

**TOWN OF NAPLES**  
**DEFINITIONAL ORDINANCE**

**Adopted June 11, 2002**  
**Amended June 24, 2009**  
**Amended June 16, 2010**  
**Amended June 1, 2015**

**Attested by Town Clerk**

Attest:   
Judy Whynot, Town Clerk

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

**Accessory Use:** A subordinate use of a principal building, other structure or land, or a subordinate building or other structure:

The use of which is customary in connection with the principal building, or other structure or use of land;

The use of which is clearly incidental to the use of the principal building, other structure or use of land;

Which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot is in the same ownership or part of the same establishment.

**Adjacent Upland:** Means the land abutting a body of water to which an aquatic structure may be attached or which affords immediate access to an aquatic structure.

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

**Agricultural Land Management Practices:** Means those devices and procedures utilized in the cultivation of land in order to further crop and livestock productions and conservation of related soil and water resources.

**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.

**Amusement Facility:** Private commercial premises which are maintained or operated primarily for the amusement, patronage or recreation of the public.

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

**Aquatic Structure:** Shall mean any functionally water-dependent structure designed to be placed in or over a great pond or a river and shall include, without limitation docks, wharves, piers and floats extending over the water starting at the normal high water mark.

**Awning:** A fabric or plastic cover mounted on a rigid frame and extending perpendicular to the side of a building.

**Back Lot:** Must conform to the current minimum lot size criteria, except for road frontage requirements. A back lot may only be created on a lot in existence as of June

8, 2001. No more than two (2) back lots are allowed on a parcel of land. A back lot shall be accessed by a right of way of no less than twenty (20) feet in width.

**Barns, Stables and other Agriculturally Related Buildings:** Buildings that are used primarily for agricultural purposes i.e. crop and livestock.

**Bed and Breakfast:** An owner occupied single-family residence that is licensed by the State of Maine to offer from three (3) to eight (8) rooms for overnight stay to the general public. Breakfast may be offered to overnight guests, however, no evening meals shall be offered.

**Bedroom:** A room, whether or not combined with any functions, customarily used or dedicated for the purpose of sleeping for one or more individuals, it shall include rooms used as dens, lofts and the like.

**Boarding or Lodging Facility:** 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.

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

**Building:** Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals goods or property of any kind.

**Campground:** An area devoted to overnight recreational or educational use where the land is divided into sites or lots for which a charge is made, either on a short term basis, by sale, rent, lease or condominium type of financing or ownership; and/or 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.

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

**Caregiver:** A person who renders healthcare and/or gives assistance in living to those in residence who require the service in every day living.

**Church:** A place of organized worship.

**Cluster:** Separate ownership of individual units in a multiple unit building or a group of three (3) or more individual units on a single parcel that meets the current minimum lot size.

**Commercial:** Connected with the business of buying, selling, storing of goods, services, or the provision of facilities for a fee.

**Commercial Aquatic Structure:** Means an aquatic structure serving persons other than those owning or lawfully occupying the adjacent upland, or an aquatic structure, the use of which is sold, rented or leased for consideration of any kind whether on a short term or a long term basis.

**Commercial Recreation:** Any commercial enterprise, which receives a fee in return for the provision of some recreational activity including, but not limited to, racquet clubs, health clubs, amusement facilities.

**Commercial School:** An educational institution, which is commercial or profit oriented. Examples thereof are: dancing, music, riding, correspondence, aquatic schools, driving or business.

**Commercial Tower:** Includes radio, radar, television or radiotelephone transmitting, repeating or broadcasting towers and necessary accessory structures, but not studios or offices for such activities.

**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.

**Commercial Vehicle:** A vehicle used for commercial purposes including, but not limited, to trucks, buses and trailers.

**Community Living Facility:** As required by State Law under Title 30-A, M.R.S.A. Section 4357 2B, a community living facility is defined as a housing facility for eight (8) or fewer mentally handicapped or developmentally disabled persons which is approved, authorized, certified or licensed by the State. A community living facility may include a group home, foster home or intermediate care facility.

**Comprehensive Plan:** Any part or element of the over-all plan or policy for development of the Town as defined in Title 30 M.R.S.A. Chapter 239, Section 4961.

**Conditional Use:** A use that may be permitted in zones where it otherwise would not be permitted. The use must be consistent with the Comprehensive Plan for uses in those districts, and may be approved only after review by the Planning Board, notice to abutting landowners by certified mail and a public hearing. A conditional use is a use that would not be approved or appropriate without restrictions, but which may be permitted provided that all performance standards and other requirements are met. Approval shall be granted only for the applicant and is not transferable.

**Condominium:** Separate ownership of individual units in a multiple unit building or a group of three (3) or more individual units.

**Construction:** Structural changes or additions to a building or a structure other than repairs and modification in building equipment.

**Construction Drawing:** Means drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground fire alarm ducts, pavements, cross-section of streets, miscellaneous structures, etc.

**Construction Sign:** An on-premise sign located on a site where construction is occurring, providing the name, address or other identifying information for the contractor,

architect, landscape architect, engineer and/or other participants in the construction process. Signs to be removed upon completion of construction.

**Convalescent or Rest Home:** A facility in which nursing care and medical services are performed under the general direction of persons licensed to provide medical care in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care, but who do require, on a 24-hour basis, nursing care and related medical services.

**Cross-sectional area:** The cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight-line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

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

**Daycare Facility:** An establishment, including a private residence, where three (3) or more children under the age of six (6) are cared for in return for compensation.

**Designated Mooring Area:** A cluster of moorings in an area not subject to hazards of navigation and designated by the Harbor Master.

**Development:** A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring on land located within the Shoreland Zone.

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

**Driveway:** A vehicular access-way serving not more than one (1) lot.

**Duplex:** A dwelling that has accommodations for two families without regard to whether such accommodations are identical or not. May be adjacent or separate floors.

**Dwelling:** A room or group of rooms designed and equipped exclusively for use as permanent, seasonal or temporary living quarters for only one family, including provisions for living, cooking and eating. The term shall include mobile homes but not recreational vehicles or tents.

**Easements:** The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of a property.

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

**Entertainment:** Shall include any amusement, performance, exhibition or diversion for the patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with entertainment value.

**Essential Services:** The construction, alteration or maintenance of gas, electrical, solar, wind, or communication facilities; steam, fuel, electric power or water transmission or distribution lines, tower 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.

**Expansion of 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.

**Fairway:** Shall mean a navigable channel in a restricted area of water body, which may but need not be marked with channel markers.

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

**Final Subdivision Plan:** The final drawings on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, must be filed for the record with the Municipal Clerk and County Registry of Deeds.

**Flashing Sign:** A sign whose illumination is not constant in intensity at all times when in use, and which exhibits changes in light, color, direction or animation. Illuminated signs, which indicate the date, time and temperature, will not be considered flashing signs.

**Flight School:** An operation that teaches how to fly an aircraft including balloons.

**Floor Area:** The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure, such as, porches and decks.

**For Sale/Rent/Lease Sign:** An on-premises sign advertising the property as available for sale, rent or lease.

**Forest Management Activities:** Includes timber cruising and other forest evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands and other similar associated activities, but not the construction, creation or maintenance of land management roads.

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

**Foundation:** The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

**Free Standing Sign:** A self-supporting sign not attached to any building, wall or fence, but in a fixed location. This does not include moveable, portable or trailer type signs.

**Freshwater Wetland:** Freshwater swamps, marshes, bogs and similar areas other than forest wetlands, which are:

1. of ten (10) or more contiguous acres; or of less than ten (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 ten (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.

**Frontage:** The linear distance between the sidelines of a lot, measures along the lot line that borders upon whatever right-of-way serves as legal access to the lot. The following ways shall constitute legal access to a lot along which frontage may be measured:

1. A way accepted by or established as belonging to the Town of Naples, Cumberland County or the State of Maine, provided access is not specifically prohibited;
2. A way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;
3. A way which has not been accepted by a governmental unit which was established prior to the effective date of the Maine Subdivision Act (September 22, 1971) and is documented in a plan or deed recorded in the Registry of Deeds; and
4. A private way created by a deeded right-of-way which is a minimum of twenty (20) feet in width, which serves no more than two (2) lots, neither of which shall be part of a subdivision which meets all of the requirements for the district in which it is located, and which meets the following standards for improvement:

The roadway shall be constructed with a minimum of twelve (12) inches of road gravel, shall have a minimum width of the surface of the travel way of sixteen (16) feet, and shall have adequate surface and subsurface drainage.

A private way shall not serve as access to any lot in a subdivision nor shall any private way created after the date of adoption of this section be offered to the Town for acceptance as a Town way until it is brought up to the standards of the Town of Naples.

In the case of a lot situated on a curve of a way or on a corner of two ways, the measurement of frontage may include the entire length of the property along such a way or ways.

**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, by are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marina, navigation aides, basins and channels, industrial uses dependent upon waterborne 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.

**Governmental Use:** Any property owned, operated or maintained by a municipal, state or federal government, which is used for a government function.

**Great Pond:** Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**Great Pond Classified GPA:** Any great pond classified GPA pursuant to 38 M.R.S.A., Article 4-A, Section 465-A. This Section 17 classification includes some, but not all impoundments of rivers that are defined as great ponds.

**Gross Floor Area:** Equals the length times the width of any building.

**Gross Floor Area (regarding aquatic structures):** Means the "footprint" which the aquatic structure would make on the earth if viewed from above.

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

**Height of a Structure:** The vertical distance between the mean original (prior to construction) grade at the uphill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances, that have no floor area.

**Home Occupation:** Accessory use conducted within a dwelling or accessory structure by the residents thereof, which is clearly secondary to the dwelling, used for living purposes and does not change the character thereof.

1. Home occupation or office will be managed by a member of the family residing within the dwelling unit. Up to two employees who are not members of the family may be employed in a home occupation, and;
2. The occupation or office will be located wholly within the principal or accessory structures, and;
3. Exterior displays, exterior storage of materials, and exterior indication of the home occupation will not be permitted except for daycares, preschools or the like with not more than 12 clients and home gardening, and;
4. Residential/Home Occupation will be allowed not more than one (1) sign of not more than three (3) square feet, and;
5. Noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare will not be detectable beyond property limits, and;
6. A home occupation shall apply to only the applicant only while the applicant resides at the property.

**Hotel:** A building in which lodging or meals and lodging are offered to the general public for compensation and in which ingress and egress to and from the rooms are made primarily through an inside lobby or office. The hotel may contain such accessory services and facilities as newsstands, personal grooming facilities and restaurants.

**Identification Sign:** A sign giving the name, logo, trademark, or other identifying symbol, the nature or type of business and address of an occupant of the building, business, complex or establishment on the premises where it is located, but containing no other advertising matter.

**Illumination Sign:** Any sign lit by electric bulbs, florescent or neon tubes. Neon tubes used as abstract, graphic, decorative or architectural elements shall not be considered an illuminated sign.

**Impervious Surface:** Structures and other man-made improvements to land and material covering the land, which substantially reduce the infiltration of water. Impervious surfaces shall include, but not be limited to, roofs, paved areas, parking lots and driveways, regardless of surface materials.

**Increase in Intensity:** Any sudden modification of use, which results in the increased traffic flow, increased noise levels or an increase in wastes generated.

**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.

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

**Individual Private Campsite:** An area of land which is not associated with a campground, but which is developed for repeated camping with a tent, recreational vehicle or otherwise by only one group not exceeding ten (10) individuals and which involves site improvements which may include, but not be limited to, gravel pads, parking area, fire places or tent platforms.

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

**Landmark Sign:** Any sign of artistic or historic merit, uniqueness or extraordinary significance to the Town as identified by the local Historical Society or the Municipal Officers.

**Legal Family:** Means legal by marriage, adoption or blood relationship.

**Legislative Body:** Town Meeting.

**Library:** A place in which literary and artistic materials, such as books and periodicals are kept for reading, reference or borrowing; a collection of reading materials.

**Licensee:** Shall include the holder of a license issued under any Statute of the State of Maine.

**Light Manufacturing:** The mechanical or chemical transformation of materials or substances into new products, either finished or semi-finished, and including the assembling of component parts, the manufacturing or products and the blending of materials. All production operations shall occur within a fully enclosed building or structure.

**Lot:** A legally recorded parcel of land which may either be conforming or legally nonconforming.

**Lot Area:** The area of land enclosed within the boundary lines of a lot 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 (2) lots.

**Manufactured Housing:** Means a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported by the use of an independent chassis to a building site. (See Maine State Housing Act definition)

**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 must 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.

**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 lists.

**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 within any twelve (12) month period which 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 to transport 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.

**Mobile Home:** Means a structural unit designed for occupancy, constructed in a manufacturing facility and transported by the use of its own chassis to a building site.

**Mobile Home Park:** An area designed or planned for the placement of two or more mobile homes with design and lot size standards as required in the Naples Subdivision regulation. See also, State Regulation for Mobile Home Parks, Chapter 953.

**Mooring:** Apparatus placed in the water consisting of an anchor connected to a mooring ball to which a boat can be attached.

**Mooring Ball:** A device designed to float, is anchored in water and colored white with a single blue horizontal band clearly visible above the water line.

**Moveable Sign:** A sign designed or constructed so as to be readily moved or relocated, including, but not limited to, portable signs or sandwich signs supported by legs.

**Moveable Structure:** A structure that is not sitting on a foundation.

**Multi-Family Dwelling:** A residential structure consisting of three or more attached dwelling units.

**Municipal Aquatic Structure:** An aquatic structure that is owned by the Town of Naples.

**Municipal Facility:** A facility that is open to the public, owned or leased by the municipality and operated under its direct supervision, including but not limited to, schools, museums, libraries, offices, garages and parking areas.

**Municipality:** Town of Naples, Maine.

**Museum:** An indoor or outdoor facility, public or private, for the preservation of items for antiquity, art or natural history.

**Native:** Indigenous to the local forests.

**Nonconforming Condition:** Nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time the Shoreland Zoning Ordinance, Minimum Lot Size Ordinance or the Land Use Ordinance or subsequent amendment took effect.

**Nonconforming Lot:** A single lot of record, at the effective date of adoption or amendment of the Shoreland Zoning Ordinance, Minimum Lot Size Ordinance, or Land Use Ordinance, which does not meet the area, frontage or width requirements of the district in which it is located.

**Nonconforming Structure:** A structure which 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 the Shoreland Zoning Ordinance, Minimum Lot Size Ordinance, or Land Use Ordinance or subsequent amendments took effect.

**Nonconforming Use:** Use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time of the Shoreland Zoning Ordinance, Minimum Lot Size Ordinance, or Land Use 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.

**Nursing Home:** Any facility, which provides meals, lodging and twenty-four (24) hour nursing care for compensation.

**Off-Premises Sign:** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**On-Premises Sign:** A sign that advertises, calls attention to or identifies the occupant of the premises on which the sign is maintained, or the business transacted thereon or advertises the property itself or any part thereof as for sale or rent.

**Official Map:** Any map adopted by the Municipality.

**Official Submittal Date:** The time of submission of a Pre-application Plan. Final Plan for Minor Subdivision, Preliminary Plan for Major Subdivision or Final Plan for Major Subdivision shall be considered the submission date of the application for such Plan approval to the Board, complete and accompanied by any required fee and all data required by these standards.

**Painted Wall/Roof Sign:** A sign painted directly on the surface of a structure.

**Person:** An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having joint or common interest, or other legal entity.

**Personal Services:** Establishment primarily engaged in providing services involving the non-medical care of a person or of his or her apparel, as exemplified by beauty shops, barber shops, shoe repair, photographic studios, coin-operated laundries and similar establishments.

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

1. Temporary: structures, which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
2. Permanent: structures, which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

**Planning Board:** The Planning Board of the Municipality created under Title 30, M.R.S.A., Chapter 239, Section 4952 or Chapter 201-A, Section 1917.

**Point of Attachment:** Means the point on an aquatic structure where the structure is physically attached to an adjacent upland. If an aquatic structure is not attached to the land, the "point of attachment" shall mean the point on the structure closest to the adjacent upland.

**Political Sign:** A sign intended to influence the actions of voters in a local, state or national election.

**Posting Sign:** A sign related to trespassing or hunting, etc.

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

**Premises:** A lot, parcel, tract or plot of land together with the building(s) and structure(s) thereon.

**Primitive Trails:** A public or private path or trail, with a tread path no more than three (3) feet in width and an overall clearance of four (4) feet in width, established for walking, hiking, non-motorized biking purposes, snow-shoeing, or cross-country skiing. Primitive trails are not structures if there is no base material used such as, but not limited to, pavement, concrete, gravel or similar material.

**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.

**Principal Use:** A use other than one, which is wholly incidental or accessory to another use on the same premises.

**Private Utility Substation:** An area allowing for switching, transferring or transmitting of utilities.

**Professional Office:** The place of business of, including, but not limited to, doctors, lawyers, accountants, architects, surveyor, banks, psychiatrists, psychologists, counselors and financial advisors, but not including personal services.

**Projecting Sign:** An outdoor sign which is affixed to a building or other structure and which extends more than six (6) inches beyond the surface to which it is affixed.

**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 Safety Sign:** A sign which has no advertising function but provides information or guidance to the public on potential safety hazards. Examples include: low clearance, high voltage, etc.

**Push Cart:** A nonmotorized vehicle used for the sale of goods or services with dimensions no greater than forty-eight (48) inches in width, ninety-six (96) inches in length and ninety-six (96) inches in height.

**Recent Flood Plain Soils:** The following soil series as described and identified by the National Cooperative Soil Survey:

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

**Recreational Facility:** A place designed and equipped for participation in sports, leisure time activities and other customary and usual recreational activities, excluding boat-launching facilities.

**Recreational Structures:** Any commercial facility used for recreational purposes including, but not limited to, golf courses, driving ranges, batting ranges, tennis courts, swimming pools and amusement rides.

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

**Refuse:** Means all combustible or non-combustible putrescible or non-putrescible solid or liquid wastes.

**Replacement Subsurface Wastewater Disposal System:** A system intended to replace:

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

**Residential Buildings:** Single family dwellings, duplexes, cluster, apartments and condominiums.

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

**Residential Institution:** A use providing recreation, counseling education and/or other rehabilitative services where the individuals commonly reside at the facility.

**Restaurant:** A place where meals are served, for payment, to members of the public. Both sit down and take out operations are included.

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

**Retail:** Connected with the sale of goods to the ultimate consumer for direct use and consumption and not for trade.

**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.

**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.

**Sanitary Facilities:** means toilet, privies, lavatories, urinals, drinking fountains and any service building or room provided for installation and use of these units.

**School:** Includes parochial, private, public, nursery school, college, university and accessory uses; and shall exclude commercially operated schools of beauty culture, business, driving, music, dance, flight and similar establishments.

**Seasonal Dwelling:** A dwelling that is not used as a permanent place of residence and occupied continuously for not more than seven (7) months in any calendar year.

**Service Business:** A business where the primary function shall be, but not limited to, work done for or conferred upon another individual, excluding retail sales of goods and including hotels, motels and bed and breakfasts.

**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 or the customer requesting service or upon a roadway right-of-way; and
  - b. the total length of the extension is less than one thousand (1,000) feet.
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 (1,000) feet in length.

**Setback-Land:** Setbacks are footage requirements for the installation of all structures from the front, rear and side property lines of all lots.

**Setback-Water:** 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.

**Shore Frontage:** The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the side lot lines with the shoreline.

**Shoreland Zone:** The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, or river within 250 feet, horizontal distance, 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.

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

**Significant Wildlife Habitat:** Includes habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding area as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery area for Atlantic Sea Run Salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting and feeding and staging areas as defined by the Department of Inland Fisheries and Wildlife.

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

**Street:** The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other right-of-ways. The term "street" shall also apply to areas on subdivision plans designated as "street", etc.

**Street Vendor:** A person or persons engaged in the outdoor sale of merchandise on a temporary basis and with landowner's permission. The sales area shall be limited to one hundred (100) square feet and the sales display shall not exceed more than ten (10) feet in height with not more than one sales area/display per landowner's street frontage. Street vendors are allowed only in the Commercial Zone and Village District.

**Structure:** Anything constructed, erected or placed on the ground, which is permanent, temporary or mobile. Structure includes, but is not limited to building, mobile homes, recreational vehicles, commercial vehicles, piers and floats, storage and processing facilities. Boundary walls, fences, flagpoles, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors

are not considered structures. Temporary structures are allowed as long as they do not stay a duration of more than one week.

**Temporary Structure:** Limited to a certain period of time.

**Subdivision:** A subdivision shall be the division of a tract or parcel of land into three (3) or more lots for the purpose, immediate or future, of lease, sale, development or building, whether this division is accomplished by immediate platting of the land or by sale of the land by metes and bounds. The term subdivision shall include the subdivision of land for non-residential purposes, mobile homes parks and re-subdivision of land.

**Subdivision, Major:** Any subdivision containing more than four (4) lots, or any subdivision requiring any new public street extension or the extension of municipal facilities.

**Subdivision, Minor:** A subdivision containing not more than four (4) lots.

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

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

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

**Temporary Adjacent Upland Access Structure:** Means the portion of the dock, ramp, gangway, bridge, stairs, etc., located above the normal high water mark, which provides access to the aquatic structure.

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

**Trail Spur:** A primitive trail with no base material that extends towards the shoreline from a recreational trail.

**Transportation Service:** Businesses, which transport people for a fee, including but not limited to, limousine services, buses, taxicabs, airplanes or trolleys.

**Tributary Stream:** A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of

topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere and only applies to that portion or the tributary stream located within the Shoreland zone of the receiving water body or wetland.

**Upland Edge of a Wetland:** The boundary between upland and wetland. For the 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.

**Use:** Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

**Vegetation:** All live trees, shrubs, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at 4 ½ feet above ground level.

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

**Wall Sign:** A sign, which is attached directly on a building surface with the sign surface parallel rather than perpendicular to the building surface.

**Water Body:** Any great pond, river, or stream .

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

**Watercraft:** Shall mean any craft capable of floating on or in the water, with or without power, regardless of size.

**Watercraft Parking Facility:** Means a privately or publicly owned commercial aquatic structure designed to provide docking space for motorized and unmotorized watercraft on a short-term basis.

**Wetland:** A freshwater or coastal wetland.

**Window Sign:** A sign, which is painted or mounted onto a windowpane or hung directly inside the window.

**Wholesale Sales:** Trade that involves the sale of merchandise to retailers for resale or to industrial, commercial or institutional users.

**Woody Vegetation:** Live trees or woody, non-herbaceous shrubs.