TOWN OF WALES
DEFINITIONS ORDINANCE

Final Draft: April 7, 2011
 Adopted: June 11, 2011
Article 1. Purpose, Authority, Administration, and Effective Date

1.1 Purpose
The purpose of this ordinance is to create/provide one document for definitions of language used in within Adopted Ordinances of the Town of Wales including, but not limited to, Town of Wales Subdivision Ordinance, Town of Wales Land Use Ordinance, Town of Wales Road, Town of Wales Shoreland Zoning Ordinance, Town of Wales Site Plan Ordinance, Town of Wales Telecommunications Ordinance, and Town of Wales Flood Plain Management Ordinance.

1.2 Authority and Administration
This Ordinance shall be known and may be cited as “Definitions Ordinance of the Town of Wales” and shall be referred to herein as “this Ordinance”. This document will replace the definitions section(s) of all Town Ordinances and will be a required distribution with any town Ordinance.

1.3 Effective Date
The effective date of this Ordinance shall be the date of the 2011 Town Meeting of the Town of Wales held on June 11, 2011.

1.4 Repeal of Existing Definitions Ordinance of the Town of Wales
Adoption of this ordinance shall repeal any and all previous definitions ordinances of the Town of Wales. This shall not prevent the enforcement of repealed ordinances or regulations with respect to the time periods in which they were in effect.

Article 2. Language

2.1 Construction of Language
In the interpretation and enforcement of this Code, all words shall have the meaning implied by their context in the various ordinances or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Code 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 includes 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 “road” includes the word “street”, as applied to any route for vehicular access other than a driveway.

The words "Town" or "municipality" means the Town of Wales, Maine.

The words “Town of Wales Adopted Ordinances” means all Ordinances in effect that have been Adopted by the Town of Wales, Maine.

**Article 3. Definitions**

### 3.1 Application of Definitions

All definitions herein will have associated Ordinances appended to the definition; those with multiple associations will be so listed. It can be assumed that all Ordinance titles listed in the legend are prefaced or appended with “Town of Wales”. If there is a difference in definition for different Ordinances, there will be multiple definitions within the single entry with appropriate designations for associated Ordinances. The abbreviated ordinance associations are as listed in the following legend:

- Land Use: Land Use Ordinance
- Floodplain: Floodplain Management Ordinance
- Mining: Town of Wales Mining Ordinance
- Road: Road Ordinance
- Shoreland: Shoreland Zoning Ordinance
- Site Plan: Site Plan Review Ordinance
- Subdivision: Subdivision Ordinance
- Telecommunications: Wireless Telecommunications Facilities Siting Ordinance
- Definitions: Definitions Ordinance

### 3.2 Definitions

**100-year flood:** See **Base Flood**. (Floodplain)

**Abutter:**
1) The owner of any property with at least one common boundary or point, or that lies across a road, driveway, or stream from the property in an application or appeal. (Land Use; Site Plan)
2) Any landowner within five hundred (500) feet of the property that the tower or facility will be located on. (Telecommunications)

**Access Point:** A point of entry/access from a town or public way to a piece of property, development, or subdivision. (Subdivision)

**Accessory Structure or Use:** A use or structure (detached) that is incidental and 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. (Site Plan; Land Use; Floodplain; Shoreland).
Activity: Any excavation or removal, handling or storage of sand, gravel, borrow, rock, clay, minerals, or topsoil to including but not limited to sand or gravel pits, clay pits, borrow pits, quarries, mines, and topsoil mining or removal. (Mining)

Adjacent Grade - means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (Floodplain.)

Administrative Appeal: An appeal in which it is alleged that there is an error in any order, requirement, decision, or determination made by, or a failure to act by, the Code Enforcement Officer or Planning Board in the administration of the Town Ordinances. This definition does not allow for the appeal of a violation. (Land Use)

Affected Land: The land area from which the overburden will be or has been removed; land upon which stumps, spoil, or other solid waste will be or has been deposited; and any storage area that will be or has been used in connection with the development, except a natural buffer strip. (Mining)

Affordable Housing: A safe and sanitary dwelling for a household whose income does not exceed 80% of the median household income for the community. (Subdivision)

Aggrieved Party: 1) A person whose land is directly or indirectly affected by the granting or denial of a permit or variance under the Town Ordinances. 2) A person whose land abuts land for which a permit or variance has been granted. 3) Any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance. (Land Use; Site Plan; Shoreland)

Agricultural Fairgrounds: Incorporated or state-licensed fairgrounds. (Site Plan)

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. (Site Plan; Shoreland)

Amusement Facility: Any private, commercial premises that 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. (Site Plan)

Antenna: Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals. (Telecommunications)

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. (Telecommunications)

Applicant: For purposes of the Town Ordinances, applicant means the person applying for a subdivision and having title, right or interest in the parcel under question and includes, for purposes of Article 9.1.B, the parents, grandparents, in-laws, siblings and children of the person submitting the application. (Subdivision)
Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species. (Site Plan; Shoreland)

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 Hazard Boundary Map cited in Article I of the Floodplain Management Ordinance. (Floodplain)

Arterial Street: A major thoroughfare that serves as a major traffic way for travel within and through the municipality. (Subdivision; Road)

Automobile Repair Shop: A business establishment engaged in general repair, engine rebuilding, and/or parts replacement of motor vehicles. (Site Plan)

Automotive Body Shop: A business establishment engaged in body, frame, or fender straightening and repair, or painting and undercoating of motor vehicles. (Site Plan)

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

Basal Area: The area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark. (Shoreland)

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood. (Floodplain; Shoreland)

Basement:  
1) Any area of the building having its floor subgrade (below ground level) on all sides. (Floodplain)  
2) 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. (Shoreland)

Bed and Breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for less than one (1) week for compensation. This dwelling must also be the full-time, permanent residence of the owner. There must be no provisions for cooking in any individual guest room. (Site Plan)

Boarding/Lodging Facility: Any residential structure where lodging and/or meals are provided for compensation for a period of at least one (2) week and where a family residing in the building acts as proprietor or owner. There must be no provisions for cooking in any individual guest room. (Site Plan)

Boat-Launching Facility: A facility designed primarily for the launching and landing of watercraft and that may include an access ramp, docking area, and parking spaces for vehicles and trailers. (Site Plan; Shoreland)

Brook: See Stream, River, or Brook. (Subdivision)

Bureau: State of Maine Department of Conservation’s Bureau of Forestry (Shoreland)

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. (Site Plan)
**Business/Professional Uses**: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services. (Site Plan)

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

**Canopy**: The more of less continuous cover formed by tree crowns in a wooded area.

**Certificate of Compliance**: A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of the Town Ordinances. (Floodplain)

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

**Code Enforcement Officer** – A person certified under Title 30-A MRSA, Section 4451 (including exceptions in Section 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances. (Land Use; Site Plan; Floodplain)

**Co-location**: The use of a wireless telecommunications facility by more than one wireless telecommunications provider. (Telecommunications)

**Collector Street**: A street serving at least twenty (20) lots or dwelling units, or a street that serves as a feeder to arterial streets and collector of traffic from minor streets. (Subdivision; Road)

**Commercial Establishment**: Establishments that render goods and/or services primarily on a retail basis that are customarily carried on in a building specifically for that purpose, such as retail stores, service stations, restaurants, etc. (Site Plan)

**Commercial Recreation**: Any commercial enterprise that 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 amusement centers, as defined herein. (Site Plan)

**Commercial Street**: See Industrial or Commercial Street. (Subdivision; Road)

**Commercial Use**: The use of lands, buildings, or structures, other than a “home occupation” as defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units. (Site Plan; Shoreland)

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

**Common Driveway**: A vehicle access way serving three (3) or fewer dwelling units. (Subdivision; Land Use; Road)

**Complete Application**: An application for which the required fee and all information required by these regulations for a final plan have been submitted, or for which a vote of the Board has
waived the submission of required information. The Board shall issue a notification to the applicant upon its determination that an application is complete. (Subdivision)

**Day Care/Nursery School:** A building or use of property operated for the care or instruction of more than three (3) children, exclusive of children who may be living in the home that is serving as the day-care or nursery-school facility. (Site Plan)

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

**Designated Scenic Resource:** A specific location, view, or corridor, as identified as a scenic resource in the municipally adopted comprehensive plan or by a State or federal agency, that consists of:

A) a three dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of objects, such a downtown skyline or mountain range, resulting in a panoramic view corridor; or

B) lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

(Telecommunications)

**Developed Area:** Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets. (Subdivision)

**Development:**

1. Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. (Floodplain, Land Use, Site Plan)

2. 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. (Shoreland)

**Dimensional Requirements:** Numerical standards relating to spatial relationships, including but not limited to frontage, lot width, lot area, percentage of lot coverage, structure height, shore frontage, percentage of structure expansion, and setbacks. (Land Use; Site Plan; Shoreland)

**Direct Watershed:** That portion of the watershed that does not first drain through an upstream lake. (Subdivision)

**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. (Shoreland)

**Ditch, Inlet:** A watercourse flowing into a culvert. (Land Use)

**Ditch, Outlet:** A watercourse following out of a culvert. (Land Use)

**Driveway:**

1. A vehicular access way serving 3 lots or fewer. A driveway is not considered a structure. (Land Use; Site Plan)

2. A vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less. (Shoreland)
**Driveway Entrance:** The connection between a driveway and a town-maintained road. (Land Use)

**Dwelling Unit:** A room, or group of rooms, designed for permanent, seasonal, or temporary living quarters for only one (1) family, including provisions for eating, sleeping, and cooking. The term shall include mobile homes but shall not include travel trailers or other recreational vehicles. (Site Plan)

**Dwelling, Multi-Family:** A structure containing three (3) or four (4) 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. (Site Plan)

**Dwelling, Single-Family:** Any structure containing one (1) dwelling unit for occupation by not more than one (1) family. Units may be attached. (Site Plan)

**Dwelling, Two-Family:** Any structure containing only two (2) dwelling units, for occupation by not more than two (2) families. (Site Plan)

**Dwelling:** Any structure or portion thereof designed or used for residential purposes. (Site Plan)

**Elevated Building:** A non-basement building

A) built, in the case of a building in Zone A, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, post, 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 foot above the magnitude of the base flood.

In the case of Zone A, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.K..

(Floodplain)

**Elevation Certificate:** An official form (FEMA Form 81-31, 01/03, as amended) that:

A) is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,

B) is required for purchasing flood insurance.

(Floodplain)

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

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

**Existing Public Street:** Roads that are maintained by the town of Wales and/or the state of Maine. (Subdivision; Road)

**Expansion:** The addition of antennas, towers, or other devices to an existing structure. (Telecommunications)
Expansions of a Nonconforming Structure: An increase in the floor area or volume of a nonconforming structure, including but not limited to dormers, additions, decks, garages, patios, porches, and greenhouses, that does not become more invasive into the setback area. (Land Use; Site Plan)

Expansion of Operation: Excavation operations that exceed the approved area or footprint. (Mining)

Expansions of a Structure: An increase in the floor area or volume of a structure, including but not limited to dormers, additions, bay windows, decks, garages, patios, porches, and greenhouses. (Land Use; Site Plan; Shoreland)

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. (Shoreland)

FAA: The Federal Aviation Administration, or its lawful successor. (Telecommunications)

Family: One or more persons occupying a premises and living as a single housekeeping unit. (Site Plan; Shoreland)

FCC: The Federal Communications Commission, or its lawful successor. (Telecommunications)

Final Plan: The final drawings on which the applicant’s plan of subdivision is presented to the Board for approval and that, if approved, will be recorded at the Registry of Deeds. (Subdivision)

Flood or Flooding:
A) A general and temporary condition of partial or complete inundation of normally dry land areas from:
   1. The overflow of inland or tidal waters.
   2. The unusual and rapid accumulation or runoff of surface waters from any source.
B) 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 a.1. of this definition. (Floodplain)

Flood Elevation Study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. (Floodplain)

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of the base flood have been designated. (Floodplain)

Floodplain or Flood-prone Area: Any land area susceptible to being inundated by water from any source (see flooding). (Floodplain)

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)

Floodplain Management Regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a 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 provide standards for the purpose of flood damage prevention and reduction. (Floodplain)
**Floodproofing**: Any combination of structural and non-structural 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 contents. (Floodplain)

**Floodway**: see *Regulatory Floodway*. (Floodplain; Shoreland)

**Floor Area**: The sum of the horizontal area 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. (Land Use, Site Plan; Shoreland)

**Forested Wetland**: A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller. (Shoreland)

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

**Foundation**: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick, or similar material. (Site Plan; Shoreland)

**Freeboard** - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain 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. (Floodplain)

**Freshwater Wetland**: Freshwater swamps, marshes, bogs, and similar areas, other than forested wetlands, that:

A) are 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 surface area is in excess of 10 acres;

B) are inundated or saturated by surface water or groundwater at a frequency and for a duration sufficient to support, and that under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and

C) are not considered part of a great pond, coastal wetland, river, stream, or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

(Subdivision; Site Plan; Shoreland)

**Frontage, Lot**: The length of a lot bordering on a public or private road measured in a straight line between the intersections of the side property lines with the right-of-way line of the public or private road. (Land Use)

**Functionally Dependent Use**: 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. (Floodplain)

**Functionally Water-Dependent Uses**: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and that cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings; port facilities; shipyards and boat-building facilities; marinas; navigation aides; basins
and channels; industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and that cannot reasonably be located or operated at an inland site; and uses that primarily provide general public access to coastal or inland waters. (Site Plan; Shoreland)

**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. (Site Plan)

**Governmental Use**: Any department, commission, independent agency, or instrumentality of the United States; of a state, county, incorporated or unincorporated municipality, township, authority, district; or of another governmental unit. (Site Plan)

**Great Pond**: Any inland body of water that in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased that has a surface area in excess of thirty (30) acres except for the purposes of the Town of Wales Adopted Ordinances, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner. (Site Plan; Shoreland)

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

**Handling, Processing, or other Accessory Uses**: Any washing, screening, crushing, mixing or storage of sand, gravel, stone, rock, clay, topsoil, or any other material of any kind from either on or off site; to include: any washing or screening operations: concrete mix or asphalt batching plants; blasting or mining of material; storage of material from off site; disposal, placing, or storing of any materials that are not going to be used in any process or production in conjunction with the extraction activity; or ore concentration processes. (Mining)

**Height**: The vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings. (Telecommunications)

**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, steeples, antennas, and similar appurtenances that have no floor area. (Site Plan; Shoreland)

**High-Intensity Soil Survey**: A soil survey conducted by a certified soil scientist, meeting the standards of the National Cooperative Soil Survey, that identifies soil types down to one-tenth (1/10) of an acre or less at a scale equivalent to that of the subdivision plan submitted. The mapping units shall be the soil series. Single soil-test pits and their evaluation shall not be considered to constitute high-intensity soil surveys. (Subdivision)

**Historic Structure or Archaeological Resources**: Resources/Structures that are:

A) 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;
B) 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;
C) Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior;
D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by the Secretary of the Interior through the Maine Historic Preservation Commission; or
E) Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan, which have been listed on the National Register of Historic Places.

(Telecommunications; Floodplain)

Historic District: 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 identified in the municipality's comprehensive plan, which is listed or is eligible to be listed on the National Register of Historic Places. Such historic districts may also comprise individual elements separated geographically, but linked by association or history. (Telecommunications)

Historic Landmark: Any improvement, building or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places. (Telecommunications, Subdivision)

Home Occupation: An occupation or profession that is customarily conducted on or in a residential structure or property and that: 1) is clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) employs no more than two (2) persons other than family members residing in the home. (Site Plan; Shoreland)

Hospital: An institution providing, but not limited to, overnight health services, primarily for inpatients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central services facilities, and staff offices. (Site Plan)

Hotel/Motel: A commercial building or group of buildings with sleeping rooms without cooking facilities, built to accommodate, for a fee, travelers and other transient guests who are staying for a limited duration, 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. (Site Plan)

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. (Shoreland)

**Individual Private Campsite:** An area of land that is not associated with a campground but that is developed for repeated camping by only one (1) group, not to exceed ten (10) individuals, and that involves site improvements that may include but not be limited to a gravel pads, parking areas, fireplaces, or tent platforms. (Site Plan; Shoreland)

**Industrial or Commercial Street:** A street serving industrial or commercial uses. (Subdivision)

**Industrial Park or Development:** A subdivision developed exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users. (Subdivision)

**Industrial (Use):** The assembling, fabrication, finishing manufacturing, packaging, or processing of goods, or the extraction of minerals. (Site Plan; Shoreland)

**Institutional (Use):**
A) A building or use devoted to some public, governmental, educational, charitable, medical, or similar purpose. (Land Use)
B) 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. (Shoreland, Site Plan)

**Junkyard:** A yard, field, or other area used as a place of storage for: 1) discarded, worn-out, or junked plumbing, heating supplies, household appliances, and furniture; 2) discarded, scrap, 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. (Site Plan)

**Kennel:** A commercial establishment in which, for a fee, more than four (4) dogs or four (4) cats are sold, housed, bred, boarded, or trained. (Site Plan)

**Line of sight:** The direct view of the object from the designated scenic resource. (Telecommunications)

**Locally Established Datum:** 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. (Floodplain)

**Lowest Floor:** 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 non-elevation design requirements described in Article VI.K. of the Town’s Floodplain Ordinance. (Floodplain)

**Lot:** A parcel of land described on a deed, plan, or similar legal document. (Land Use)

**Lot Area (Size):** The area of land enclosed within the property lines of a lot, minus the following: land beneath the normal high-water line of a water body, land beneath the upland
edge of a wetland; land beneath roads serving more than 2 lots; and land encumbered by an easement or a right-of-way. (Land Use; Site Plan; Shoreland)

**Lot Frontage:** See “Frontage, Lot.” (Land Use)

**Lot Line:** See “Property Line, Rear,” and “Property Line, Side.” (Land Use)

**Lot of Record:** Land designated as a separate and distinct parcel in a legally recorded deed or plan filed in the Androscoggin County Registry of Deeds. (Land Use)

**Lot Size:** See “Lot Area.” (Land Use)

**Lot Width:** The horizontal distance between the side property lines measured at the setback line. (Land Use)

**Marina:** A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities. (Site Plan; Shoreland)

**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. (Site Plan; Shoreland)

**Manufactured Home or Housing:**

1) A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. (Floodplain)

2) A structural unit or units designated for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and is transported to a building site where it is used for housing and that may be purchased or sold by a dealer in the interim. For purposes of this section, two (2) types of manufactured housing are included. Those two (2) types are:

A. Those units constructed after June 15, 1976, commonly called “newer mobile homes,” that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one (1) or more sections that in the traveling mode are fourteen (14) body feet or more in width and are seven hundred and fifty (750) or more square feet and that are built on a permanent chassis and are designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air-conditioning, or electrical systems contained in the unit.

1. This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974,, United States Code, Title 42, Section 5401, et. seq.
B. Those units, commonly called “modular homes” that the manufacturer certifies are constructed in compliance with Title 10, Chapter 957 and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundation when connected to required utilities, including the plumbing, heating, air-conditioning, or electrical systems contained in the unit.

(Subdivision; Land Use)

Manufactured Home Park or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (Floodplain)

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Hazard Boundary Map are referenced. (Floodplain)

Mineral Exploration: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources that create minimal disturbance to the land and that include reasonable measures to restore the land to its original condition. (Site Plan; Shoreland)

Mineral Extraction: Any operation within any twelve- (12-) month period that removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from the natural location and that transports the product removed away from the extraction site. (Site Plan; Shoreland)

Minimum Lot Width: The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines. (Site Plan; Shoreland)

Minor Development: All development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.I., 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. (Floodplain)

Minor Street: A street serving less than twenty (20) lots or dwelling units. (Subdivision; Road)

Mobile-Home Park: A parcel of land under unified ownership for the placement of three (3) or more manufactured homes. (Subdivision)

Mobile-Home-Park Lot: The area of land on which an individual home is situated within a mobile-home park and that is reserved for use by the occupants of that home. A municipality shall require a lot to be designated on a mobile-home-park plan. (Subdivision)

Multi-Unit Residential: A residential structure containing three (3) or more residential dwelling units. (Subdivision; Site Plan; Shoreland)

Natural-Resource-Based Industry: Includes the extraction and processing or water, wood and lumber, minerals and soils, and the associated retail functions. Examples include wells and bottling plants, sawmills and lumberyards, and mining and soil-processing industries. (Site Plan)

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)”. (Floodplain)
**Native:** Indigenous to the local forests. (Shoreland)

**Natural-Resource-Based Recreation:** Outdoor commercial recreational facilities that have a primary characteristic of requiring a sizable amount of land, including but not limited to ball fields, golf courses, driving ranges, and the associated retail functions must be incidental to the recreational use and may include the sale or rental of goods and services related to the recreation, as well as refreshment stands. (Site Plan)

**Net Residential Acreage:** The total acreage available for the subdivision and shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development. (Subdivision)

**Net Residential Density:** The average number of dwelling units per net residential acre. (Subdivision)

**New Construction:** Structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures. (Floodplain)

**Non-conforming Condition:** Non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect. (Shoreland)

**Non-conforming Lot:** A single lot of record that, at the effective date of adoption or amendment to the Town of Wales Adopted Ordinances, does not meet the area, frontage, or width requirements stated in the Ordinances. (Land Use; Site Plan; Shoreland)

**Non-Conforming Structure:** A structure that does not meet any one (1) or more of the dimensional requirements of setback, height, or lot coverage but that is allowed solely because it was in lawful existence at the time the ordinance or subsequent amendments took effect. (Land Use; Site Plan; Shoreland)

**Non-Conforming Use:** Use of buildings, structures, premises, land, or parts thereof that is not allowed in the district in which it is situated but that is allowed to remain solely because it was in lawful existence at the time the ordinance or subsequent amendments took effect. (Site Plan; Shoreland)

**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 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 great pond during the period of normal high-water are considered part of the great pond. (Site Plan; Shoreland)

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

**Official Submittal Date:** The date upon which the Board issues a notification indicating that a complete application has been submitted. (Subdivision)

**One-Hundred (100-) Year Flood:** The flood having one (1-) percent chance of being equaled or exceeded in any given year. (Subdivision)

**Open Space Design:** See Open-Space Subdivision. (Land Use)

**Open-Space Subdivision:** A subdivision in which the lot sizes are reduced below those normally required, in return for the provision of permanent open space owned in common by lot/unit owners, the town, or a land-conservation organization. Clustering shall not be used to
increase the overall net residential density of the development except as provided under Article 9.13.C.3.b.i. (Subdivision)

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

**Parcel, or Tract, of Land:**
1) All contiguous lands in the same ownership, whether or not the tract is separated at any point by an intermittent or non-navigable stream; tidal waters where there is no flow at low tide; or a private road established by the abutting landowners provided that lands located on opposite sides of a public or private road are each considered a separate parcel, unless the road was established by the owner of the land on both sides of the road. (Land Use, Subdivision)

**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, min-parks, athletic fields, boat-launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary facilities, rest rooms, bathhouses, and the maintenance of such land and facilities. The term does not include campgrounds, commercial-recreation facilities, or amusement facilities. (Site Plan)

**Person (or Party):** An individual, a corporation, a governmental agency, a municipality, a trust, an estate, a partnership, an association, two or more individuals having a joint or common interest, or any other legal entity. (Land Use; Site Plan; Shoreland)

**Piers, Docks, Wharves, Bridges, and Other Structures:** Any uses extending over or beyond the normal high-water line or within a wetland.

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

(Site Plan; Shoreland)

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

**Principal Structure:**
1) A structure in which the primary use of the lot is conducted. (Land Use; Site Plan)
2) A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises. (Shoreland)

**Principal Use:** A use other than one that is wholly incidental or accessory to another use on the same premises. (Site Plan; Telecommunications; Shoreland)

**Privately Owned Street:** A street that is not intended to be dedicated as a town way. (Subdivision; Road)

**Professional Uses:** The office of a member of a recognized profession maintained for the conduct of that profession. (Site Plan)

**Property Line:** A line dividing a parcel of land from another. (Land Use)

**Property Line, Rear:** The line opposite the line that forms the lot frontage or the shore frontage. (Land Use)
Property Line, Side: Any property line that is not a rear property line or that does not form the lot frontage or the shore frontage. (Land Use)

Public Facility: Any facility, including but not limited to buildings, property, recreation areas, and roads, that are owned, leased, or otherwise operated or funded by a governmental body or public entity. (Site Plan; Shoreland)

Public Recreational Facility: A regionally or locally significant facility, as defined and identified either by State statute or in the municipality's adopted comprehensive plan, designed to serve the recreational needs of municipal property owners. (Telecommunications)

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. (Site Plan)

Public/Private Schools: Primary and secondary schools or parochial schools that satisfy either of the following requirements: 1) the school is not operated for a profit or as a gainful business; or 2) the school teaches courses of study that are sufficient to qualify attendance in compliance with State Compulsory Education Requirements. (Site Plan)

Rear Property Line: See “Property Line, Rear.” (Land Use)

Recent Flood-Plain Soils: The following soil series as described and identified by the National Cooperative Soil Survey: Alluvial; Cornish; Charles; Fryeburg; Hadley; Limerick; Lovewell; Medomak; Ondawa; Podunk Rumney; Saco; Suncook; Sunday; Winooski. (Site Plan; Shoreland)

Reclamation: The restoration or continued maintenance of the area of land affected by mining under a reclamation plan. This may include but is not limited to, grading and shaping of the land, the creation of lakes or ponds, the planting of forests, the seeding of grasses, legumes, or crops for harvest, or the enhancement of wildlife and aquatic resources. (Mining)

Reclamation Plan: A plan which depicts how the project will be restored, or maintained, after excavation is complete. Such a plan usually includes final grading and re vegetation plans, of any given phase. (Mining)

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. (Site Plan; Shoreland)

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed and designed for temporary sleeping or living quarters for one (1) or more persons, and that 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. (Site Plan; Shoreland)

Recycling Operation: A privately owned facility for the recycling of heavy goods and bulk metal and products. (Site Plan)

Regulatory Floodway:

a. 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

b. In Zone A riverine areas, the floodway 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. (Floodplain; Shoreland)
**Replacement System:** A system intended to replace: 1) an existing system that is either malfunctioning or being upgraded with no significant change of design flow or use of the structure; or 2) any existing overboard wastewater discharge. (Site Plan; Shoreland)

**Residential Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as a permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping, and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units. (Site Plan; Shoreland)

**Residual basal area:** The sum of the basal area of trees remaining on a harvested site. (Shoreland)

**Residual Stand:** A stand of trees remaining in the forest following timber harvesting and related activities. (Shoreland)

**Retail Business:** A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate customer for direct use or consumption and not for resale. (Site Plan)

**Recording Plan:** A copy of the final plan that is recorded at the Registry of Deeds and that need not show information not relevant to the transfer of an interest in the property, such as sewer- and water-line locations and sizes, culverts, and building lines. (Subdivision)

**Resubdivision:** The division of an existing subdivision or any change in the plan for an approved subdivision that affect the lot lines, including land transactions by the subdivider not indicated on the approved plan. (Subdivision)

**Right-of-Way:** An easement for vehicular and pedestrian access. (Land Use)

**Right-of-Way Line:** The outer limits of the traveled way of a driveway or road or the limits of the easement of a driveway or road, where defined. (Land Use)

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

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

**Road:**

1) Any public ways and private ways, including collector streets, minor streets, private streets, areas on activity plans designated as rights-of-way, and common driveways for vehicular access, designed and constructed in accordance with the Town of Wales Road Ordinance. (Subdivision; Land Use; Mining, Road Ord.)

2) A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined. (Shoreland)

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

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

(Site Plan; Shoreland)

Setback: The nearest horizontal distance from a property line or the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space, or other regulated object or area. (Site Plan; Land Use; Mining, Shoreland)

Shore Frontage: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline. (Site Plan; Land Use; Shoreland)

Shoreland Zone: 1) The land area located within 250 feet, horizontal distance, of the normal high-water line of any great pond. 2) The land area located within 250 feet, horizontal distance, of the upland edge of a freshwater wetland. 3) The land area located within 75 feet, horizontal distance, of the normal high-water line of a stream. (Land Use; Site Plan; Shoreland)

Shoreline: The normal high-water line, or upland edge of a freshwater wetland. (Shoreland)

Side Property Line: See “Property Line, Side.” (Land Use)

Sight Distance: The distance required to see an object from a driveway entrance with the eye and the object both at 3.5 feet above the ground and from a point at the driveway entrance 15 feet from the centerline of the traveled way of the town-maintained road. (Land Use; Road Ord.)

Significant Scenic-View Locations: Points where scenic views can be accessed, as identified in the Town of Wales Comprehensive Plan. (Subdivision)

Significant River Segments: See Appendix B or 38 MRSA section 437. (Shoreland)

Site (Activity Site): All of the land area disturbed or otherwise developed for the extraction, removal, processing, or storage of sand, gravel, clay, minerals, stone, rock, or topsoil; including any access roads and cleared areas adjacent to a pit or excavated area Normal High Water Mark of Inland Waters: That line of the shores and banks of nontidal water which is apparent because of the different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plant and plant groups: water lily, pond lily, pickerel weed, cattail, wild rice, sedges, rushes, and marsh grasses, and terrestrial vegetation included but is not limited to the following plants and plant groups, Upland grasses, aster, lady slipper, wintergreen, partridgeberry, sarsaparilla, pines, cedars, oaks, ash, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark shall be estimated from places where it can be determined by the above method. (Mining)

Skid 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. (Shoreland)

Slash: The residue, e.g., treetops and branches, left on the ground after a timber harvest. (Shoreland)

Special Flood Hazard Area: See Area of Special Flood Hazard. (Floodplain)

Square Footage: See “Floor Area.” (Land Use)
Start of Construction: 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 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 main 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, or modification of any construction element, whether or not that alteration affects the external dimensions of the building. (Floodplain)

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

Stream, River, or Brook: A channel between defined banks. A channel created by the action of surface water has two (2) or more of the following characteristics:
A. 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.
B. It contains or is known to contain flowing water continuously for a period of at least three (3) months of the year in most years.
C. The channel of the bed is primarily composed of mineral material such as sand and gravel, parent material, or bedrock that has been deposited or scoured by water.
D. The channel contains aquatic animals such as fish, aquatic insects, or mollusks in the water or, if no water is present, within the stream bed.
E. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

(Subdivision)

Structure:
1) Anything built, either temporarily or permanently, for the support, shelter, or enclosure of people, animals, goods, or property of any kind, together with anything constructed or erected, either temporarily or permanently, with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors and wells. The term includes structures temporarily or permanently located, such as mobile homes, modular homes, decks, patios, and satellite dishes. (Land Use; Site Plan; Shoreland)
2) For floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure. (Floodplain)

Subdivision: As defined in Title 30-A, M.R.S.A., Section 4401. (Land Use; Sub-Div. Ord)
Subdivision, Major: Any subdivision containing more than five (5) lots, dwelling units, or units in a shopping center or similar commercial establishment, or any subdivision containing a proposed street. (Subdivision)

Subdivision, Minor: Any subdivision containing no more than five (5) lots, dwelling units, or units in a shopping center or similar commercial establishment, and in which no street is proposed to be constructed. (Subdivision)

Substantial Construction (Start): The completion of any of the improvement(s) to the total property or individual lots or infrastructure improvements that are equivalent to thirty (30) percent of the total developer’s cost of such improvements. (Subdivision; Site Plan; Shoreland)

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. (Floodplain)

Substantial Improvement: Any reconstruction, 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. The term does not, however, include either:

a. 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 local code enforcement official and which are the minimum necessary to assure safe living conditions; or
b. 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 community’s Board of Appeals. (Floodplain)

Subsurface Sewage-Disposal System: Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system. (Site Plan; Shoreland)

Surface Water: Any water flowing on the surface, either channelized or by sheet flow including, but not limited to, rivers, streams, brooks, ponds, lakes and any swamp, marsh, bog or other contiguous lowland where water is periodically ponded on the surface. (Mining)

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area. (Site Plan; Shoreland)

Targeted Market Coverage Area: The area which is targeted to be served by this proposed telecommunications facility. (Telecommunications)

Timber Harvesting: The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting. (Site Plan; Shoreland)

Timber Harvesting and related activities: Timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting. (Shoreland)
Tract, or Parcel, of Land: See Parcel, or Tract, of Land.

Traveled Way: The actual portion of a driveway or road that is used for vehicular or pedestrian access. (Land Use)

Tributary Stream: A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. (Site Plan; Shoreland)

Unit: A room or group of rooms designed or equipped exclusively for a permanent, pedestrian access. (Land Use)

Unit, Commercial: A room or group of rooms designated or equipped exclusively for only one type of permanent, seasonal, or temporary commercial use. The term includes motor vehicles on which motor vehicle taxes are not current. (Land Use)

Unit Residential: A room or group of rooms designed or equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term includes mobile homes and includes recreational vehicles on which excise taxes are not current. (Land Use)

Unreasonable Adverse Impact: When the proposed project would produce an end result which is:

A) excessively out-of-character with the designated scenic resources affected, including existing buildings structures and features within the designated scenic resource, and

B) would significantly diminish the scenic value of the designated scenic resource. (Telecommunications)

Upland Edge (of a Wetland): 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. (Site Plan; Shoreland)

Vacant Lot: A lot on which no structure exists. (Land Use)

Variance: A grant of relief by a community from the terms of a floodplain management regulation. (Floodplain)

Variance Appeal: An appeal for relief from dimensional requirements of the Land Use Ordinance. (Land Use)

Vegetation: All live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under four (4) inches in diameter, measured at four and one-half (4½) feet above ground level. (Site Plan; Shoreland)

Viewpoint: A location which is identified either in the municipally adopted comprehensive plan or by a federal or State agency, and which serves as the basis for the location and determination of a particular designated scenic resource. (Telecommunications)

Violation: The failure of a structure or development to comply with a community's floodplain management regulations. (Floodplain, Shoreland)

Volume of a Structure: The volume of all portions of a structure enclosed by a roof and fixed exterior walls, as measured from the exterior faces of these walls and roof. (Land Use; Site Plan; Shoreland)
**Water Body**: Any great pond or stream. (Land Use; Site Plan; Shoreland)

**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, fiords, 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. (Site Plan; Shoreland)

**Wetland**: A freshwater wetland. (Site Plan; Shoreland)

**Wetlands Associated with Great Ponds**: Wetland contiguous with or adjacent to a great pond and that during normal high water are connected by surface water to the great pond. Also included are wetlands that are separated from the great pond by a berm, causeway, or familiar feature less than one hundred (100) feet in width and that have a surface elevation at or below the normal high-water line of the great pond. Wetlands associated with great ponds are considered to be part of that great pond. (Site Plan; Shoreland)

**Wholesale Business**: A business establishment engaged in the sale of goods or commodities in large quantities for individual consumption or trade. (Site Plan)

**Windfirm**: The ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage. (Shoreland)

**Wireless Telecommunications Facility or Facility**: 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. (Shoreland)

**Working Pit or Area**: Textraction area including side slopes and adjoining areas with overburden removed, excluding roads. (Mining)

**Zoning Line**: A line separating the shoreland zone from other land in the town. (Land Use)