENNEL:** Pursuant to 7 M.R.S.A., section 3907 a “Kennel” means 5 or more dogs kept in a single location under one ownership for breeding, hunting, show, training, field trials, sledding, competition or exhibition purposes. The sale or exchange of one litter of puppies within a 12-month period alone does not constitute the operation of a kennel. ~~one pack or collection of dogs kept in a single location under one ownership for breeding, hunting, show, training, field trials and exhibition purposes.~~

**LAND MANAGEMENT ROAD:** A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

**LICENSED FORESTER:** A forester licensed under 32 M.R.S.A. Chapter 76.

**LINE OF SIGHT:** The direct line of vision from one point to another ~~view of the object from the designated scenic resource.~~

**LOCALLY ESTABLISHED DATUM:** For the purposes of this ordinance, 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), North







Section 4401, Subsection 4, ~~involving commercial, industrial, governmental or institutional uses or structures. This shall include new structures and the division of existing structures housing three (3) or more commercial businesses, industries, governmental institutions or agencies, institutional entities, or combinations thereof. This definition shall not apply to agricultural buildings or land uses.~~

**NORMAL HIGH WATER MARK OF INLAND WATERS:** Normal high-water line - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond. (By way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: water lily, pond lily, pickerel weed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or slumping banks), the normal high water mark shall be estimated from places where it can be determined by the above method.

**NORTH AMERICAN VERTICAL DATUM (NAVD):** The national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound, and subsidence and the increasing use of satellite technology.

**ONE HUNDRED YEAR FLOOD:** See "Base Flood"

**OFFICIAL SUBMITTAL DATE:** The date upon which the ~~Board-Town~~ issues a receipt indicating an ~~complete~~ application has been submitted.

**OUTLET STREAM:** Any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

**PARABOLIC ANTENNA:** An antenna which is bowl-shaped, designed for the reception and or transmission of radio frequency communications signals in a specific directional pattern. (also known as a satellite dish antenna or parabolic dish)

**PERMITTED USE:** A use specifically allowed by an ordinance. A permit may or may not be required.



RECENT FLOOD PLAIN SOILS: The following soils as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

RECONSTRUCTION: Restoration, remodeling, or rebuilding of a ~~non-conforming~~ structure.

RECORDING PLAN: ~~A copy of t~~The Final Plan which is recorded at the Registry of Deeds ~~and which need not show information not relevant to the transfer of an interest in the property, such as culverts and building lines.~~

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

RECREATIONAL VEHICLE: A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

~~In addition, a Recreational Vehicle is:~~

- ~~— 1. built on a single chassis;~~
- ~~— 2. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;~~
- ~~— 3. designed to be self-propelled or permanently towable by a motor vehicle; and~~
- ~~— 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

REGULATORY FLOODWAY:

1. The channel of a river or other water course 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; and
2. When not designated on the community's Digital Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.





**SIGN:** Any advertising or informational notice or part thereof, or any attachment to any structure, upon which there is painted, represented or displayed any letter, word, model, banner, flag, Pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.

**SIGN AREA:** That portion of a sign which contains advertising content. Advertising content shall include all text, graphics, logos or symbols that advertise goods or services available on the premises. Where the advertising content is only a portion of a larger structure, such as painted onto a wall, the sign area shall be calculated as the smallest rectangle that can encompass the content. Where a sign contains advertising content on two opposing faces, the area shall be calculated as the size of a single face.

**SKID ROAD OR TRAIL:** A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

**SLASH:** The residue, e.g., treetops and branches, left on the ground after a timber harvest.

**START OF CONSTRUCTION:** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, substantial improvement or other improvement was within one (1) year of the permit date, or for floodplain management purposes within 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 basements, 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 main structure.

**STORM-DAMAGED TREE:** A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

**STREAM:** A free-flowing body of water from the outlet of a great pond or the point of confluence of two (2) perennial streams as depicted on the most recent highest resolution version of the national hydrography dataset available from the a United States Geological Survey on the website of the United States Geographical Survey or the national map to the point where the stream becomes a river, or to another water body or wetland within the shoreland area.

**STREET:** Public and private ways such as alleys, avenues, boulevards, highways, roads, circles, drives, lanes, and other rights-of-way, as well as areas on subdivision plans designated as

rights-of-way.

**STREET CLASSIFICATION:**

**Arterial Street:** A major thoroughfare which serves as a major traffic way for travel through the municipality.

**Collector Street:** A street servicing at least fifteen lots or dwelling units, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

**Industrial or Commercial Street:** Streets servicing industrial or commercial uses.

**Minor Street:** A street servicing fewer than fifteen lots or dwelling units.

**Private Right of Way:** A vehicular access way serving ~~no more than eight~~ dwelling units, which is not intended to be dedicated as a public way, and is so designated on the Final Plan.

**STRUCTURE:** Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, attached or unattached, but exclusive of fences and utility poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, Quonset-hut style shelters, and satellite dishes. Also, for floodplain management purposes, a walled and roofed building such as a gas or liquid storage tank that is principally above ground is also a structure. A structure does not include subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

**STRUCTURE COVERAGE:** When calculating the percentage of lot coverage taken up by a structure, the area of the structure including the foundation and, in addition, any overhangs including decks, eaves, steps, or any other projecting part of the building.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure, the value 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 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 comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or





**VOLUME:** The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of the walls and roof. This includes basements, as defined.

**WATER BODY:** Any great pond, river or stream.

**WATER CROSSING:** Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fjords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

**WELL DISTRIBUTED STAND:** A well distributed stand of trees shows patterns of the natural character of a healthy shoreline forest and includes consideration of such things as, but not necessarily limited to, soil capability, aspect and slope, species diversity of the site, as well as the horizontal and vertical structure of the tree stand, and the health and quality of both the tree stand itself and also of individual trees within the stand.

**WETLAND:** A freshwater wetland.

**WILD CROPS:** Vegetation, not cultivated nor tended, for the purpose of consumption.

**WINDFIRM:** The ability of a forest stand to withstand strong winds and resist wind throw, wind rocking, and major breakage.

**WIRELESS TELECOMMUNICATIONS TOWER AND FACILITY:** (1) A parcel of land containing a tower, sending and receiving antennas attached to the tower, and a prefabricated or modular structure or cabinets containing electronic equipment; (2) a Federal Communications Commission (FCC)-licensed facility, designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices and equipment. For purposes of this Ordinance, amateur radio transmission facilities and facilities used exclusively for receive-only antennas are not classified as wireless telecommunications towers and facilities.~~Any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services.~~

**WOODY VEGETATION:** Live trees or woody, non-herbaceous shrubs.