

GLOSSARY

Throughout these Ordinances of the Town of Wiscasset:

The word "person" includes a firm, association, organization, partnership, trust, company, corporation, or any other legal entity, as well as an individual; the present tense includes the future tense; the singular includes the plural; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", "arranged to be used", and "occupied"; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; and the word "lot" includes the words "plot" or "parcel". Terms not defined in the GLOSSARY shall have their customary dictionary meanings.

ACCESSORY STRUCTURE OR USE: 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. [6-88, 3-91]

ACO: Animal Control Officer appointed by the Selectmen and supervised by the Police Chief. The ACO shall be appointed by the Selectmen in accordance with 7 MRSA Section 3947 as may be amended from time to time. [3-97]

ACTIVITY: The specific use or uses to which a premises is put.

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

AGRICULTURE: The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities. [3-91]

AGGRIEVED PARTY: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; 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. [3-91]

ANIMAL AT LARGE: Any animal off the premises of the owner and not under the control of any person by means of personal presence or physical restraint which will reasonably control the conduct of said animal. [3-97]

ANIMAL SHELTER: Any duly licensed facility for the care of animals where impounded animals are held pending legal disposition. [3-97]

AREA OF A SHALLOW FLOODING: A designated AO and AH zone on community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. [3-91]

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Hazard Boundary Map cited in Article I of the Flood Plain Management Ordinance.

AUTOMOBILE GRAVEYARD/JUNKYARD: a field, yard or other area used to store 3 or more unserviceable, discarded, worn-out or junked motor vehicles or parts of such vehicles. [9-2000]

AUTOMOBILE RECYCLING BUSINESS: the business premises of a person who purchases or acquires salvage 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. [9-2000]

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

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

BOAT: Anything that floats capable of transporting a person on the water and of any size and shape and propelled by any means including drifting in the tide or wind. [3-86]

BREAKAWAY WALL: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. [3-91]

BUFFER STRIP: A visual and sound barrier consisting of evergreen trees and shrubs and may include a fence. This barrier is to divide different types of land use or different districts. [3-97, 3-98]

BUILDING: A structure having a roof supported by columns or walls used for the support, shelter housing or enclosure of persons, animals, goods or property of any kind. [3-70, 3-83]

BUILDING INSPECTOR: The legally designated building inspection authority of the Town of Wiscasset.

BUSINESS DIRECTIONAL SIGN: A sign which is located off the premises of the business and whose function is to direct the public to the specific location of the business.

BYLAWS: The phrase "Town Bylaws" is interpreted as "Town Ordinances".

CAMPGROUND: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters. [3-91]

CAMPGROUND OR RECREATIONAL VEHICLE PARK: Any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged.

CERTIFICATE OF COMPLIANCE: A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of the Flood Plain Management Ordinance.

CHANNEL: a clear area for navigation of a width and location to be determined by the Harbormaster. [3-94]

CLUSTER HOUSING: An alternative form of residential land development which permits single dwelling units in a subdivision to be grouped or clustered on smaller sites so that the residual land area shall be available for recreation and other outdoor living purposes.

COASTAL WETLANDS: All tidal and sub tidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during maximum spring tide level as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. [12-89]

CODE ENFORCEMENT OFFICER - CEO: A person appointed by the Selectmen to administer and enforce the regulations of the Town of Wiscasset. [3-02]

COMMERCIAL FISHING ACTIVITIES: Activities directly related to commercial fishing and those commercial activities commonly associated with or supportive of commercial fishing such as the manufacture or sale of ice, bait and nets and the sale, manufacture, installation or repair of boats, engines and other equipment commonly used on boats. [12-89]

COMMERCIAL VESSEL: any vessel from which the owner obtains a substantial portion of his income, or which is operated as part of a business enterprise whether owned or not owned by an individual. [3-94]

COMPREHENSIVE PLAN: Any part or element of the overall plan or policy for development of the town, as defined by 30-A MRSA Sec. 4301(3) and any amendments thereto.

DANGEROUS DOG: A dog which has bitten a person who was not a trespasser on the owner's premises at the time of the incident, or a dog which causes a reasonable person, acting in a peaceable manner outside the owner's premises, to be put in apprehension of imminent bodily harm. [3-97]

DENSELY DEVELOPED AREA: Any commercial, industrial or compact residential area of 10 or more acres with a density of at least one principal structure per 2 acres. [12-89]

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

DIMENSIONAL REQUIREMENTS: Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height. [3-91]

DISPLAY ADVERTISING SIGN: Any painted, printed or stenciled advertising device whether erected on a frame structure or mounted or painted on a building conveying a message promoting a business enterprise of any kind.

DOMESTICATED ANIMAL: A mammal accustomed to home life, or tamed for man's use, such as dogs, cats, ferrets, livestock, and wildlife hybrids. [3-97]

DOWNTOWN BUSINESS DISTRICT: That contiguous portion of the Business District commencing at the Wiscasset sewage disposal plant and abutting the Village Waterfront District. This constitutes that portion of the Business District which is defined in Article VI, Section EE.1.

DRIVEWAY: (This definition applies only in Shoreland Districts A, B, &C.) A vehicular access-way less than five hundred (500) feet in length serving two lots or less. [3- 91]

DWELLING: A structure, whether or not affixed to the earth, containing one or more dwelling units. [3-69, 3-83, 3-97]

DWELLING UNIT: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, designed and equipped for use as living quarters for only one family, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles. [3-69, 3-83, 6-89]

ELDERLY CONGREGATE HOUSING: a building or group of buildings on a single lot which provides housing for elderly households with shared community space and supportive facilities. Supportive facilities may include but are not limited to shared dining facilities, administrative facilities, care facilities, common areas, recreational spaces, maintenance

facilities, and similar facilities necessary for the operation of the complex or the provision of services to the to the residents and may include residential accommodations for the staff that provides services or activities for the residents. An elderly congregate housing development shall include either or both dwelling units and residential care units. [3-01]

ELDERLY HOUSEHOLD: a household which includes at least one elderly person who is 55 years old or older, and no occupant less than 55 years of age unless such occupant is the spouse or companion of the elderly person. [3-01]

ELEVATED BUILDING: A non-basement building (1) built, in the case of a building in Zones A, AE, or X (see Flood Plain Management Ordinance) to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts"; and (2) adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood. In the case of Zones A, AE, or X "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with openings sufficient to facilitate the unimpeded movement of flood waters. [3-91]

ELEVATION CERTIFICATE: An official form (FEMA Form 81-31, May 90 as amended) that (1) is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and (2) is required for purchasing flood insurance. [3-91]

ENGINEER: Town Engineer or Professional Engineer licensed in the State of Maine.

ENTERTAINMENT: Any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by a full-time or part-time employee of the licensed premises whose incidental duties include activities with an entertainment value.

ERECT: Build, construct, assemble, affix, attach, create, paint or draw.

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. [3-91, 11-08]

EXPANSION OF A STRUCTURE: (This definition applies only in Shoreland Districts A, B, & C.) 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. [3-91]

EXPANSION OF USE: The addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use. [3-91]

FEMA: Federal Emergency Management Agency

FLOOD, FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in the preceding paragraph.[6-87]

FLOOD ELEVATION STUDY: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. [3-91]

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of a community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community. [6-87, 3-91]

FLOOD INSURANCE STUDY: See "Flood Elevation Study". [3-91]

FLOODPLAIN, FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source. (See FLOODING). [6-87]

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations: [6-87]

FLOODPLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction. [6-87]

FLOOD PROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. [6-87]

FLOODWAY: The channel of a river or other water course and the adjacent land areas that must be reserved to allow for the discharge of a 100-year flood without cumulatively increasing the water surface elevation of the 100-year flood by more than one foot. In

Zone A and AE (See Floodplain Management Ordinance) the channel of a river or other water course and the adjacent land area to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limits of the floodplain. [6-87, 12-89, 3-91]

FLOODWAY ENCROACHMENT LINES: The lines marking the limits of floodways on federal, state, and local floodplain maps. [6-87]

FLOOR AREA: (This definition applies only in Shoreland Districts A, B, & C.) 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.[3-91]

FORESTED WETLANDS: Wetlands dominated by woody vegetation that is 6 meters (approximately 19.7 feet) tall or taller. [3-92]

FOUNDATION: The supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frostwalls. [3-91]

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway condition: [6-87]

FRESHWATER WETLAND: Freshwater swamps, marshes, bogs and similar areas which are:

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

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition. This definition of a wetland does not include a Forested Wetland. [3-91, 3-92]

FUNCTIONALLY WATER DEPENDENT USE: A use which cannot perform its intended purpose unless for floodplain management purposes it is located or carried out in close proximity to water. The term included only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [3-91]

GARBAGE: All food wastes.

GRAVEL SURFACE: The layer of gravel which lies above the sub-grade and forms the traveled way.

GREAT POND: Any inland body of water which in a natural state has a surface area in excess of 10 acres and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres except where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner. [12-89]

GREAT POND CLASSIFIED GPA: Any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds. [3-91]

GROUND SIGN: An outdoor sign which is directly and permanently supported and physically separated from any other structure.

HARBOR: In the Port and Harbor Ordinance harbor shall include all tidal waters unless the context indicates otherwise. [3-94]

HAULER: Any person who collects, transports, or disposes of garbage, rubbish or waste material for a fee.

HEIGHT OF A HABIT ABLE STRUCTURE: Habitable structures include, but are not limited to, such structures as home, offices, barns, warehouses and similar structures designed to accommodate people living or working in them. The height of a habitable structure is the vertical distance between the average finished grade of the ground at the exterior base of the structure and the highest part of the structure, excluding any portion of the structure, which is measured pursuant to the definition of "height of a non-habitable structure". [12-03]

HEIGHT OF A STRUCTURE: The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area. [3-91]

HEIGHT OF NON-HABIT ABLE STRUCTURE: Non-habitable structures include, but are not limited to, such structures as chimneys, spires, towers, antennas and similar projects not designed for human occupancy, work, or storage of materials. The height of a non-habitable structure is the vertical distance between the average finished grade of the ground at the exterior base of the structure and the highest part of the structure. When a non-habitable structure is situated on a habitable structure, the base of the non-habitable structures shall be deemed to be the base of the habitable structure. [12-03]

HIGH-WATER ELEVATION, NORMAL: Along non-tidal waters, the elevation where vegetation changes from predominantly aquatic to predominantly terrestrial. Along tidal waters, the mean high-water elevation as established by U.S.C.G. Survey.

HIGH-WATER LINE: See Normal High Water Line.

HIGH-WATER MARK: See Normal High Water Line.

HISTORIC STRUCTURE: Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of are registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as are registered historic district. [3-91]

HOTEL OR MOTEL: Any business which rents more than seven rooms on the premises whether or not the owner of the hotel or motel is dwelling on the premises.

IMPOUNDMENT: To seize and hold in legal custody, such as impoundment of an animal. [3-97]

INDUSTRIAL USE: The use of land, buildings or structures for assembling, fabricating, finishing, manufacturing, packing, shipping or processing goods or products. [12-03]

INDIVIDUAL PRIVATE CAMPSITE: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms. [3-91]

LICENSEE: The holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation or other legal entity, or any agent or employee of any such licensee and any person, individual, partnership, firm, association, corporation or other legal entity, or any agent of the same, who charges admission or fees to patrons or customers in or around the licensed premises.

LICENSED PREMISES: The building and/or land in or on which the licensee provides entertainment.

LOCALLY ESTABLISHED DATUM: An elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used. (See Floodplain Management Ordinance) [6-87]

LOT: These Ordinances rely in general on the definition of LOT found in 30-A MRSA 4401.

LOT AREA: (This definition applies only in Shoreland Districts A, B, & C.) 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 lots. [3-91]

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements in Article VI of the Floodplain Management Ordinance. [6-87]

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. [6-87]

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. [6-87]

MARINAS: A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities. [3-91]

MARINE ACTIVITIES: The construction, repair, storage, loading and unloading of boats, chandlery and other commercial activities designed and intended to facilitate maritime trade. [12-89]

MARKET VALUE: The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels. [3-91]

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929. [6-87]

MINERAL EXPLORATION: (This definition applies only in Shoreland Districts A, B, & C.) 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. [3-91]

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. [3-91]

MINOR STREET: A street which is used primarily for access to the abutting properties (in a subdivision).

MINOR SUBDIVISION: A subdivision of not more than 4 dwelling units each on its own lot. If subsequent minor subdivisions are situated relative to other(s) so that in combination they equal a regular subdivision in terms of dwelling units or lots within an area, then the requirements for a regular subdivision apply to the subsequent one(s). [6-89]

MOBILE HOME: A structure designed as a dwelling unit for location on a permanent foundation, and containing sleeping accommodations, a toilet, a tub or shower bath and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels. A mobile home shall contain not less than 450 square feet of gross floor area. [3-69, 3-83] (See Title 30-A MRSA Section 4358).

MOBILE HOME PARK: A plot of land laid out to accommodate at least three mobile homes. (See Title 30-A MRSA Section 4358).

MOBILE SIGN: A sign mounted on a movable chassis with or without wheels. [3-93]

MOORING: Any equipment used by a craft for anchoring purposes and which equipment is not carried aboard such craft when underway. [3-94]

MRSA: Maine Revised Statutes, as Amended

NEW STRUCTURE OR STRUCTURES: Any structure for which construction begins on or after September 23, 1988, or in the floodplain area on or after June 29, 1987 structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by the community. The area included in the expansion of an existing structure is deemed to be a new structure. [3-91]

NON-CONFORMING LOT: A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located. [3-91]

NON-CONFORMING STRUCTURE: (This definition applies only in Shoreland Districts A, B, & C.) 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 this Ordinance or subsequent amendments took effect. [3-91]

NON-CONFORMING USE: (This definition applies only in Shoreland Districts A, B, & C.)
Use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect. [3-91]

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. [12-89, 3-91]

NORMAL HIGH WATER OF COASTAL WATERS: That line on the shore of tidal waters reached by the shoreward limit of the rise of the medium tides between the spring and the neap. [6-88]

ONE HUNDRED YEAR FLOOD: See BASE FLOOD. [6-87]

OPEN SPACE USE: A use not involving: a structure; earth moving activity; or the removal or destruction of vegetative cover, spawning grounds of fish, aquatic life, bird and other wildlife habitat.

OUTDOOR SIGN: Any letter, symbol, number or combination of these which is visible from the traveled portion of the public way. A double faced sign shall be considered a single sign. [6-85]

OUTSTANDING RIVER SEGMENT: The Sheepscot River from the railroad bridge in Wiscasset northerly to the town line. [12-89]

OWNER: Any person or persons, firm, association or corporation owning, keeping or harboring a dog. (See Article IX, Dogs in Heat).

PARKING SPACE: A minimum area of two hundred (200) square feet exclusive of drives, aisles or entrances, fully accessible for the storage or parking of vehicles.

PERSON: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity. [3-91]

PERSON: (Article V, Public Dumps only) Any individual, corporation, partnership, association, municipality, state agency or any other group or legal entity.

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

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

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months. [3-91]

POND: Any inland body of water which has a surface area at normal high water of 10 acres.

PREMISES: One or more parcels of land which are in the same ownership or are contiguous or separated only by a road or water body, including all buildings, structures and improvements.

PRINCIPAL USE: A use other than one which is wholly incidental or accessory to another use on the same premises. [3-91]

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. [6-88, 12-89, 3-91]

PRIVATE CONSULTING FORESTER: Someone who holds a degree in Forestry from an accredited School of Forestry.

PROFESSIONAL BUILDING: A building maintained by an individual or firm for the practice of a profession such as physician, dentist, lawyer, engineer, architect, teacher, accountant, realtor, insurance broker and other professional occupations.

PROJECTING SIGN: An outdoor sign which is attached to a wall and extends more than 18 inches at a 90 degree angle from the wall and clears the ground or sidewalk by at least eight feet.

PUBLIC SEWER: Either a sanitary sewer or a storm sewer system. [3-98]

PUBLIC WAY: Any way designed for vehicular use and maintained with public funds.

QUARANTINE NOTICE: A legal order issued by the Police Department requiring the owner of an animal to comply with certain confinement, isolation, and observation procedures, or risk seizure of the animal. [3-97]

RECENT FLOOD PLAIN SOILS: The following soil series as described and identified by the National Cooperative Soil Survey. [3-91]

RECREATIONAL VEHICLE: A vehicle or 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. [3-83, 3-91]

RECYCLING: Separating, collecting and/or reprocessing of manufactured materials or residues for reuse either in the same form or as part of a different product. [6-11]

REGULATORY FLOODWAY: See FLOODWAY.

RESIDENTIAL CARE UNITS: rooms in Elderly Congregate Housing designed with sleeping and sanitary facilities, but which do not include kitchen facilities. [3-01]

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. The term shall include mobile homes, but not recreational vehicles. [3-91]

RESIDENTIAL STRUCTURE: (See Dwelling Unit)

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.

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. [3-91]

RIVER: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth. [12-89, 3-91]

RIVERINE: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. [6-87]

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. [3-91]

ROOF SIGN: An outdoor sign which is displayed above the eaves of a building.

RUBBISH: All non-food wastes.

SANITARY SEWER: A sewer intended to only carry wastewater from homes, businesses and industries. [3-98]

SETBACK: The nearest horizontal distance from the normal high-waterline to the nearest part of a structure, road, parking space or other regulated object or area. [3-91]

SHARED COMMUNITY SPACE: Space designed to be used in common for the enjoyment and leisure of residents of Elderly Congregate Housing. [3-01]

SHARED DINING FACILITIES: a room or rooms designed for the serving of meals to residents sitting together, plus the kitchen and ancillary facilities required for meal preparation in conjunction with Elderly Congregate Housing. [3-01]

SHORE FRONTAGE: The length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation. [3-91]

SHORELAND AREA: Land within 250 feet, horizontal distance, of the normal high-water mark of any pond, river or salt-water body.

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, river, or saltwater body; within 250 feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.[3-91]

SIGN: A name, identification, description, display or illustration which is affixed to, or painted or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, place, activity, person, institution, organization, or business. An outdoor sign. Markings on commercial vending machines shall not be deemed signs under this ordinance. [3-93]

SIGN AREA: The area of the smallest square, rectangle, triangle, circle or combination thereof which encompasses the lettering, numbering, picture, insignia, background, or border. The structural supports of a sign are to be excluded in determining the signable area. [3-93]

SOLID WASTE FACILITY: Area of town owned land used for the collection and disposal of town resident solid waste. This can mean any facility authorized and approved by State laws for solid waste.

START OF CONSTRUCTION: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. [6-87]

STORM SEWER: A sewer separate from the sanitary sewer that carries unpolluted drainage from storms, surface drains, cellar drains, foundation drains, industrial cooling water, roof leaders, sump pumps and street wash; but does not include any sanitary waste. [3-98]

STREAM: A free-flowing body of water from the outlet of a great pond or the point of confluence of 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 joins another water body or wetland within a shoreland zone. [12-89, 3-92]

STREET: A way for vehicular traffic, however designated, serving more than one residential unit or more than one lot.

STRUCTURE: A combination of materials forming a construction, such as buildings, platforms, radio and television and wireless facility towers, water tanks and towers, trestles, bridges, piers, sheds, storage bins, walls, and display signs. Structure does not include fences or retaining walls. The word “structure” shall be construed as if followed by the words “or parts thereof”. For floodplain management purposes, a walled and roofed building; a gas or liquid storage tank that is principally above ground is also a structure. [6-87, 6-88, 3-97, 3-02]

SUBDIVISION: A subdivision shall mean the division of a tract or parcel of land as defined in Title 30-A, MRSA, Section 4401(4) and amendments thereto. The term subdivision shall also include campgrounds and mobile home parks, cluster housing, shopping centers, industrial development, and motels, and apartment, condominium, or cooperative housing units, whether for sale or lease with three or more units; and shall also include the division of a new or existing structure into 3 or more dwelling or commercial units or the construction of 3 or more dwelling or commercial units on a single parcel within any 5-year period. [6-89, 12-89]

SUBDIVISION PLANS - FINAL: The final plan presented in proper form for signature by the Planning Board and for recording in the Lincoln County Registry of Deeds, as described in Section 3 (of Article VII, Subdivision Regulations).

SUBDIVISION PLANS - PRELIMINARY: Three copies of the preliminary drawings to be submitted with the application, indicating the proposed layout of the subdivision, topographical features, and soil test results for each lot, as described in Section 4.

SUB-GRADE: The shaped and compacted foundation of a road lying beneath the traveled way.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. [3-91]

SUBSTANTIAL IMPROVEMENT: Any reconstruction, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure

before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term, does not however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure." [3-91, 6-91]

SUBSTANTIAL START: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost. [3-91]

SUBSURFACE SEWAGE DISPOSAL SYSTEM: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspools(s), well(s), surface ditch (es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, subchapter 1. [3-91]

SUSTAINED SLOPE: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area. [3-91]

TAXICAB: Any motor vehicle used or to be used for the conveyance of persons for hire from place to place within Wiscasset, or from anyplace in Wiscasset to and across the town line of any adjoining town, except a motor vehicle subject to regulation by the Maine Public Utilities Commission, and motor vehicles collecting fares by tickets or coupons sold for interstate transportation.

TEMPORARY OR SEASONAL BUSINESSES: Those for profit and not for profit activities in Wiscasset which operate and set up less than six months out of the year. [3-95]

TIMBER HARVESTING: The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction. [3-91]

TRACT OR PARCEL OF LAND: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate

tract or parcel unless the road was established by the owner of land on both sides of the road. [12-89]

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 in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland. [3-91]

UNDOMESTICATED ANIMAL: A mammal considered to be wild by the Department of Inland Fisheries and Wildlife. [3-97]

UNDUE HARDSHIP is defined (in Article I, Section 5.3.2.c.) by the following criteria:

- * That the land in question cannot yield a reasonable return unless a variance is granted; and,
- * That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
- * That the granting of a variance will not alter the essential character of the locality; and
- * That the hardship is not the result of action taken by the applicant or a prior owner.

UNDUE WATER POLLUTION is defined by the State of Maine Primary Drinking Water Standards in groundwater and surface water at any existing or planned well sites within the subdivision; or at waterbodies and wetlands wholly, or partially within the subdivision as defined appropriately in the Subsurface Wastewater Disposal Rules (Chapter 241, State Plumbing Code), in the State Protection of Natural Resources Act (Section 480-B), and in the permit requirements of the Army Corps of Engineers pursuant to Section 404 of the Federal Clean Water Act; or at any point on the boundary of the subdivision. Whether or not pollution will occur shall be determined by hydrogeologic studies utilizing site-specific hydrogeologic, soils, and test data including background nitrate-nitrogen levels, and performed by professionals certified by the State to make such studies; [3-89]

UPLAND EDGE: The boundary between upland and wetland. [3-91]

URBAN AREA: The Compact Area indicated on the compact area map of Wiscasset published by the Maine Department of Transportation and dated 1976, a copy of which is made a part of this ordinance. [6-83]

VARIANCE: A grant of relief by a community from the terms of a floodplain management regulation. [6-87]

VEGETATION: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 above ground level. [3-91]

VIOLATION: The failure of a structure or other development to fully comply with a community's floodplain management regulations or ordinance. [6-87]

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

VOLUME OF A STRUCTURE: (This definition applies only in Shoreland Districts A, B, & C.). The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof. [3-91]

WALL SIGN: an outdoor sign which is attached flat to, painted on or pinned away from the wall and does not project more than 18 inches from the wall.

WALL SIGN AREA: the area of the facade of a building up to the roof line, excluding windows, doors, and major architectural features.

WASTE MATERIALS: Garbage and rubbish.

WATER BODY: any great pond, river, stream or tidal area. [3-91]

WATERCRAFT: any type of vessel, boat, barge, float or craft used or capable of being used as a means of transportation other than a seaplane. [3-94]

WATER CROSSING: Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. [3-91]

WETLAND: A freshwater or coastal wetland. [3-91]

WETLANDS ASSOCIATED WITH GREAT PONDS AND RIVERS: Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river. [3-91]