

## **Town of Edgecomb Land Use Ordinance**

Enacted May 21, 2005. Amended May 20, 2006; September 20, 2006; May 19, 2007; May 17, 2008

In publishing the Land Use Ordinance, formatting and section numbering may be corrected, provided such correction is noted in a foot- or end-note by the person making same. Tables of Contents and an Index may be provided for convenience, but are not part of the Land Use Ordinance. *[per Article 50, Town Meeting of May 17, 2008]*

### **Article I - General Provisions**

#### **Section 1 - Title**

This Ordinance shall be known as the Edgecomb Land Use Ordinance and repeals and replaces the Building Code Ordinance, Floodplain Management Ordinance, Land Use Ordinance, Mobile Home Park Ordinance, Shoreland Zoning Ordinance, Sign Ordinance, Site Plan Review Ordinance, Subdivision Regulations, Resource-based Subdivision Development Regulations and Wireless Communications Facility Ordinance. Individual Articles and Sections may be referred to as “ordinances” as set forth in such articles and sections. *[amended May 17, 2008]*

#### **Section 2 - Scope**

This ordinance regulates the location, design, construction, alteration, occupancy and use of structures and the use of land in the Town of Edgecomb and divides the Town into Land Use Districts.

#### **Section 3 - Authority**

This Ordinance is adopted pursuant to Title 30-A MRSA 3001, 4352 and 4401-4407.

#### **Section 4 - Severability**

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

#### **Section 5 - Conflicts**

This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of the land or structures, the provisions of this Ordinance shall prevail.

#### **Section 6 - Amendments**

An amendment to this Ordinance may be initiated by the Planning Board provided that a majority of the Board has so voted; by request of the Selectmen to the Planning Board; or by written petition to the Selectmen signed by 10% of the number of registered voters of the Town of Edgecomb who voted in the last gubernatorial election.

All proposed amendments shall be referred to the Planning Board for its recommendation. The Planning Board shall hold a public hearing on any proposed amendment within 30 days of its receipt and shall inform the Selectmen of its recommendation within 30 days of the public hearing. The amendment may be adopted by a majority vote of the Town at any Town Meeting.

## **Section 7 - Penalty for Violation**

In accordance with Title 30-A MRSA Section 4452, any person or persons, firm or corporation owning or having control of any structure or premises or other persons such as subcontractors who assist in the violation of this Ordinance or of any permit issued hereunder shall be guilty of a civil violation and upon conviction thereof shall be fined a minimum of \$100 and a maximum of \$2500 for each offense. The Code Enforcement Officer, acting in accordance with his duties and responsibilities in connection with the enforcement of this Ordinance, shall serve written notice on the owner(s), or others assisting, of such violation or violations. When this action does not result in the correction or abatement of the violation(s), the Board of Selectmen are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, seeking injunctions of violations and impositions of fines that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Edgecomb. Each day of continuance of the violation(s) shall constitute a separate offence.

## **Section 8 - Definitions**

### 8.1 Construction of Language

Terms not defined have the customary dictionary meaning.

In the interpretation and enforcement of the ordinances of the Town of Edgecomb, Maine, all words other than those specifically defined in the ordinance shall have the meaning implied by their context in the ordinance of their customary dictionary meaning. In the case of any difference of meaning or implication between the text of the ordinance and any map, illustration, or table, the text shall control. The definitions set forth herein shall apply to and be used in interpreting all of the ordinances adopted by the Town of Edgecomb, except where they may be modified specifically in the individual ordinances.

The word “board” shall mean the Planning Board of the Town of Edgecomb.

The words “governing authority” mean the legislative body of the municipality, which is the voters of the town at a town meeting.

The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense; the singular member includes the plural, and the plural includes the singular; the word “shall” is mandatory, and the word “may” is permissive; the words “used” or “occupied” include the words “intended”, “designed”, or “arranged to be used or occupied”; the word “building” includes the word “residence”; the word “lot” includes the words “plot” or “parcel”. In the case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

## 8.2 Definitions:

The following terms shall have the following meanings:

Abutter: An individual whose property shares one or more property lines with or is across a street, road or right-of-way from the property defined in the application.

Accessory Apartment: A residential unit created in an existing one-family dwelling without changing the footprint of the building.

Accessory Use or Structure: A use or structure that is customarily both incidental and subordinate to the principal use or structure on the same lot only. The term “incidental” in reference to the principal use or structure shall mean both a) subordinate and minor in significance to the principal use or structure, and b) attendant to the principal use of that 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. *[amended May 17, 2008]*

Adjacent Grade: The natural elevation of the ground surface before construction next to the proposed walls of a structure.

Aggregate or in aggregate or aggregate of structures: Any combination of structures on the same or abutting lots owned, leased, or used by or for a single entity or affiliated retail businesses for the same or a similar use.

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

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

Alteration: Any change or modification of the structure

Amusement Facility: Any private commercial premises which are maintained or operated primarily for the amusement or recreation of the public.

Animal Husbandry: The keep or raising of four or more animals, including domestic animals and pets, for any commercial use. This definition also includes kennels.

Aquaculture: The propagation and husbandry of aquatic animals or plants by private industry for commercial purpose or by public agencies for augmenting natural stocks.

Arcade: A series of outdoor spaces located under a roof or overhang and supported by columns or arches.

Areas 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 Rate Map or “Flood Hazard Boundary Map - Town of Edgecomb, Maine, Lincoln County” dated July 18, 1978.

Authorized Agent: Anyone having written authorization, signed by the property owner, to act in behalf of the property owner.

Automotive Repair Shop: A business establishment engaged in general repair, engine rebuilding, or parts replacement; auto body jobs, frame or fender straightening and repair; or painting and undercoating.

Automobile Graveyard: A yard, field or other area used as a place of storage of three or more unregistered and unserviceable, discarded, worn-out or junked motor vehicles or parts thereof other than temporary storage by an establishment or place of business which is engaged primarily in doing auto repair work for the purpose of making repairs to render a motor vehicle serviceable.

Back Lot: A lot for single-family residential use that:

1. does not have frontage on a public or private road,
2. is provided direct access to a public or private road by a back lot driveway, and
3. complies with all space and volume regulations in the applicable district.

Back Lot Driveway: A driveway that provides access to a back lot and that:

1. originates at a public or private road,
2. is developed within a 50-foot right-of-way,
3. serves no more than two back lots, and
4. conforms to requirements of the Building Code.

Basal Area: the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark. *[added May 17, 2008]*

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: The enclosed area underneath a structure, typically having a masonry floor and walls that comprise the structure’s foundation. The clear height up to the joists supporting the floor directly above is three (3) feet or greater. Within the Shoreland Overlay District, 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. *[amended May 17, 2008]*

Bay: As applied to large-scale development, a spatial division element in a building defined by beams or ribs and their supports.

Bed and Breakfast: A private home occupied by the owner or tenant as a principal residence which offers overnight accommodations not to exceed five bedrooms.

Berm: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or provide a buffer from adjoining uses.

Boathouse: A non-residential structure designed for the purpose of protecting or storing boats and boating equipment for non-commercial purpose.

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

Body of Water: See Water Body

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

Buffer: An area provided to reduce the conflict between two different land uses. Buffers are intended to mitigate undesirable views, noise and glare, effectively providing greater privacy to neighboring land uses. Typical buffers include, but are not limited to, plant materials, walls, fences and/or significant land area to separate the uses.

Buffer Area: An area intended to separate and partially obstruct the view of land uses.

Building: See Structure

Building Footprint: The area of useable floor, including wall thickness and storage areas.

Business: Any full-time or part-time enterprise or commercial operation, operated for profit, including commercial agriculture.

Campground: Any premises established for camping for which a fee is charged. Within the Shoreland Overlay District, 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. *[amended May 17, 2008]*

Canopy: A projection over a niche or doorway, often decorative or decorated; a roof over an accessory structure including but not limited to gasoline pumps and an ATM. In reference to wooded areas the more or less continuous cover formed by tree crowns in a wooded area. *[amended May 17, 2008]*

Cemetery: Property used for the interring of the dead.

Certificate of Compliance: A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this ordinance.

Change of Use: Any altered use of a structure or parcel for which it has not been used within the previous twelve (12) months.

Coastal wetland: all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. NOTE: All areas below the maximum spring tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows. *[amended May 17, 2008]*

Code Enforcement Officer: A person appointed by the Municipal Officers responsible for performing the inspection, licensing and enforcement duties required by a particular statute or ordinance.

Column: A vertical support, usually cylindrical, consisting of a base, shaft and capital, either monolithic or built up of drums the full diameter of the shaft.

Commercial Recreation: Any commercial enterprise that receives a fee in return for the provision of some recreational activity.

Commercial Use: The use of lands, buildings or structures, other than a “home occupation”, defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units. *[amended May 17, 2008]*

Condominium: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

Congregate Housing: Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive service program serves occupants.

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

DBH: the diameter of a standing tree measured 4.5 feet from ground level. *[added May 17, 2008]*

de Novo: A “de novo hearing” is a hearing at which the Board of Appeals may receive and consider new oral and written evidence and testimony and at which the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of the Ordinance and the law and reaching its own decision. *[added May 17, 2008]*

Density: The number of dwelling units per area of land.

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

Dimensional requirements: numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height. *[added May 17, 2008]*

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. *[added May 17, 2008]*

Driveway: A private vehicular access-way serving two lots or fewer. Within the Shoreland Overlay District, a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less. *[amended May 17, 2008]*

Dwelling: Any building or structure or portion thereof containing dwelling units.

1. Single-family dwelling - Any structure containing only one (1) dwelling unit.
2. Duplex Dwelling - A structure containing only two (2) dwelling units.
3. Multi-family Dwelling - A structure containing three (3) or more dwelling units.

Dwelling Unit: A room or suite of rooms designed and equipped exclusively for use by one family as a habitation and which provides independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured housing and mobile homes, but not recreational vehicles or motel units.

Eave: The overhang at the lower edge of the roof, which usually projects out over the exterior walls of the structure.

Elevated Building: A non-basement building built, in the case of a building in Zones A1-30, AE, A, AO, or AH, to have the top of the elevated floor, elevated above ground level by means of pilings, columns, post, piers, or "stilts," and 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 Zones A1-30, AE, A, AO or AH Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. *[amended May 17, 2008]*

Elevation Certificate: An official form (FEMA Form 81-31, 05/93, as amended) that is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and is required for purchasing flood insurance.

Emergency Operations: Operations conducted for the public health, safety or general welfare.

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, 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 which are necessary for the furnishing of such services. *[amended May 17, 2008]*

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 weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use. *[amended May 17, 2008]*

Façade: The portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.

Family: one or more persons occupying a premises and living as a single housekeeping unit. *[added May 17, 2008]*

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 or 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 of this definition.

Flood Hazard Boundary Map (FHBM) or 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 Plain: That area designated and approved by the Department of Housing and Urban Development, Federal Insurance Administration, as being the 100-year Flood Plain, on its most current maps.

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 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.

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.

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 structure such as porches and decks.

Foot-candle: A unit for measuring illumination which equals the amount of direct light thrown by one international candle on a surface one foot away.

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.

Forested wetland: a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller. *[added May 17, 2008]*

Forestry: The operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or the performance of forest services.

Formula restaurant: An eating place that is one of a chain or group of three (3) or more establishments and which satisfies at least two of the following three descriptions:

- a. It has the same or similar name, trade name, or trademark as others in the chain or group;
- b. it offers either of the following characteristics in a style which is distinctive to and standardized among the chain or group:
  1. exterior design or architecture;
  2. uniforms, except that a personal identification or simple logo will not render the clothing a uniform;
- c. it is a fast food restaurant.

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. *[amended May 17, 2008]*

Freeboard: 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 condition.

Freshwater wetland: freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition. *[amended May 17, 2008]*

Frontage: The linear distance, measured along the front lot line, which separates the lot from a public or private road, but not including a private driveway providing access to more than one lot.

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

Functionally Dependent Use: See Functionally Water-dependent Uses

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 which 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; finfish and shellfish processing; fish storage and retail and wholesale fish marketing facilities; waterfront dock and port facilities; shipyards and boat building facilities; marinas, navigation aids, basins and channels; industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site; and uses which primarily provide general public access to marine or tidal waters.

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

Garage Sale: See Yard Sale.

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

Ground cover: small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor. *[added May 17, 2008]*

Guest House: See Inn.

Hazardous Material: Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, designated as hazardous by the Maine Department of Environmental Protection.

Height of a structure: the vertical distance between the mean original (prior to construction) grade or new finished grade, whichever is lower, at the downhill side of the structure to the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area. *[amended May 17, 2008]*

Historic Structure: Any structure that is 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; 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; Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

Home Occupation: An occupation or profession which is carried out in a dwelling unit, or other structure accessory to a dwelling unit by resident family members and no more than two other employees and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. A retail sales outlet does not qualify as a home occupation unless the item sold is a product of the owner's labor, e.g. manufactured, produced, created, grown, caught.

Hotel/Motel: A commercial building or group of buildings with sleeping rooms built to accommodate for a fee travelers and other transient guests who are staying for a limited duration. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

Hydric Soils: Poorly drained or very poorly drained soils as listed in Hydric Soils of the State of Maine, 1985, USDA Soil Conservation Service, and by Hydric Soils of Southern Maine, USDA, Soil Conservation Service, 1986.

Impervious Surface: Any surface which does not absorb rain and includes all buildings, roads, sidewalks, parking areas, and any area paved with bricks, concrete, asphalt or gravel.

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. *[added May 17, 2008]*

Individual private campsite: an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform. *[added May 17, 2008]*

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

Inland Wetlands: Land, including submerged land, which consists of any of the soil types designated as poorly drained, very poorly drained, and alluvial soils by the National Cooperative Soil Survey.

Inn: A building, which contains a dwelling unit occupied by an owner or resident manager, in which up to ten (10) lodging rooms or lodging rooms and meals are offered to the general public for compensation, and in which entrance to bedrooms is made through a lobby or other common room. Inn includes such terms as guest house, lodging house and tourist house, but not bed and breakfast, hotel or motel.

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. *[amended May 17, 2008]*

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 and junked lumber.
3. Old or scrap copper, brass, rope, rags, batteries, motor vehicle parts, paper, trash, rubber, or plastic debris, waste and all scrap iron, steel, and other ferrous non-ferrous material.
4. Garbage dumps, waste dumps, and private sanitary land fills.
5. Automobile graveyards.

Landscaping: The combination of natural elements such as trees, shrubs, groundcovers, vines, or other organic and inorganic materials, which are installed for purposes of creating an attractive and pleasing environment, screening unsightly views, reducing environmental impacts, and filtering matter from air.

Large-scale development: Unless otherwise described, a retail sales establishment that exceeds 10,000 sf of gross floor area or a nonresidential development that exceeds 25,000 sf of gross floor area; largescale development does not include agricultural buildings or commercial greenhouses and nurseries accessory to a retail or wholesale sales establishment.

Locally Established Datum: For purposes of the Flood Plain 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) 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.

Lodginghouse: Any residential structure where lodging or lodging and meals are provided for compensation for a period of at least two (2) weeks and where a family residing in the building acts as proprietor or owner and where there are no provisions for cooking in any individual room other than the main kitchen.

Logo: A single or multicolored symbol or design used by a business as a means of identifying its products or services.

Lot: A parcel of land occupied or capable of being occupied by one (1) building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by ordinances, and having frontage upon a public street, right-of-way or private way.

Lot Area: The total horizontal area within the lot lines, minus land below the normal high water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Lot Coverage: The percentage of the gross lot area which is covered by buildings, driveways, parking lots, paved areas, and all other impervious surfaces.

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

1. Front Lot Line: Interior lots: The line separating the lot from a street right-of-way. Corner lot or through lot: The line separating the lot from either street right-of-way. Where a right-of-way does not exist or cannot be determined the front lot line shall be the edge of the paved or graveled area of the road.
2. Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.
3. Side Lot Line: Any lot line other than the front lot line or rear lot line.
4. Minimum Lot Width: The distance between the side lot lines of a lot.

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

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 Section 2.7 of the Flood Plain Ordinance.

Major Remodeling: Any remodeling that substantially changes the use of the building or its exterior appearance. Any revision to or addition of paved areas, parking lots or drives or waste water disposal systems.

Manufactured Housing Unit: Structures, transportable in one or more sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utility, including the plumbing, heating air-conditioning and electrical systems contained therein.

Manufacturing: The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations.

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, bait and tackle shops and marine fuel service facilities.  
*[amended May 17, 2008]*

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. *[added May 17, 2008]*

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 Insurance Rate map are referenced.

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

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

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. *[added May 17, 2008]*

Mobile Home: A structure, transportable in one or more sections which is 8 body feet or more in width and is 32 body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Mobile Home Park: A parcel of land under unified ownership approved by the municipality for the placement of two (2) or more mobile homes.

Mobile Home Park Lot: The area of land on which an individual mobile home is situated within a mobile home park and which is reserved for use by the occupants of that mobile home. All mobile home park lots must be designated on a mobile home park plan.

Mobile Home Subdivision or Development: A parcel of land approved by the municipal reviewing authority under Title 30-A M.R.S.A., Section 4401-4407 (State Subdivisions).

Multi-family or multi-unit residential: a residential structure containing three (3) or more residential dwelling units. *[added May 17, 2008]*

Native: indigenous to the local forests. *[added May 17, 2008]*

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

Nadir: The angle pointing directly downward (0°) from the lighting fixture. 75° nadir, for example, is the angle pointing 75° above nadir.

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. *[added May 17, 2008]*

Non-conforming lot: a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located. *[amended May 17, 2008]*

Non-conforming Structure: A structure that does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming Use: Use of land or structures that is not otherwise permitted, but which is allowed to remain solely because it was in lawful existence at the time the Ordinance or subsequent amendments took effect.

Normal high-water line (non-tidal waters): 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. NOTE: Adjacent to tidal waters, setbacks are measured from the upland edge of the “coastal wetland.” *[amended May 17, 2008]*

Nursing Home: Any facility which provides meals, lodging, and nursing care for compensation.

Official Business Directional Sign: A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 M.R.S.A s1901, et seq. which points the way to public accommodations and facilities or other commercial facilities.

100-year flood: see Base Flood

On-premise Sign: A sign which is erected and maintained upon the same real property that the business facility or point of interest is located.

Owner: Any person, firm, corporation or other legal entity which controls a parcel of land by a fee or less than fee title, or is party to a valid contract or option to purchase said title.

Parapet: The portion of a wall that extends above the roofline.

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

Parking Space: An area abutting a street or drive measuring at least nine (9) feet in width by eighteen (18) feet in length, exclusive of space required for access and maneuvering, and intended or used for parking vehicles.

Pedestrian walkway: A surfaced walkway, separate from the traveled portion of a public or private right-of-way, parking lot or driving aisle.

Pending Application: Any complete application which has been filed in compliance with all the requirements of this Ordinance, and which was on file at the date of adoption of this Ordinance.

Perimeter: The length of a line running along the outer boundary of a parcel of land or a structure.

Person: an individual, corporation, joint venture, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity. *[amended May 17, 2008]*

Personal Services: A business that provides services but not goods.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland:

Temporary: Structures that remain in the water for less than seven (7) months in any period of twelve (12) months.

Permanent: Structures that remain in the water for seven (7) months or more in any period of twelve (12) months. *[amended May 17, 2008]*

Pitch: The slope of a roof commonly expressed in terms of inches of vertical rise per foot (*12 inches*) of horizontal run.

Place of Business: Any location where retail and/or wholesale goods and products are sold, made, manufactured and distributed; any location where services are rendered to the general public and business invitees; any location where professional care and/or advice are held out for hire to the general public and business invitees.

Portico: A porch or walkway with a roof supported by columns, often leading to the entrance to a building.

Principal structure: -A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises. *[amended May 17, 2008]*

Principal use: A-use other than one which is wholly incidental or accessory to another use on the same premises. *[amended May 17, 2008]*

Professional Offices: The place of business for the practice of professionals such as doctors, lawyers, accountants, architects, surveyors, psychiatrists, psychologists, counselors.

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

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

Reconstruction: The removal of a part or all of a structure and its partial or complete replacement.

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 a State Division of Motor Vehicles.

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. In riverine areas 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.

Replacement System: A system intended to replace:

1. an existing system which is either malfunctioning or being upgraded with no significant change or design flow or use of the structure, or
2. any existing overboard wastewater discharge.

Residence: Synonymous with dwelling.

Residential: Providing dwelling units.

Residential Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary independent 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. *[amended May 17, 2008]*

Residual basal area: the average of the basal area of trees remaining on a harvested site. *[added May 17, 2008]*

Resource-Based Subdivision Development: A subdivision wherein each principal dwelling unit does not occupy a lot meeting the minimum dimensional requirements for the district in which it is located, but where the overall net residential density (number of dwelling units per acre) does not exceed that established in each district in which it is located except as provided in Section 2.4.8.1 of the Resource-based Subdivision Development Regulations. In addition, area in the Resource Based Subdivision Development which is not developed by principal dwelling units and their accessory uses, or area located elsewhere and designated by the subdivider, shall be preserved in perpetuity as open space.

Resource Protection: Tracts of land which by virtue of their geology, geography, historical importance, animal or marine habitation and/or are judged for other reasons to be designed as resource protection areas.

Restaurant: An establishment where meals are prepared and served to the public for consumption for compensation.

Retail Business: A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption.

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

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.

River: A free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth. NOTE: The portion of the river that is subject to tidal action is a coastal wetland. *[amended May 17, 2008]*

Riverine: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road: A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined. *[amended May 17, 2008]*

Salt Marsh: Areas along coastal waters (most often coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass and Sage pondwood.

Salt Meadow: Areas that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

Scale: The size or proportion of a building element or space relative to the structural or functional dimension of the human body.

Schools:

1. Public and Private - including Parochial School: An institution for education or instruction where any branch or branches of knowledge is imparted and which satisfies either of the following requirements:
  - a. the school is not operated for a profit or gainful business; or
  - b. the school teaches courses of study which are sufficient to qualify attendance thereby in compliance with State compulsory education requirements.
2. Commercial School - an institution that is commercial or profit-oriented. Examples thereof are dancing, music, riding, correspondence, aquatic schools, driving or business.

Screen: See also “buffer”. The sole purpose of a screen is to block views. A screen should be constructed of opaque materials and whose height will be effective in obstructing unwanted views.

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

1. in the case of electric service
  - (a) the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way, and
  - (b) the total length of the extension is less than one thousand (1000) feet;
2. 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 (1000) feet in length.

Setback: The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps, and railings. Within the Shoreland Overlay District, the nearest horizontal distance from 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. *[amended May 17, 2008]*

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

Shopping Center: Any concentration of two or more retail stores or service establishments containing 15,000 square feet or more of gross floor space.

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

Shoreland Zone: The land area located within two hundred fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within 250 feet of the upland edge of a coastal or freshwater wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream. *[amended May 17, 2008]*

Shoreline: the normal high-water line, or upland edge of a freshwater or coastal wetland. *[added May 17, 2008]*

Sight Distance: The direct line of sight from a point four feet above the centerline of a road or highway to a point four feet above the center of the place at which vehicles enter and leave the highway.

Sign: Any structure, display, logo, device or representation that is designed or used to advertise or call attention to any thing, person, business, activity or place and is visible from any public way. It does not include the flag, pennant or insignia of any nation, state, or town, or products for sale. Whenever dimensions of a sign are specified they shall include frames.

Single-family Dwelling: A building designed or intended to be used exclusively for residential occupancy by one family only and containing only one residential dwelling unit.

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. *[added May 17, 2008]*

Slash: the residue, e.g., treetops and branches, left on the ground after a timber harvest. *[added May 17, 2008]*

Special Flood Hazard Area: see Area of Special Flood Hazard.

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, whether or not that alteration affects the external dimensions of the building.

Storefront: The traditional “Main Street” façade bound by a structural pier on either side, the sidewalk on the bottom and the lower edge of the upper façade at the top.

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 to the point where the body of water becomes a river or flows to another water body or wetland within the shoreline area. *[amended May 17, 2008]*

Street: See Road.

Street Classification:

Arterial: A major continuous route serving substantial statewide and interstate travel, linking cities, larger towns, and other major traffic generators, as classified by the Maine Department of Transportation under the provisions of 23 M.R.S.A. Section 53 as amended. In Edgecomb, this includes US Route 1.

Major Collector: A road linking towns not on the arterial routes to those routes serving traffic generators of intra-county importance, and serving as important intertown travel corridors, as classified by Maine Department of Transportation, as cited above.

Industrial or Commercial Street: A street servicing industrial or commercial uses.

Minor Street: A street providing access to adjacent land and primarily servicing local traffic.

Private Right-of-way: A vehicular accessway serving more than two (2) dwelling units which is not proposed to be dedicated to the town.

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, exclusive of fences, and 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, and satellite dishes. A gas or liquid storage tank that is principally above ground is also a structure. *[amended May 17, 2008]*

**Subdivision:** The division of a tract or parcel of land into three or more lots within any five-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, building or otherwise. The term “subdivision” also includes the division of a new structure or structures on a tract or parcel of land into three or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into three or more dwelling units within a five-year period.

In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of the tract or parcel is considered to create the first two lots and the next dividing of either of these first two lots, by whomever accomplished, is considered to create a third lot, unless:

1. both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider’s own use as a single-family residence that has been the subdivider’s principal residence for a period of at least five years immediately preceding the second division; or
2. the division of the tract or parcel is otherwise exempt under Title 30-A MRSA subchapter 4401.

**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 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 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 any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

**Substantial Start:** Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated cost.

**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 MRSA section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system. *[added May 17, 2008]*

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

**Texture:** The visual and tactile quality of a surface apart from its color and form. A building texture refers to the variations in the exterior façade and may be described in terms of roughness of the surface material, the patterns inherent in the material or the patterns in which the material is placed.

Tidal waters: all waters affected by tidal action during the maximum spring tide. *[added May 17, 2008]*

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 Article III Section 1.10.16, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting. *[amended May 17, 2008]*

Traffic Control Sign or Device: An official route marker, warning sign, sign directing traffic to or from a community, bridge, ferry or airport, or sign regulating traffic, which has been erected by officers having jurisdiction over the public way. These signs shall be exempt from the requirements of the Edgecomb Sign Ordinance.

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.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland. NOTE: Water setback requirements apply to tributary streams within the shoreland zone. *[amended May 17, 2008]*

Upland edge of a wetland: the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. 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. *[amended May 17, 2008]*

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

Variance: A relaxation of the terms of an ordinance where such relaxation will not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the action of the applicants, a literal enforcement of this Ordinance would result in undue hardship.

Vegetation: All live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level. *[amended May 17, 2008]*

Vehicle Sales: Any business which involves a parking or display area for the sale of new or used cars, trucks, motorcycles, campers, farm equipment, recreational vehicles, mobile homes, or similar products.

Veterinary Hospital or Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals that may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

Visible: Capable of being seen without visual aid by a person of normal visual acuity.

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

Water Body: Shall include the following:

1. Pond or Lake - any inland impoundment, natural or manmade, which collects and stores surface water
2. Stream or River
3. Tidal - any area upon which tidal action occurs.

Water Course: Shall include the following:

1. Stream or River: A free-flowing drainage outlet, with a defined channel, and containing flowing water for more than three months of the year.
2. Intermittent Stream: A free-flowing drainage outlet, with a defined channel, and containing flowing water for less than three months of the year.
3. Inland and Coastal Wetlands: All areas transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water. For purposes of this classification, wetlands must have both the following two attributes:
  - a. at least periodically, the land supports predominantly wetland vegetation;
  - b. the substrate soil is predominantly undrained hydric soil. Coastal wetlands further include all tidal and subtidal lands, including all areas below an identifiable debris line left by tidal action, and all areas that contain vegetation tolerant of salt water and which occur primarily in a salt water habitat and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action or normal tidal storm flowage at any time except during periods of maximum storm activity.

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

Wetland: See Coastal or Freshwater Wetlands

Wetland Vegetation: Those species termed “hydrophytic” in the 1986 Wetland Plant List, Northeast Region, of the National Wetlands Inventory or the U.S. Fish and Wildlife Service.

Wholesale: Selling for resale rather than to consumers.

Woody Vegetation: live trees or woody, non-herbaceous shrubs. *[added May 17, 2008]*

Yard: The area between a structure and the property boundary.

Yard Sale: All general sales, open to the public, conducted from or on a residential premise for the purpose of disposing of personal property. Yard sale includes garage sales, porch sales, tag sales, and the like, unless they occur on more than five (5) calendar days or for more than three (3) weekends a year.

## Section 9 - Fees

Any permit obtained after the fact, providing that all provisions of the applicable ordinance have been met, is subject to doubling of the actual permit fee and any other penalties or fees that apply.

In addition to the fees listed below, a fee may be charged if the Code Enforcement Officer, Planning Board and/or Board of Appeals need the assistance of a professional engineer, attorney, or other expert. If the Municipality wishes to retain an expert at the expense of the applicant, it shall so advise the applicant in writing and give the applicant an opportunity to be heard on the subject. Once the Code Enforcement Officer, Planning Board, or Board of Appeals has decided to hire an expert, the applicant shall make a deposit to the town sufficient to cover the expert's estimated costs. Failure to make the required deposit to cover the costs of the expert shall be grounds for denial of the application and/or the issuance of a stop work order. *[amended May 17, 2008]*

Each application for a permit shall be accompanied by the fee specified.

### Building Permit

New, relocated or altered commercial structure:	\$100 or \$.20 per sq. ft. whichever is greater
New, relocated, or altered house, cottage or mobile home - 1 to 2,500 sq. ft.	\$.10 per sq. ft.
2,501 or more sq. ft.	\$.15 per sq. ft.
Minimum	\$50.00
Swimming pool including paved/deck area	\$.10 per sq. ft.
New or relocated pier, ramp, float, wharf, garage, barn, workshop, addition, or any other structure	\$50 min./\$.10 per sq. ft.

### Planning Fees

Subdivisions: up to five lots or dwelling units (whichever is greater in number) \$1,000, plus, for each lot or dwelling unit over five (whichever is greater in number) \$400  
*[amended May 17, 2008]*

Floodplain Application Fee:	\$100
Mobile Home Park Application fee for each lot or unit	\$100
Shoreland Zoning Application Fee	\$100
Sign application - One-time fee per new business	\$35

After the fact additional fee \$100

Site Plan Review Application fee: \$20 per 1000 square feet, or fraction thereof, of occupied ground (including buildings, paving, graded area, and landscaping), with a minimum fee of \$200 [amended May 17, 2008]

### Appeal Fee

Appeal application fee - all ordinances \$100

## **Section 10 - Non-conformance**

### 10.1 General

10.1.1 Any existing use of buildings, structures premises, land or parts thereof existing at the effective date of this ordinance or amendments thereto and not in conformance with the provisions of this ordinance shall be considered to be a non-conforming use.

10.1.2 Any non-conforming use may continue and may be maintained, repaired, and improved in a manner consistent with the provisions of this Ordinance and the Building Code. No such non-conforming use may be expanded, changed to another non-conforming use, replaced by another non-conforming structure of a similar type, moved, (or renewed after it has been discontinued for a period of twelve calendar months or more) without a permit from the Code Enforcement Officer in accordance with the provisions of this Ordinance. No structure which has less than the required setback from the road shall be expanded so as to further reduce that setback.

10.1.3 No lot may be reduced in size making it more non-conforming.

## **Section 11 - Nuisance**

### 11.1 Noise

The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity on the site shall be limited by the time period and by the abutting land use as listed below. Sound levels shall be measured at least four (4) feet above ground at the property boundary of the source.

**Table 11.1. Sound Pressure Level Limits Using the Sound Equivalent Level of One Minute (leq 1) Measured in decibels in the 'A' Scale (dBA)**

Abutting Use	7 am - 10 pm -	
	10 pm	7 am
Residential	55	45
Residential located in Commercial-Industrial district	65	55
Pub, Semipublic, and Industrial	60	55
Vacant or Rural	60	55
Commercial	65	55
Industrial	70	60

The following temporary activities are exempt from the requirements of this section: parades, agriculture, forestry, and emergency signals.

Activities of a temporary nature unable to meet these requirements shall require development review by the Planning Board. Noise associated with construction may achieve a maximum equivalent sound level measured in dBA of 75 between the hours of 7:00 a.m. and 7:00 p.m.

The sound level meter shall meet American National Standards Institute (ANSI) standards, and must be calibrated using the manufacturer's specifications before and after conducting the measurement.

## 11.2 Dust, Fumes, Vapors, Gases and Odors

Emission of dust, dirt, flyash, fumes, vapors or gases which could damage human health, animals, or vegetation, or which could be detrimental to the enjoyment of adjoining or nearby properties, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating the emission, are prohibited.

All gaseous and particulate emissions shall comply with applicable minimum federal, state and local requirements, including receipt of all required permits. The maximum permitted density of smoke, dust and other particulate emissions during normal operations of any activity shall not exceed the maximum allowable under the regulations of the Maine Department of Environmental Protection and/or the United States Environmental Protection Agency.

In addition, no land use or establishment shall be permitted to produce harmful, offensive, or bothersome odors, scents, or aromas (such as, but not limited to, those produced by manufacturing processes, food preparation, food processing, fish sales, rendering, fermentation processes, decaying organic matter, and incinerators) perceptible beyond their lot lines, either at ground or habitable elevation. The location and vertical height of all exhaust fans, vents, chimneys, or any other sources discharging or emitting smoke, fumes, gases, vapors, odors, scents or aromas shall be shown on the plan, with a description of the source materials.

During the permit review process, the Planning Board or the Code Enforcement Officer may require a developer to submit detailed plans showing how these performance standards will be met. During operation, the Code Enforcement Officer may employ such independent, qualified consultants as necessary, at the expense of the business or individual in question, to assure compliance with these performance standards and all other requirements of this Ordinance related to the public health, safety and welfare and the abatement of nuisances. Violations of these standards shall be considered as public nuisances.

### 11.3 Lighting

- 11.3.1 No lights or reflective surface shall be placed in view of any public roadway or street so that its beams or rays are directed at any portion of the roadway when the light is of such brilliance and so positioned as to impair the vision of the driver of any vehicle upon that roadway.
- 11.3.2 Adequate buffers using either the natural landscape or artificial screening are required to prevent unnecessary or undesirable light from being directed beyond lot lines onto adjacent properties.
- 11.3.3 Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky.
- 11.3.4 No rotating or flashing lights or signals, except safety signaling devices as required by law, are permitted.
- 11.3.5 The applicant shall submit plans for all proposed exterior lighting, drawn at a scale of at least one inch equals twenty feet. These plans shall include the location, type of lighting equipment, manufacturer's specification sheets and, if requested by the Planning Board, a point-by-point calculated illuminance values noted on a ten-foot grid (maximum).
- 11.3.6 The following design standards shall be followed unless waived by the Planning Board if it finds that because of special circumstances related to a particular plan, or they are not necessary to provide for the public health, safety and general welfare.
  - 11.3.6.1 The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated.
  - 11.3.6.2 The maximum height of freestanding lights and any exterior lights mounted on the structure shall not exceed twenty (20) feet.
  - 11.3.6.3 All lights shall have shielding to provide a beam cut-off at no more than 75 degrees above nadir (the point on the ground directly below the lighting element).
  - 11.3.6.4 Lighting shall not exceed the guidelines and recommendations published by the Illuminating Engineering Society of North America for the given area.
  - 11.3.6.5 Pathways, sidewalks and trails, if lighted, must be lighted with low or mushroom-type standards.

11.3.6.6 Wiring to lights and poles must be underground.

11.3.6.7 When the activity is not in use, lighting must be turned down to security level or turned off.

11.3.6.8 Following are maximum lighting levels:

11.3.6.8.1 Parking Lots – an average of 1.0 foot-candles throughout, a maximum of 6 foot-candles, and a maximum-to-minimum uniformity ratio of 20:1 foot-candles.

11.3.6.8.2 Intersections – an average of 3 foot-candles, a maximum of 6 foot-candles, and a maximum-to-minimum uniformity ratio of 20:1 foot-candles.

11.3.6.8.3 Maximum at property lines – 0.1 foot-candle.

11.3.6.8.4 Maximum at grade along the property lines – 0.1 foot-candles.

#### 11.4. Refuse Disposal

The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The Planning Board shall consider the impact of particular industrial or chemical wastes or by-products and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The Board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

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