

305.6 A permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one year of the date on which the permit is granted and if the work or change is not substantially completed within two years of the date of the permit.

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Chapter 4: Review Procedures and Standards

401 General Review Standards:

401.1 On Site Inspection: The Code Enforcement Officer/Planning Board may conduct an on-site inspection of the parcel or buildings connected with the use before considering the application complete as part of the review process. The on-site inspection shall be at a time and in weather conditions which permit adequate inspection of the physical features of the land.

401.2 Public Hearing: The Planning Board ~~shall~~ may hold a public hearing regarding the application. Notice of said hearing shall be published in a newspaper of general circulation at least 7-10 days in advance of the hearing. Property abutters shall be notified by first-class mail of the date, time and place of the public hearing at least 7-10 days prior to the hearing. If such hearing is held, the Board shall schedule the public hearing within 35 days of deciding to hold the hearing. Failure of a property abutter to receive notification shall not require a new public hearing.

401.3 Decisions: After review of a complete application, the Code Enforcement Officer/Planning Board shall determine whether or not the permit application meets the review criteria contained in this Chapter. The Code Enforcement Officer/Planning Board shall make a written finding of fact to support its decision, and vote to approve the application, approve the application with conditions, or deny the application. The Planning Board shall submit its decision on the application to the Code Enforcement Officer.

401.3.1 Approval by the Planning Board of an application does not constitute evidence of acceptance by the Town of Eddington of any road, easement, or open spaces shown on a plan.

401.4 Burden of Proof: The applicant shall have the burden of proof to show that the proposal meets the applicable review criteria and the standards contained in this Ordinance.

401.5 Rights not Vested: The submittal of the permit application to the Code Enforcement Officer or the Planning Board to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of M.R.S.A. Title 1, Section 302. The formal review process shall begin upon- determination by the appropriate reviewing authority that a complete application has been received, any public hearings are held (if applicable), and the appropriate reviewing authority begins substantive review-

401.6 Additional Information and Studies: The Planning Board may, at its discretion, retain expert independent technical assistance to supplement the evidence presented by the applicant. The cost of such expertise shall be borne by the applicant in accordance with the terms of an escrow account set up between the applicant and the Planning Board with assistance from the Town Manager. A permit for any approved application shall not be issued until all the applicable fees are fully paid.

401.7 Waivers: The Planning Board may vote to waive any of the review criteria or submission requirements when it finds that one or more of the review criteria or submission requirements are not applicable to the proposal due to the unique circumstances of the project, or when the applicant has proposed an alternative design that meets the intent of this Ordinance.

~~402.10-9~~ The proposed activity will not cause road congestion or unsafe conditions with respect to existing and proposed roads and access points.

~~402.11-10~~ The proposed activity will not have an adverse impact upon scenic, historic or archeological resources, and wildlife and animal habitat.

~~402.12-11~~ The proposed activity shall not have an adverse impact upon historic and scenic areas as identified in the Comprehensive Plan or by the Town.

~~402.13-12~~ The proposed activity will not have a significant detrimental effect on the use and peaceful enjoyment of abutting properties as a result of noise, vibration, fumes, odor, dust, glare, or other causes.

~~402.213~~ The application conforms to all the applicable provisions of this Ordinance.

403 Code Enforcement Officer Review:

The following requirements shall apply to all those land use activities that require review by the Code Enforcement Officer as listed in the land use table.

403.1 Application Procedure:

Within 14 calendar days of receiving an application, the Code Enforcement Officer shall determine if the application is complete and notify the applicant whether the application is complete, or if incomplete, the materials necessary to make the application complete. The Code Enforcement Officer shall render a final decision on the complete application within 14 calendar days.

403.2 Submission Requirements: A permit application shall contain the following information:

403.2.1 Name, address and telephone number of the applicant and applicant's agent if applicable.

403.2.2 Property location, including map and lot number.

403.2.3 Verification of right, title or interest in the property.

403.2.4 Receipt of the application fee.

403.2.5 Construction schedule, including beginning and completion dates.

403.2.6 Plumbing and subsurface wastewater disposal applications or permits, if applicable.

403.2.7 A complete description of the project, including how the proposal conforms to the review criteria.

403.2.8 A map drawn to scale showing the location, boundaries, elevations, uses and size of the following: site, structures setbacks, parking areas, access points, erosion control, stormwater management, wetlands, waterbodies, easements, rights-of-way, subsurface wastewater test pits and systems, and existing and proposed wells.

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403.2.9 A scaled drawing including a floor plan and side, front and rear profiles of any proposed new or enlarged structures.

403.2.10 Any other information necessary to show that the proposal conforms to the applicable review requirements of this Ordinance.

404 Planning Board Review:

The following requirements shall apply to all land use activities that require Planning Board Review as listed in the land use table.

404.1 Application Procedures:

404.1.1 For projects of sufficient complexity, it is advisable to request a pre-application meeting with the Planning Board. This may be initiated by the applicant, the Code Enforcement Officer or the Planning Board.

404.1.2 The applicant shall submit 9 copies of a complete application to the Town Manager or Code Enforcement Officer at least 14 calendar days before a regular scheduled meeting of the Planning Board. The Code Enforcement Officer shall place the application for consideration on the Planning Board agenda and distribute copies of the application to the Planning Board as soon as possible after it is received.

404.1.3 The Planning Board shall first review the application for completeness. If the application is not complete, the Board shall inform the applicant what materials are required and place the application on the agenda of the next meeting to finish the completeness review. If the application is complete, the Planning ~~Board shall~~ Board may schedule a public hearing on the application. The Planning Board shall make a final decision within 90 days of beginning substantive review of a complete application. Unless extenuating circumstances such as weather or natural disasters-force cancellations of regular meetings, the review time line is extended accordingly. Or, if the application necessitates outside expertise and additional testing as allowed in the review process, the 90 day time frame is suspended until the Board receives and reviews the requested information.

404.2 Submission Requirements:

A permit application shall contain the following information:

404.2.1 All the information required for a Code Enforcement Officer Review.

404.2.2 Waiver request form if applicable.

404.2.3 Engineered drawings showing the location and construction details for all proposed roads.

404.2.4 Traffic data for the site, including an estimate of the amount of traffic to be generated on a daily basis and at peak hour.

404.2.5 Information showing that the applicant has the financial and technical capacity to meet the provisions of this Ordinance and develop the project according to the submitted application.

405 Performance Guarantee:

405.1 The Planning Board shall, as a condition of review approval, require a performance guarantee, as per Section ~~709~~710, for the construction of a road and may require a performance guarantee for other public improvements such as storm water control features and structures, erosion control, essential services and utilities, buffers and screening and parking when it determines that the construction of such improvements will have an impact upon the development of surrounding area.

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Hospitals/ Clinics	P	P	N	N	N		
Nursing Homes & Congregate Care	P	P	N	N	N		
Schools/Educational Facilities	N	P	P	N	N		
Social and Fraternal Organizations	N	P	P	N	N		
Activity	COM	MD	RR	RA	C		
Residential Uses							
Accessory Uses and Structures	C	C	C	C	C		
Boarding, Rooming or Lodging House	N	P	N	N	N		
Community Living Facility	N	C	C	C	N		
Home Office	Y	Y	Y	Y	Y		
Home Occupations	P	P	P	P	N		
Manufactured Home	N	C	C	C	N		
Manufactured Home Park	N	P	N	N	N		
Multi-family Dwelling	N	P	P	N	N		
Open Space Development	P	P	P	P	N		
Senior Housing Development	N	P	P	N	N		
Single Family Dwelling	N	C	C	C	N		
Two Family Dwelling	N	C	C	C	N		
Rural Uses							
Agriculture (excluding livestock)	N	Y	Y	Y	N		
Agriculture (including livestock production)	N	C	C	C	N		
Agricultural Processing Facility	P	N	N	N	N		
Small Scale Animal Keeping	N	Y	Y	Y	N		
Campgrounds/RV Parks/Sporting Camps	N	P	P	P	N		
Horticulture/Silviculture/	N	Y	Y	Y	Y		
Individual Private Campsite	N	C	C	C	N		
Re-Use of Existing Agricultural Buildings	P	P	P	P	P		
Log yards	P	N	P	P	P		
Lumber mills/Sawmill	P	N	P	P	N		
Passive Outdoor Recreation	Y	Y	Y	Y	Y		
Resource Extraction, Mining Mineral Extraction Operation	N	N	P	P	PN		
Riding Stables	N	P	P	P	N		
Roadside Farm stands	Y	Y	Y	Y	Y		
Timber harvesting	Y	Y	Y	Y	Y		
Earth moving /Fill 0 to 300 cu. Yards cumulative total of material	Y	Y	Y	Y	Y		
Earth Moving/ Fill between 300 & 1,000 cu. yards accumulative total of material	C	C	C	C	C		
Earth Moving/Fill more than 1,000 cu. Yards accumulative total of material	P	P	P	P	PN		
Water Extraction	N	N	N	N	N		

607 Minimum Dimensional Requirements:

All structures are subject to the following dimensional requirements, except accessory residential structures.

Legend

COM: Commercial District MD: Mixed Use District
RR: Rural Residential RA: Rural A District C: Conservation District

	COM	MD	RR	RA	C
Lot Size Acres	1 acre	1 acre	2 acres	4 acres	10 acres
Road Frontage	100 ft.	100 ft.	200 ft.	400 ft.	400 ft.
Front Setback	30 ft.	30 ft.	30 ft.	30 ft.	100 ft.
Side Setback	15 ft.	15 ft.	25 ft.	50 ft.	50 ft.
Rear Set Back	15 ft.	15 ft.	20 ft.	50 ft.	50 ft.
Height-Maximum	35 ft.				
Shore Frontage	200 ft.				

- All dimensions are in feet unless otherwise indicated
- All dimensions to be measured from the applicable boundary property lines
- All side, rear and front setbacks are measured between the property boundary and the closest portion of a structure including eaves, porches, decks, steps, and similar building features .

608 Exceptions to the Minimum Requirements:

608.1 Accessory residential structures may be set back from side and rear lot lines a minimum of 10-feet

608.2 The following are exempt from the height requirement: windmills, telecommunication towers, and chimneys,

608.3 Any lot legally existing prior to the enactment of this Ordinance and located in the Rural Residential or Rural A Districts which is less than the minimum lot size as established in the Minimum Dimensional Table may conform to the setback requirements in effect prior to the enactment of this Ordinance.

609 Multi-Family Density

609.1 Mixed use District

The multi-family density in the Mixed Use District is one acre for each of the first two dwelling units and 20,000 square feet for each additional unit.

609.2 Rural Residential District

The multi-family density in the Rural Residential District is 2 acres for each of the first two units and one acre for each additional unit.

609.3 Rural A District

The multi-family density in the Rural A District is 4 acres for each of the first two units and 2 acres for each additional unit.

709.1 The following uses shall comply with the noise standards: all new and expanded or enlarged existing commercial and industrial uses as listed in the District Use Chart; new and expanded or enlarged existing lumber/sawmills, ~~resource extraction/mining uses~~, and re-use of existing agriculture buildings.

709.2 The proposed development shall not cause the background noise level to increase by 10 Decibels (DBA) during the day and 5 DBA at night. Sounds emanating from safety signals, warning devices, emergency pressure relief valves, other emergency or public safety devices and temporary noise such as construction activity are exempt from these requirements. In no case shall the ambient noise level as measured from the property boundary exceed the following absolute noise criteria:

The maximum permissible noise from any continuous, regular, or frequent source of sound within a development shall be no more than 60 decibels between the hours of 7: 00 a.m. to 9:30 p.m. and 45 decibels at other times unless more strictly specified elsewhere in this ordinance for a given activity.

709.3 Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1.-1961) "Specification for General Purpose Sound Level Meters." Sound levels shall be measured at least 4 feet above ground level at the property boundary.

709.4 The applicant is responsible for measuring noise levels. Background noise levels shall be measured at each property boundary line. A day and night reading shall be taken at the same location along each of the property boundary lines. Readings shall not be taken when construction activity, abnormal traffic conditions or other extraordinary conditions are occurring within 500 feet of the property boundary.

709.5 The applicant shall modify the development as necessary to ensure that the noise emanating from the project conforms to the noise limits set forth in this section. The applicant shall provide the Planning Board written certification from an engineer or other appropriate professional that the noise measurements are accurate and the noise from the completed development will conform to this section.

710 Performance Guarantee:

710.1 These standards for a performance guarantee shall be followed whenever required by this Ordinance. When required, the applicant shall submit the appropriate performance guarantee to the Code Enforcement Officer or the Planning Board as applicable.

710.2 The performance guarantee shall include one of the following:

710.2.1 A cashier check, in an amount equal to the expense of installing the public improvements, made payable to the town.

710.2.2 A performance bond, in an amount equal to the expense of installing the public improvements, made payable to the town, issued by a surety company.

710.2.3 A conditional agreement with the Town, in a form suitable for recording at the Penobscot Registry of Deeds, shall be recorded at the registry with the condition whereby no portion of the project may be sold or no building permit or certificate of occupancy issued until

the applicant installs all public improvements required by Section 405.1. A phased development plan may be incorporated into the conditional agreement. This agreement shall be binding with all heirs, successors and assigns.

710.2.4 An irrevocable letter of credit from a bank or other lending institution that indicates that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

710.2.5 Escrow Account - A certified check, savings account, or CD, for which the municipality must be named as sole owner, and who may withdraw funds only when the reclamation does not follow the agreed-upon plan. In addition, the principal and any earned interest shall be returned to the operator when the reclamation is completed, unless the municipality has found it necessary to draw on the account. In the latter case, the residual from the account, if any, and its earned interest, will be returned to the developer proportionately.

710.3 The Planning Board or the Code Enforcement Officer as applicable, prior to approval of the application, shall consult with the Selectmen on the terms proposed by the applicant for the performance guarantee. The Selectmen may determine that the amount of the cashier check or performance bond or the terms of the performance guarantees be amended or revised. The Planning Board or the Code Enforcement Officer shall require that any determination made by the Selectmen be incorporated into the performance guarantee.

710.4 Prior to the release of the performance guarantee, the Code Enforcement Officer and the Town Manager shall determine that the proposed improvements meet or exceed the design, construction and inspection requirements specified in this Ordinance, development plans and the subdivision Ordinance as applicable.

710.5 The applicant shall submit to the town all inspection reports required by Ordinances of the Town of Eddington indicating that the proposed public improvement complies with all Ordinance requirements.

710.6 If the Code Enforcement Officer or the Selectmen finds that any of the public improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall take any steps necessary to preserve the town's rights, including but not limited to proceeding against the performance guarantee.

Chapter 8: Environmental Performance Standards

801 Erosion Control:

801.1 Purpose Erosion control measures are necessary to ensure that soil and sediment do not flow into waterbodies, drainage structures, road drainage ditches and structures, and neighboring properties.

801.2 Applicability: All activities which involve filling, grading, excavation, soil disturbance and other similar activities which result in unstable soil conditions shall conform to the requirements of this subsection. Any of the above listed activities which also require a permit according to this Ordinance shall include a written soil erosion control plan with the permit review application.

801.3. Plan: The erosion control plan shall address the following:

801.3.1 Temporary runoff control features.

801.3.2. Permanent stabilization structures.

801.3.3 Mulching and re-vegetation of disturbed soils.

801.4 Maintenance: The applicant, property owner or agent shall be responsible for maintaining all erosion control features until the site is permanently stabilized. Any soil or sediment that flows into a waterbody, drainage structure, road drainage ditches and structures or onto neighboring property shall be removed by the applicant, property owner or agent at the applicant's expense.

801.5 Standards: All erosion control measures shall conform to the "Maine Erosion and Sediment Control Best Management Practices," published by the Maine Department of Environmental Protection, March 2003, as revised.

801.6 Additional Standards:

801.6.1 In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slope where high cuts and fill may be required shall be avoided where possible, and natural contours shall be followed as closely as possible.

801.6.2 Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

801.6.3 Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, using riprap, sod, seed and mulch, or other effective measures. In all cases, permanent stabilization shall occur within 9 months of the initial date of exposure.

802 Stormwater:

802.1 General Standards:

All new construction and development shall be designed to minimize storm water runoff from the site in excess of natural predevelopment conditions, and to prevent off-site damage to public or private property. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters. When the storm water is directed off-site, adequate provision shall be made for disposal of all storm water and any drained ground water through a management system of swales, culverts, under-drains and storm drains.

802.2 Additional Standards:

802.2.1 The additional standards shall apply to all developments that have a cumulative total of 3,000 square feet of all structure footprints, contains more than 10,000 square feet of impervious area or are a subdivision.

802.2.2 A storm water control plan shall be designed by a professional engineer. All storm water features shall be designed in conformance with "Stormwater Management for Maine: Best Management Practices," published by the Maine Department of Environmental Protection, 1995 or as most recently amended. A stormwater control plan that is developed according to the requirements of the Department of Environmental Protection Regulations, Chapter 500, Stormwater Management and Chapter 502, Direct Watersheds of Waterbodies Most At Risk from New Development, shall be deemed to be a suitable equivalent to these standards with the approval of the Code Enforcement Officer.

802.2.3 All components of the storm water management system shall be designed to limit peak discharge to predevelopment levels for every storm between the 2-year and 25-year, 24-hour duration frequencies based on rainfall data for Bangor, Maine.

802.2.4 The stormwater system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.

802.2.5 Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the development. The applicant shall be responsible for financing any improvements to the existing drainage system required to handle the increased storm flows.

802.2.6 The developer shall not increase the rate of or obstruct the flow of drainage into any adjacent land, any ditch or drainage structure existing on any road or other location within the jurisdiction of the town by the construction of any development including a driveway, entrance, or road.

802.2.7 The minimum pipe size for any storm drainage pipe shall be 15 inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. The pipe shall be bedded in a fine granular material, containing no stones larger than 3 inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom the pipe extending to six inches above the top of the pipe. The minimum culvert pipe length shall be 20 feet.

808 Historic, Archeological, Wildlife Habitat, Scenic Area, and Rare and Natural Area Provisions:

808.1 All proposed new development shall show the locations of any historic and archeological sites, wildlife habitat, scenic areas and rare and natural areas. If any of these areas are on the site, a protection plan shall be developed according to the following:

808.1.1 If any portion of the site is designated as a significant archeological or historic site by the Maine State Historic Preservation Commission, Comprehensive Plan, or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations. The applicant shall review the archeological predictive maps, and historic areas identified by the Maine State Historic Preservation Commission to determine the status of the development site.

808.1.2 The Natural Areas Program data and scenic areas identified by the Town of Eddington shall be reviewed to determine the status of the site. If any portion of the site is within an area designated as a scenic area or a unique natural area by the Maine Natural Areas program, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.

808.1.3 The Code Enforcement Officer or the Planning Board may require the applicant to consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist to further evaluate the site or to develop a habitat protection plan for the site. If any portion of the site is within a wildlife habitat area, the applicant shall develop measures to protect these areas from environmental damage and habitat loss. The applicant shall review the wildlife data as identified by the Beginning with Habitat Maps for the Town of Eddington to check the status of the site.

808.1.4 Wildlife habitat areas shall include the following:

808.1.4.1 Habitat of endangered species appearing on the official state or federal list of endangered or threatened species.

808.1.4.2 High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.

808.1.4.3 Deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.

809 Earth Moving, Excavation, Removal of Fill or Land:

809.1 General:

809.1.1 The following provisions shall apply to excavation, removal of fill or soil, earth loam, sand gravel, rock, peat, and/or other deposits. Excavation, removal, fill of land, or other earth moving activity which would result in erosion, sedimentation, impairment of water quality, or fish and aquatic life is prohibited. All land filling or deposit of demolition debris, hazardous waste, industrial waste, sludge, petroleum products, tires, radioactive waste and white goods are prohibited without prior approval by the Maine Department of Environmental Protection.

809.1.2 Excavation, removal or fill activities not requiring a permit. The following activities shall be allowed without a permit.

809.1.2.1 The excavation, removal or fill of 0 to 300 cubic yards accumulative total of material from or onto any lot.

809.1.2.2 Excavation, removal or fill activities associated with the construction of any structure for which a valid building permit or a valid plumbing permit has been issued.

809.2 Review and Permit Required:

809.2.1 All excavation, removal or fill activities not exempt in Section 809.1.2 of this Ordinance shall require a permit before the activity is commenced. In addition to the information required for a permit, the applicant shall conform with the provisions of the Mineral Extraction Operation (MEO) Addendum to this ordinance.

809.2.2 Issuance by the CEO of a permit in the 300-1,000 cubic yard range represents a finding by the CEO that all pertinent standards and criteria applicable to projects of that size have been met.

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1010.1 The purpose of this section is to allow some low intensity uses to take place within existing unused agricultural structures such as barns, dairy barns, chicken barns and similar structures. Whenever a proposal to re-use an agricultural structure cannot conform to the standards of this section, it shall conform to another allowed use for the district in which it is located as specified in the district use chart.

1010.2 The following standards shall apply to all low intensity re-use of existing agriculture structures:

1010.2.1 All activity shall take place within the structure and no outside storage is allowed.

1010.2.2 The activity shall not generate more than 20 vehicle trips per day.

1010.2.3 No more than 2 employees are allowed

1010.3 In addition to the Noise standards contained in this ordinance, activity shall not produce any noise more than 50 decibels between the hours of 7:00 am and 9:30 p.m. and 40 decibels at other times as measured at the property line.

Chapter 11: Definitions

1102. Definitions:

Words and terms not defined shall have their customary dictionary meanings.

The following words and terms, for the purpose of this ordinance, shall be defined as follows:

Abutters: All property within 500 feet of subject property lines, including property owners across roadways and bodies of water.

Accessory or Adjunct: Commonly associated with or in support of the primary or principal use of a lot or structure.

Active Extraction Area: The extraction area including side slopes and adjoining areas with overburden removed, excluding roads, structures, stockpiles, etc. not part of the active mineral extraction operation.

Active Recreation: Recreational activity which necessitates some degree of structural or mechanical components for participation in the activity, such as ball fields, playgrounds and tennis courts.

Adult Entertainment: A sexually oriented business including adult amusement stores, adult movie theaters, adult entertainment cabarets, or adult spas or any business where erotic materials and activities are displayed, depicted, described, or simulated as a regular and substantial part of its operation.

Adult Spa: An establishment or place primarily in the business of providing services of an erotic nature.

Adult Entertainment Cabaret: A public or private establishment used regularly or occasionally, which features entertainers or employees who by reason of their

appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interests of the patron.

Adult Movie Theater: An establishment used regularly or occasionally for presenting motion picture or video material having as a dominant theme material distinguished or characterized by an emphasis on erotic material for observation by patrons.

Adult Amusement Store: An establishment having a substantial or significant portion of its sales or stock in trade, erotic material or an establishment with a portion of the premises devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, the exclusion of minors from the establishment's premises, or any other factors showing that the establishment purpose is to purvey such material.

Affected Land: All reclaimed and unreclaimed land, land that has or will have the overburden removed, land on which stumps, spoil, or other solid waste has or will be deposited and storage areas, all roadways or other and, except natural buffer strips, that will be or has been used in connection with an MEO.

Aggrieved Party: A person who demonstrates standing to appeal from a decision rendered under this Ordinance.

Agricultural Land: Land in excess of one acre, which has been tilled, harvested, mown (except lawns and similar which are customarily incidental to residential use), and/or used for the production of field crops, including commercial orchards, pasture, and pick-your-own crops, which use has been within 5 years of the date of application for development under these provisions.

Agricultural Processing Facility: A building or structure in excess of 1000 square feet designed to take plants, livestock or fish and process these raw materials into a food product for human or animal consumption

Agriculture – Non-livestock: Shall mean the cultivation of soil, producing or raising crops, including gardening as a commercial operation. The term shall also include greenhouses, nurseries and versions thereof, where flowers, plants, shrubs, and/or trees are grown for sale.

Agriculture – Livestock: See animal husbandry.

Airblast means an atmospheric compression wave resulting from the detonation of explosives, whether resulting from the motion of blasted materials or the expansion of gasses from the explosion.

Ambient Sound: includes all sound present in a given environment. It includes intermittent sounds, such as aircraft, barking dogs, wind gusts, mobile farm or construction machinery, and vehicles traveling along a nearby road. It also includes insect and other nearby sounds from birds, animals or people.

Animal Husbandry: The keeping of any domesticated animals other than household pets.

Animal Unit: 1,000 pounds. A minimum of one acre/animal unit is required, excluding land occupied by structures not specifically used for housing such animals, and excluding unvegetated land.

Aquifer: An underground bed or stratum of earth, gravel or porous stone that contains water.

Assembly/Meeting Space: A building or facility used to provide rented space for educational, business, social events or meetings. Food preparation may be included but it is limited to serving only events at the facility.

Auction Facility: A building or facility in which periodic or regular public sales of property to the highest bidder are held.

Authorized Agent: An individual or a firm having written authorization to act in behalf of a property owners, signed by the property owner and notarized.

Automobile Graveyard and Junkyard: a yard, field or other area used to store 3 or more unserviceable, discarded, worn-out or junked motor vehicles.

- A. "Automobile graveyard" does not include any areas 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.
- B. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations. (Revised March 18, 2002)

Automobile recycling business: means the business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80% of the business premises specified in the site plan is used for automobile recycling operations. (March 18, 2002)

Average Daily Traffic (ADT): The sum of average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Bed and Breakfast: A dwelling with a minimum of two and a maximum of 6 guest rooms are offered for rent and with only a breakfast meal served only to persons renting rooms.

Bedrock: The solid rock that underlies loose material, such as soil, sand, clay, or gravel

Blaster: A person qualified to be in charge of or responsible for the loading and firing of a blast.

Blasting: The use of explosives to break up or otherwise aid in the extraction or removal of a rock or other consolidated natural formation.

Blast Site: The area where explosive material is handled during the loading of drilled blastholes, including the perimeter formed by the loaded blast holes and 50 feet in all directions from loaded blast holes.

Boarding, Rooming or Lodging House: A use adjunct to the primary use of a building as a single family residence in which transient guests are furnished sleeping accommodation for a fee

in residence bedrooms. Guest may be furnished meals, which are prepared in the residence kitchen facility only.

Boat Landing: A facility, either paved or gravel, which provides public access to a body of water.

Body of Water: Shall include the following:

A. Pond or Lake - any inland impoundment, natural or man-made, which collects and stores surface water.

B. Stream or River - a free flowing drainage outlet, with a defined channel lacking terrestrial vegetation, and flowing water for more than three months during the year.

Borrow Pit: Mining operation undertaken primarily to extract and remove sand, fill, or gravel. Does not include any mining operation undertaken primarily to extract or remove rock or clay.

Camping: The occasional use of land on a temporary and intermittent basis for cooking and sleeping and using temporary shelter customarily associated with such activity. Included is the occupancy of a recreational vehicle parked on any lot.

Campground: Land upon which one or more tents are erected or trailers or RV's are parked for temporary recreational use on sites arranged specifically for that purpose. The word "camp grounds" shall include, but not be limited to, the words "tenting grounds" and "trailer parks", or "RV parks".

Cluster Development: See Open Space Development.

Code Enforcement Officer: A person appointed by the Town Manager to enforce the Ordinance(s) of the Town. Also referred to as CEO.

Commercial: An activity, other than a Home Occupation, Home Office, or Cottage Industry as elsewhere defined. The intent and/or result of which activity is the production of income from buying and selling of goods and/or services. Rental of residential building and/or dwelling units is excluded.

Common Scheme of Development: The process whereby contiguous parcels with existing or proposed quarrying operations where the applicant or property owner has at least a 30% share in ownership or where quarrying operations owned by a relative (as defined herein) are reviewed as a single license application.

Community Living: As defined by M.R.S.A.30-A 4357-A

Community Nonprofit: A building or buildings that contain public or private non-profit facilities to provide educational, recreational, or informational services to the general public.

Complete Application: An application form, including the required fee, and all information required by this Ordinance, determined to be complete by the Code Enforcement Officer or Planning Board.

Conforming Use: A use of buildings, structures or land, which complies with all applicable provisions of all Ordinance(s) of the Town of Eddington.

Congregate Care: Residential housing consisting of private apartments and central dining facilities and within which a supportive services program is available to meet the needs of residents.

Corner Lot: A lot that abuts two or more public or private ways. Frontage shall be defined as total aggregate frontage on all public or private ways.

Cottage Industry: A commercial use of low intensity that is subject to specific standards contained in this Ordinance.

Crematory: A building or portion thereof designed for the cremation of a corpse and located in a cemetery having a minimum land area of 20 acres.

Day Care Facility: An establishment, including a private residence, where there will be three or more children under the age of six cared for in return for compensation.

Deck: Any platform adjacent to, or attached to the exterior of a structure, including steps or ramps necessary to provide access.

De novo hearing: Authorizes the Board of Appeals to reverse a decision by the Code Enforcement Officer or Planning Board only if it finds that the decision is contrary to specific provisions of the ordinance or unsupported by substantial evidence in the record.

Detonating Cord: A flexible cord containing a center core of high explosives that may be used to initiate other explosives.

Development: Any man-made change to improved or unimproved real estate, including but not limited to building, or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.

Direct Watershed of a Pond: That portion of the watershed, which drains directly to the pond without first passing through an upstream pond or river.

Disposal: The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or liquid waste into or onto any land or water so that the waste or any constituent thereof may enter into the environment or be emitted into the air, or discharged into any waters, including round waters.

Driveway: 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, serving not more than two residences.

Dwelling Unit: A building, or portion thereof, used for living quarters for one family.

Dwelling, Single-family: Shall mean any structure containing only one dwelling unit and shall include a community living use as defined in M.R.S.A.

Dwelling, Two-family: Shall mean a building containing only two dwelling units, for habitation by not more than two families.

Dwelling, Multi-family: Shall mean a building containing 3 or more dwelling units..

Earth: Topsoil, sand, gravel, clay, peat, rock or other minerals.

Earth Moving: Any removal of earth from its original location and not defined as resource extraction/mining.

Easement: A right of use over the property of another.

Environmentally Sensitive Areas: Wetlands, swamps, wild life habitat areas delineated by the Dept. of Inland Fisheries and Wildlife (IF&W), prime agricultural areas as delineated by US Dept of Agriculture, areas with steep slopes as shown on the Shoreland Zoning map, areas with poorly drained soils as identified in the USDA NRCS soil survey, and flood plain areas (subject to a 100 year flood) as shown on the FEMA FIRM maps. Also to include Protected Natural Resources.

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.

Existing Right-of-Way: Land, which is dedicated for the sole purpose of providing access to a parcel or parcels of land abutting, and described on a deed recorded prior to the effective date of this Ordinance.

Expansion of Existing Operation: Excavation operations, including active extraction areas and affected lands that exceed the footprint of an approved operation.

Explosive: Any chemical compound or other chemical substance that contains oxidizing or combustible materials or other materials or technologies used for the purpose of producing an explosion intended to break or move rock, earth, or other materials.

Family: One or more persons occupying a premise and living as a single housekeeping unit.

Flyrock: Rock that is propelled through the air or across the ground as a result of blasting and that leaves the blast area.

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

Government Offices and Structures: Any building or land held, used, or controlled exclusively for public purposes by any department or branch of government, federal, state, county or local

Grandfather Clause: See non-conforming lots of record and non-conforming Structures..

Gravel Pit: See Borrow Pit

Great Pond: See the Shoreland Zoning Ordinance

Ground water: All the waters found beneath the surface of the earth which are contained within or under this State or any portion thereof, except such waters as are confined and retained completely upon the property of one person and do not drain into or interconnect with any other waters of the State.

Hazardous Waste: As currently defined by the Maine Department of Environmental Protection.

Height of a Structure: The vertical distance between the mean original grade at the downhill side of a structure and the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances which have no floor area.

Highwall: The unexcavated face of exposed overburden and material on an open face or bank.

Indoor Commercial Recreation/Amusement: A building or structure designed and equipped for the conduct of sports, leisure time activities. Performances and other customary recreation activities which take place indoors. Activities include but are not limited to amusement centers, arcades, gyms, health clubs and bowling alleys. Restaurants which are incidental to the primary use of the structure or building are allowed. This does not include Adult Entertainment as defined elsewhere.

Junkyard: Junkyard, a yard, field or other area used to store:

- A. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
- B. Discarded, scrap and junked lumber;
- C. 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
- D. Garage dumps, waste dumps and sanitary fills. (Revised March 18, 2002)

Kennel, Commercial: A place, building or structure where three or more dogs, cats or other similar household pets are kept for breeding, training, exhibition, grooming or temporary housing for a fee.

Kiosk: A small detached building not more than 144 square feet in area used to sell goods or services including food.

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

Lot Lines: The lines which define a lot.

Lot Line, Front: The line separating the lot from the road On a corner lot the line separating the lot from either road.

Lot Line, Rear: The line opposite the front 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 10 feet along. Lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front line with the least dimension.

Lot Line, Side: A lot line other than the front lot line or the rear lot line.

Lot of Record: A parcel of land, the dimensions of which is defined on a document or map on file with the County Registry of Deeds.

Manufactured Housing: A structural unit or units designed 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 transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this definition, two types of manufactured housing are included. These two types are:

- 1) Those units constructed after June 15, 1976, commonly called "newer mobile home," that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and 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. 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.,
- 2) Those units commonly called "modular homes," that the manufacturer certifies are constructed in compliance with Title 10, Chapter 951, 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 foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical system contained in the unit.

Manufactured Home Park: A parcel of land, under single ownership, approved by the municipality for the placement of three (3) or more manufactured houses.

Mineral Extraction Operation (MEO): Any excavation or removal, handling or storage of sand, gravel, borrow, rock, clay, minerals, or topsoil including but not limited to sand or gravel pits, clay pits, borrow pits, quarries, mines, and topsoil mining or other like material from its natural location and that transports the product removed away from the extraction site. The incidental removal of material necessary for construction is not included.

Mineral Extraction Site or Area: All of the land area disturbed or otherwise developed for the extraction, handling, 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.

Native: Indigenous to the local forests

Natural Buffer Strip: An undisturbed area or belt of land that is predominantly covered with trees or other vegetation.

Non-Conforming Lots of Record: A single lot of record which, at the effective date of adoption, or amendments to, this Ordinance, does not meet the area, frontage, width or depth requirements of the District in which it is located.

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

Non-Hazardous Solid Waste: Solid waste, which does not present a potential or present danger to people, animals or the natural environment.

Non-Hazardous Solid Waste Facility: Any land, buildings, structures or combination thereof used for disposal of non-hazardous solid waste, excluding all municipally operated facilities for disposal of nonhazardous used building materials and discarded vegetation resulting from normal residential maintenance activities.

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. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

Normal Repair or Maintenance: The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. Normal repairs are nonstructural repairs and do not include additions or alterations.

Official Business Direction Signs: A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 M.R.S.A. Section 1901 et.seq. which points the way to public and/or private accommodations and facilities.

Open Space: Undeveloped land, including but not limited to, woodland, fields and agricultural land.

Open Space Use: A use not involving a structure, earth-moving activity, or the removal or destruction of vegetative cover, spawning grounds of fish or aquatic life, bird and other wildlife habitat.

Open Space Development: A development in which dimensional requirements may be reduced in order to promote the retention of open space.

Passive Recreation: Outdoor recreational activities which involve no structural or mechanical components or facilities, or earth moving, such as hiking, fishing, hunting, etc

Peak Particle Velocity: The maximum rate of ground movement measured by any of the 3 mutually perpendicular components of ground motion.

Period of Operation: The opening and closing times of certain businesses or activities regulated as a Special Exception under this Ordinance. This term may apply to hours of the day or night, and/or days of the week, and/or months of the year.

Person: As used in this Ordinance, persons, partnerships, firms, corporations, owners, lessees or licensees or their agents.

Place of Worship: A building or structure, or group of buildings and structures designed and used for the conduct of religious services.

Planned Residential Development: A project comprehensively planned as an entity via a unitary site plan, which is permitted as per the Open Space standards contained in this Ordinance.

Preblast Survey: Documentation, prior to the initiation of blasting, of the condition of buildings, structures, wells or other infrastructures; protected natural resources; historic sites; and unusual natural areas.

Private drinking water supply: A surface water supply, a dug well, a spring or a hole drilled, driven or bored into the earth that is used to extract drinking water for human consumption and that is not part of a public drinking water supply.

Processing: Any screening and/or mixing of sand, gravel, stone, rock, clay, or topsoil.

Production blasting: Blasting conducted for the purpose of extracting or removing natural materials for commercial sale or beneficiation.

Protected Locations: "Occupied Building or Structure" means a building that is a residence, school, hospital, house of worship, public library, hotel, motel, B&B, nursing home, seasonal residence, daycare centers, elder care facilities, places of seated assemblage, nonagricultural businesses or other building that is occupied or in use as a primary residence or is customarily frequented by the public or has been legally permitted for construction at the time when the permit application is submitted.

Protected Natural Resource: a river, stream, brook, great pond, coastal wetland or freshwater wetland as defined in Title 38 M.R.S.A., Section 480-B, significant wild life habitat as defined herein, fragile mountain areas, bogs, or marshes, as the terms are defined in applicable state law.

Public Accommodation/Hotel/Motel: A building or group of buildings intended to accommodate for a fee, travelers and other transient guests, who are staying for a limited duration, with sleeping rooms (with or without cooking facilities) which may include restaurant facilities where food is prepared and meals served to its guests and other customers.

Public drinking water source: A groundwater well or a surface water source that directly or indirectly serves a water distribution system that has at least 15 service connections or regularly services an average or at least 25 individuals daily at least 60 days of the year.

Public Facility: Owned by the state, county or municipality or quasi-municipal entity as defined under Maine Law.

Public Park: An area designed specifically for recreational use by the public and involving minimal structural development, as determined by the Planning Board.

Public Safety Officer: an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew.

Quarry: A place where rock or large stone is separated from the bedrock

Quarry Face: see Highwall

Reclamation: The rehabilitation of the area of land affected by mining, including, but not limited to, the stabilization of slopes and creation of safety benches, the planting of forests, the seeding of grasses and legumes for grazing purposes, the planting of crops for harvest, the enhancement of wildlife and aquatic habitat and aquatic resources and the development of the site for permitted residential, commercial, recreational or industrial use. "Reclamation" does not include the filling in of pits and the filling or sealing of shafts and underground workings with solid materials unless necessary for the protection of groundwater or for reasons of safety.

Reclamation Plan: A plan, as defined in 2008.2.14 which depicts how the project will be restored, or maintained, after excavation is complete. Such a plan usually includes final grading and revegetation plans, of any given phase.

Recreational Vehicle (RV): A vehicle, or vehicular attachment, designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include, but is not limited to, a pick-up truck camper, travel trailer, tent trailer, camp trailer, or motor home.

Resource Extraction/Mining: Any operation within any 12-month period where the principal use is the removal of more than 100 cubic yards of soil, topsoil loam, sand, clay, rock, peat or other like material from its natural location and that transports the product removed away from the extraction site. The incidental removal of material necessary for construction is not included.

Retail and/or Wholesale Business Establishment: A commercial activity engaged in for primarily selling tangible goods, which includes, but is not limited to, grocery stores, gift shops, restaurants, take-out foods, clothing stores, antique shops, pet shops, kennels, or similar.

Right of Way: The term used to describe a deeded right belonging to a party to pass over the land of another. As used with reference to right to pass over another's land it is only an easement.

Road: A highway; an open way or public passage; a strip of land appropriated and used for purposes of travel and communication between different places.

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.

NOTE: Need to combine the above two and/or pick one.

Road, Interior Access: A road constructed on the interior of a lot which provides access to an RV, Mobile Home or Campground space, or service within the Park or Campground.

Rock: A hard, nonmetallic material that requires cutting, blasting or similar methods of forced extraction.

RV Park or Campground: Land upon which one or more tents are erected or RV's are parked for temporary recreational use on sites arranged specifically for that purpose. The words "camp grounds" shall include, but are not limited to, tenting grounds" and "trailer parks".

Screening: (1) A method of visually shielding or buffering one abutting or nearby structure or use from another by fencing, berms, walls, or densely planted vegetation.
(2) Removal of relatively coarse floating and/or suspended solids by straining through racks or screens.

Seasonal High-Water Table: That part of the year when the water table is at its highest level.

Seasonal Residence: A protected location which is occupied for less than six months of the year.

Self Storage: A building or group of buildings that contain individual compartmentalized and controlled separate storage spaces leased or rented on an individual basis and accessible through individual doors. The space is intended only for storage and not for occupancy.

Senior Housing Development: A housing development designed for persons over the age of 50 years without residential care or similar services.

Service Business/Establishment: A commercial activity primarily providing services, as opposed to one primarily providing or selling tangible goods, which selling of goods, is defined as a "retail business". By way of example, professional, real estate sales, securities dealers, insurance agencies, auto repair, body shops, appliance repair, small engine repair, furniture refinishing or repair, welding service for fabricating products for sale.

Setback: The minimum horizontal distance from a lot line to the nearest part of a structure, or from a lot line to the perimeter of a parking space or storage area, or from a lot line to the perimeter of a prescribed land area, the setback for which area or parking space is defined in this Ordinance.

Setback: The horizontal distance from a lot line or referred location to the nearest part of a structure or activity.

NOTE: Need to combine the above two and/or pick one.

Setback from Water: The horizontal distance from the normal high water mark to the nearest part of a structure or activity.

Sheet flow: shallow-depth, slow-velocity flow of water over the landscape

Sign: A name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly on a building, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises. A sign, which requires location in the ground or attachment on the ground, is a structure. A temporary sign is one that is movable or readily removable by non-mechanical means.

Significant Wildlife Habitat: all areas listed under 2008.2.1.1 a) through g).

Small Scale Animal Keeping: The keeping of animals exclusively for the personal use of the property owner and not for breeding, or any other commercial use.

Social and Fraternal Organizations: Any association of persons organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests, which includes, but is not limited to, fraternities, sororities, churches and social organizations.

Stemming: Inert material used in a blasthole to confine the gaseous products of detonation.

Stockpile(s): Area(s) where either man-made or natural materials are being piled up temporarily, either undercover or exposed to the elements, for future processing. These piles are only for materials that are necessary for quarrying activities and associated uses which have been approved by the Planning Board.

Stream: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation or by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock.

Street: See Road.

Structure: Anything constructed or erected, including manufactured housing and including, but not limited to, mobile homes, box trailers, signs which requires location in the ground or attachment to something on the ground. The following are not considered as structures: fences, boundary wall, unattached buildings 100 square feet or less in area and subsurface waste water disposal systems.

Subdivision: A defined in Title 30-A MRSA Section 4401.

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.

Underground production blasting: A blasting operation carried out beneath the surface of the ground by means of shafts, declines, adits or other openings leading to the natural material being mined or extracted.

Variance: A variance is an allowed deviation from the terms of this ordinance and is limited to lot area, frontage and setback requirements. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of non-conformities in the immediate or adjacent areas.

Vehicle Sales, Service or Repair: Any business which involves automobiles, trucks, farm equipment, motorcycles, campers, recreational vehicles, motor homes, boats, and mobile homes.

Veterinary Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations.

Warehousing: The receiving, storage, housing, or stockpiling of goods, and/or finished merchandise either inside or outside of a structure prior to their redistribution.

Water Extraction: Commercial removal of ground water.

Water Table: The upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

Wetland: An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and under normal conditions does support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, vernal pools, forested wetlands and similar areas. The parameters that characterize wetlands area;

- The vegetation is predominantly wetland or aquatic;
- The soils are predominantly un-drained Hydric or wetland soils; and
- The substrate is non-soil such as sand, gravel or rock and the area is saturated with water or covered with water at least 2 months during each year.