



Office of Planning & Codes

TO: Wiscasset Board of Selectmen
FROM: Misty Gorski, Town Planner
DATE: March 15, 2012
SUBJECT: March 19th Proposed Ordinance Workshop

Enclosed you will find the following ordinance revisions recommended by the Ordinance Review Committee and one recommendation by the Code Enforcement Officer:

- 1) Section of Article 1, Section 4, Planning Board
- 2) Section of Article 2, Building Laws
- 3) Section of Article 6, Zoning
- 4) Glossary
- 5) 2 Maps- Proposed Zoning Districts: Village 1, Village 2 & Route 1 Commercial
- 6) Section of Article 3, Sign Ordinance

Article 1 resolves the issue in the present ordinance requiring the Planning Board to meet once a month, even if there is no business.

The proposed changes to Articles 2, 6, the glossary and the Village 1 & 2 maps reflect the ORC's work on implementing the future land use portion of Wiscasset's Comprehensive Plan. Based on the comprehensive plan, the ORC has determined the district boundaries for Village 1 & 2, permitted uses and a development standard to add an initial layer of protection to the historic character within our village. Currently there is no protection for the historic residences. These residences are a critical economic & cultural asset to the community.

When reviewing the permitted uses associated with Village 1 & 2 in the land use matrix (found in Article 6, Zoning), please note that our current districts (residential, commercial, rural & Nequasset watershed), and their permitted uses, have been included in the land use matrix. The focus of the proposed ordinance changes are on Village 1 & Village 2. No changes have been made to the current districts (residential, commercial, rural & Nequasset watershed) or their permitted uses. What is listed in the matrix reflects what is currently permitted (or not permitted) in these districts.

As part of the proposed changes, it will no longer be required to have one business per acre. This requirement has been problematic for the town, where some small businesses with an insignificant impact to the land are restricted from housing any additional businesses because of the lot size requirement. The rural district will still require 2 acres per business because of the lack of restrictions on permitted uses in areas of town that are not designated growth areas.

ARTICLE I - TOWN OFFICIALS

4. PLANNING BOARD

4.3 OFFICERS AND TERMS OF OFFICE

4.3.3 The chairperson ~~shall~~will call at least one regular meeting of the Board each month, unless there is no business requiring Planning Board attention. Special meetings may be called with 3 days' notice to members.

1.2.1.3 For new commercial structures, and for the expansion of existing commercial structures, \$200.00 for the first \$1,000.00 of fair market value or part thereof, and \$3.00 for each additional \$1,000.00 of fair market value. [03-03]

1.2.1.4 If a building permit is obtained after construction has been started or after a structure has been placed upon a lot, the fee shall be as set forth in the preceding subsections PLUS an additional \$300.00.

1.2.2 The fees for plumbing permits shall be those as set by the appropriate State of Maine Department ~~except that the minimum fee for a plumbing permit shall be \$30.00, or set by the Town of Wiscasset fee schedule [6-12].~~

1.2.3 [Removed 6-10]

1.3 ADDITIONAL REGULATIONS

1.3.1 Advance notice of construction, land modification, waste disposal, underground tank installation or removal, or any other activities regulated by the State under the statutes and regulations listed below shall be made to the Building Inspector, who shall approve such activities on receipt of a copy of the State required permits, registrations, or licenses if Town Ordinances do not apply. If Town Ordinances do apply, necessary Town procedures and approvals shall also be required. [3-90, 3-02]

* Site Location Development Act (Title 38, MRSA Sections 481-490).

* Natural Resources Protection Act (Title 38, MRSA Sections 480 A-S).

* Underground Oil Storage Facilities and Groundwater Protection (Title 38, MRSA Sections 561-570G).

* Solid Waste Management Regulations (06-96 CMR Chapters 400-409).

Note: The above statutes and regulations include the latest rules adopted in due course by the appropriate agencies. Especially important are the rules and regulations pertaining to underground tanks, Maine Department of Protection regulation 006-096 Chapter 691 of 16 September 1991 and subsequent revisions as authorized by Title 38, MRSA Section 561 and following. [6-92, 3-02]

1.3.3 All building permits shall be void unless work thereunder is commenced within one year from the date of issue. A building permit is valid for one year and must be renewed by the Building Inspector at the end of one year at no additional cost to the applicant. [3-69, 6-86]

1.3.4 All building permits shall be displayed in a conspicuous place on the premises, and shall not be removed until all work covered by the permit has been approved. [3-69]

2. LOT SIZE AND SETBACK REQUIREMENTS

Throughout this section, whenever "mobile home" or "mobile home park" is referred to, also see 30-A MRSA 4358.

2.1 The minimum lot size requirement shall be met for each dwelling unit located on a parcel of land with the following exceptions:

1) A two-family home shall be subject to the same minimum lot size requirement as a single-family dwelling;

2) Elderly Congregate Housing shall conform to section 2.12 of this ordinance. ~~Except in the downtown Business District no single family dwelling unit or multiple family dwelling units shall be built or placed upon any lot with a ratio of less than 43,560 square feet (one acre) per dwelling unit or mobile home unit, except for Elderly Congregate Housing. [3-69, 3-70, 7-73, 6-83, 3-85, 3-86, 12-89, 3-90, 3-01, 3-02, 6-12]~~

2.2 ~~No structure situated on a lot will be within ten feet of the adjoining property lines except in the downtown village portion of the Business District Village 1 District: Village Waterfront District., Section EE.1 of Article VI. [6-83, 3-98]~~

2.3 ~~Except in the downtown Business District Village 1 District and Village Waterfront District, each lot shall be provided with adequate off street parking. [6-83, 3-90, 3-02]~~

2.4 UNDERSIZED LOTS

2.4.1 See Article VI, Section 5 & Section 6, Non-conformance. [6-12] ~~A single lot of record, which on June 27, 1983 does not meet the area requirements, may be built upon provided that such a lot adheres to the Maine State Plumbing Code as far as sewage disposal is concerned. [3-70, 6-83, 3-00]~~

~~2.4.2—If two or more contiguous lots came into single ownership prior to June 27, 1983, and they continue to be owned by the same person or any of the same persons who owned them on June 27, 1983, then the person or any of the persons who owned them on June 27, 1983, may convey them or retain them in accordance with the original boundary lines notwithstanding that their division would create a lot or lots with dimensions of areas below the requirements of this Section. In order to qualify for the exemption provided for herein, the person or any of the persons who owned the contiguous lots on July 27, 1983 must have continued uninterruptedly to have owned them since June 27, 1983. [6-83, 3-90]~~

~~2.4.3—If two or more contiguous lots come into single ownership on or after June 27, 1983, and their subsequent division (whether along the original lot boundary lines or along new lines) would create any dimension or area below the requirements of this Section, the lands involved shall be considered to be a single parcel for the purpose of this Section. [3-90]~~

~~2.4.4—An owner of two or more contiguous lots in a subdivision approved by the Wisasset Planning Board may always convey those lots independently despite the fact that any one or more of the lots might have an area less than the current minimum lot size requirement. [3-90, 3-02]~~

~~2.4.5—Unless otherwise exempted in this Section 5, no person shall convey a portion of a lot which is subsized prior to the conveyance, nor shall a person convey a portion of a lot if that person's resulting lot is made subsized by the conveyance. A person may convey portions of a lot without regard for his resulting lot size if the result is to eliminate the lot. For example, a person with a subsized lot may convey it in portions to various neighbors if in doing so he conveys all of the lot. In order to take advantage of this exemption, the grantor must convey away all of the lot in question within a period of ten consecutive days. [3-90, 3-02]~~

2.5 Any structure to be erected along Route One between Route 144 and the Birch Point Road shall be set back 75 feet from the center line of Route One except that stairs, ramps, decks and enclosed porches not greater than 64 square feet in area may be located within said setback zone as long as they are more than 60 feet from the centerline and meet all other sideline setback requirements. Those buildings and structures (established as of the effective date of this ordinance) which are closer to the road and which meet all other sideline setback requirements can be extended along but not closer to the road. [3-85,12-89, 3-97, 3-98]

2.6 In the Rural Districts no business shall be built, placed or maintained upon a lot unless there is a ratio of at least 2 acres per business, except that if every business on the lot is served by Town water and Town sewer, the minimum ratio shall be one acre per business. For purposes of this section, each separate business tenant within a single structure shall constitute a separate business. [3-86, 3-98]

- 2.7 ~~In all business districts except for the downtown Business District, no business shall be built, placed or maintained upon a lot unless there is a ratio of at least 43,560 square feet (one acre) per business. For purposes of this section, each separate business tenant within a single structure shall constitute a separate business. [3-86, 3-90]~~
- 2.8 For the purpose of determining how many units may be placed on any parcel the lot size shall include the total area less any area which encompasses wetlands, 100 year floodplains, State designated wildlife protection areas, access roads, and paved parking areas for public use. [3-90]
- 2.9 For purposes of this Section 2, when two or more uses are made of a particular lot, the lot size requirement for that lot shall equal the sum of the lot size requirements for each use treated individually; for example, the lot size requirement for a business and a single family dwelling unit on a single lot in the Rural District shall be a minimum of 3 acres of land. [3-87]
- ~~2.10 In the downtown Business District any number of uses permitted in the business district may be built, placed, or maintained upon any lot which is of record as of March 10, 1990, whatever the size of this lot, provided that the street level floor of any structure located on such lot is restricted to business uses and residential use by the owner of the property. [3-90, 3-91, 3-98]~~
- 2.11 ~~In the downtown Business District~~ Village 1 District, the lot owner is required to provide at least 1.5 on-site off-street parking spaces for each residential unit, unless approved otherwise by the Planning Board. However, this requirement shall not apply to residential units located inside buildings existing as of March 10, 1990, if provision of the required amount of on-site off-street parking is not feasible; in that case, the owner is required to provide as much on-site off-street parking as feasible. [3-90, 3-98, 6-12]
- 2.12 The net residential density for Elderly Congregate Housing shall be no more than one elderly housing unit per three thousand (3000) square feet of acreage with a minimum of five acres. The total area of open space shall equal or exceed the area used for the total footprint of all buildings associated with Elderly Congregate Housing. [3-01]
- 2.13 HOOK-UP REQUIREMENT IN THE COMMERCIAL DISTRICT
- 2.13.1 All Structures built or placed in the Commercial District after August 19, 2003 shall be hooked up to town water if they require water service and shall be hooked up to town sewer if they require sewer service, except that these

- G. Commercial District
- H. Nequasset Watershed District
- J. Rural District
- K. Shoreland Business II District
- L. Marine Overlay District

4.2 The official Zoning Map and all future amendments thereto are hereby made a part of and incorporated into this ordinance.

4.3 District boundary lines are property lines, the center lines of streets, roads and rights-of-way, and the boundaries of the Shoreland Area as defined herein: however, if a district boundary is specifically and clearly legally described in another manner, such as a deed description, such description shall be used. Where uncertainty exists as to exact location of District boundary lines, the Appeals Board shall be the final authority as to location. Shoreland applies to all land within 250 feet, horizontal distance, of the normal high water line of the Sheepscot River, Gardiner Pond and any tidal water; within 250 feet, horizontal distance of the upland edge of a coastal or freshwater wetland; and within 75 feet, horizontal distance, of the normal high water line of a stream. [6-91]

4.4 If amendments are made in the District Boundaries or other matter portrayed on the Official Zoning Maps such changes shall be made on the Official Zoning Maps within thirty days after the amendment has been adopted by the Town or in the event of shoreland areas after approval by the Department of Environmental Protection. [3-92]

5. NON-CONFORMANCE IN USES OUTSIDE THE SHORELAND DISTRICTS [6-12]

5.1 Purpose

It is the intent of this Section to promote land use conformities, except that legal non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this Section.

5.2 General

5.2.1 Continuance

The lawful use of any building, structure or land that is made non-conforming by reason of the enactment of this Ordinance, or which shall be made non-conforming by reason of a subsequent amendment, may be continued, subject to the provisions of this Ordinance.

5.2.2 Transfer of Ownership

Legal non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Code.

5.2.3 Repair and Maintenance

This Ordinance allows the normal upkeep and maintenance of legal non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as Federal, State, and local building and safety Codes may require. Such repair and maintenance shall comply with the current codes and ordinances adopted by the Town of Wiscasset.

5.3 Non-conforming Structures

A non-conforming structure outside of the shoreland zone may be added to or expanded from the same permitting authority as that for a new structure if such addition or expansion does not increase the non-conformity of the structure.

5.4 Non-conforming Lots

5.4.1 A nonconforming lot of record may be built upon provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership, except as provided in paragraph 5.4.2 below.

5.4.2 If two or more vacant, contiguous lots or parcels are in single or joint ownership of record at the time of adoption or amendment of this Ordinance, if these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendment, the lots shall be combined to the extent necessary to meet the dimensional standards, except where the contiguous lots front onto different streets or where the lots were legally created and recorded as part of an approved subdivision after the enactment of this ordinance [6-12].

5.5 Non-conforming Uses

5.5.1 A non-conforming use is a use of premises, parcel of land or structure which was in lawful existence at the effective date of the adoption or amendment of this ordinance but which currently does not comply with the applicable use regulations of the zoning district in which it is located.

5.5.2 Expansion of a Non-conforming, Non-residential Use: The Planning Board may issue approval for an expansion of a non-conforming, non-residential use up to a maximum of an additional thirty (30) percent of the original floor area of the existing structure, or in the case of an outdoor use, an additional thirty (30) percent of the original land area used for the activity, according to the criteria for site plan review contained in Article 8, Site Plan Review Ordinance, provided that the expansion meets the dimensional requirements and other provisions of this Ordinance. The expansion of a non-conforming use shall not be for the purpose of changing that use to another non-conforming use, except as provided in section 5.5.4. below.

5.5.3 A non-conforming use may not be renewed after it has been changed to a conforming use or after it has been discontinued for a period of 12 consecutive months.

5.5.4 A non-conforming use may be changed to another non-conforming use only with a permit from the Board of Appeals. The Board of Appeals shall issue such a permit only upon a finding that all the following are met:

5.5.4.1 The new use will not generate more vehicular traffic in the immediate area surrounding the premises than the former use; and

5.5.4.2 There will be no additional structures, or expansion of existing structures, to accommodate the new use; and

5.5.4.3 There will be a minimum of 3 off-street parking spaces for each conforming and non-conforming use on the lot; and

5.5.4.4 The daily hours of operation of the new use will be no earlier than 8:00 a.m. and no later than 7:00 p.m.; and

5.5.4.5 The new use will have no more and no larger signs than the former use, and all signs will comply with the current sign ordinance requirements; and

5.5.4.6 There will be no outside storage of materials used by, or products produced by, or goods offered for sale by the new use; and

5.5.4.7 The lot is connected to Town water and sewer.

- ~~5.1 A non conforming use is a use of premises, parcel of land or structure which was in lawful existence at the effective date of the adoption or amendment of this ordinance but which currently does not comply with the applicable use regulations of the zoning district in which it is located.~~
- ~~5.2 A non conforming use may continue and may be maintained and repaired. A non conforming use may not be expanded. A non conforming use may not be renewed after it has been changed to a conforming use or after it has been discontinued for a period of 12 consecutive months.~~
- ~~5.3 A non conforming use may be changed to another non conforming use only with a permit from the Board of Appeals. The Board of Appeals shall issue such a permit only upon a finding that all the following are met:~~
- ~~a. The new use will not generate more vehicular traffic in the immediate area surrounding the premises than the former use; and~~
 - ~~b. There will be no additional structures, or expansion of existing structures, to accommodate the new use; and~~
 - ~~c. There will be a minimum of 3 off street parking spaces for each conforming and non conforming use on the lot; and~~
 - ~~d. The daily hours of operation of the new use will be no earlier than 8:00 a.m. and no later than 7:00 p.m.; and~~
 - ~~e. The new use will have no more and no larger signs than the former use, and all signs will comply with the current sign ordinance requirements; and~~
 - ~~f. There will be no outside storage of materials used by, or products produced by, or goods offered for sale by the new use; and~~
 - ~~g. The lot is connected to Town water and sewer. [9-02]~~

6. NON-CONFORMANCE IN THE SHORELAND DISTRICTS [3-91, 9-03, 6-12]

6.1 Intent

This Ordinance is intended to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section. (See Glossary for the definitions of shoreland non-conforming structures, non-conforming uses and non-conforming lots.)

6.2 Transfer of Ownership

Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

6.3 Repair and Maintenance

This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use of structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

6.4 Expansion of non-conforming structures

A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure. Any such expansion must comply with the following requirements:

6.4.1 After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.

6.4.2 Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure, provided: that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in the subsection 6.5. (Relocation), below; that the

completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three additional feet. [3-92]

6.4.3 No structure, which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, shall be expanded toward the water body, tributary stream, or wetland.

6.5 Relocation of non-conforming structures

6.5.1 A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

6.5.2 In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

6.6 Reconstruction or Replacement of non-conforming structures

6.6.1 Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage,

destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

6.6.2 Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the code enforcement officer.

6.6.3 In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in paragraph 6.5 above, the physical condition and type of foundation present, if any.

6.7 Changes of use of a non-conforming structure

6.7.1 The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on adjacent water body or wetland, or on the subject or adjacent properties and resources than the existing use.

6.7.2 In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

6.8 Non-conforming uses

6.8.1 Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 6.4 above.

6.8.2 Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

6.8.3 Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 6.7 above.

6.9 Non-conforming lots

6.9.1 Non-conforming Lots: A non-conforming lot of record in the shoreland zone as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

6.9.2 Contiguous Built Lots: If two or more contiguous lots or parcels within a shoreline zone are in a single or joint ownership of record at the time of adoption

of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that they are in compliance with the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

6.9.3 Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels in the shoreland zone are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements. [3-91]

* Existing lots of record as of June 27, 1983, which have at least 100 feet of shore frontage, 20,000 square feet of lot area, and can meet State plumbing code requirements for on-site sewage disposal need not be combined with adjoining lots in the same ownership in order to meet revised shoreland lot standards. [3-92]

* The law allows existing adjoining lots in the same ownership, which do not individually meet the above standards, to be combined and redivided consistent with the above standards. [3-92]

~~6.1 Intent: This Ordinance is intended to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section. (See~~

Glossary for the definitions of shoreland non-conforming structures, non-conforming uses and non-conforming lots.)

6.2—Transfer of Ownership: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

6.3—Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use of structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

6.4—Expansion of non-conforming structures

A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure. Any such expansion must comply with the following requirements:

6.4.1—After January 1, 1989 if any portion of a structure is less than the required setback from the normal high water line of a water body or upland edge of a wetland that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.

6.4.2—Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure, provided: that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in the subsection 6.5. (Relocation), below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three additional feet. [3-92]

6.4.3—No structure, which is less than the required setback from the normal high water line of a water body, tributary stream, or upland edge of a wetland, shall be expanded toward the water body, tributary stream, or wetland.

6.5—Relocation of non-conforming structures

6.5.1—A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the

~~requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that anew system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.~~

~~6.5.2 In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.~~

~~6.6 Reconstruction or Replacement of non-conforming structures~~

~~6.6.1 Any non-conforming structure which is located less than the required setback from the normal high water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.~~

~~6.6.2 Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the code enforcement officer.~~

~~6.6.3 In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in paragraph 6.5 above, the physical condition and type of foundation present, if any.~~

~~6.7 Changes of use of a non-conforming structure~~

~~6.7.1 The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on adjacent water body or wetland, or on the subject or adjacent properties and resources than the existing use.~~

~~6.7.2~~ In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

~~6.8~~ Non-conforming uses

~~6.8.1~~ Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 6.4 above.

~~6.8.2~~ Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

~~6.8.3~~ Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 6.7 above.

~~6.9~~ Non-conforming lots

~~6.9.1~~ Non-conforming Lots: A non-conforming lot of record in the shoreland zone as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

~~6.9.2~~ Contiguous Built Lots: If two or more contiguous lots of parcels within a shoreline zone are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or

~~structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.~~

~~If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.~~

~~6.9.3 Contiguous Lots—Vacant or Partially Built: If two or more contiguous lots or parcels in the shoreland zone are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements. [3-91]~~

~~* Existing lots of record as of June 27, 1983, which have at least 100 feet of shore frontage, 20,000 square feet of lot area, and can meet State plumbing code requirements for on-site sewage disposal need not be combined with adjoining lots in the same ownership in order to meet revised shoreland lot standards. [3-92]~~

~~* The law allows existing adjoining lots in the same ownership, which do not individually meet the above standards, to be combined and redivided consistent with the above standards. [3-92]~~

7. BUFFER STRIP APPLICATION

The Planning Board may require a buffer strip when a zoning boundary is located adjacent to a different type of zoning area where separation is desirable. [3-81, 3-97]

8. ADMINISTRATION

8.1 VARIANCES AND APPEALS

8.1.1 The Board of Appeals may, upon written application of the affected landowner, grant a variance from the strict application of this Ordinance for lot area, coverage by structure, and setback. A variance shall not be granted to permit a use or structure otherwise prohibited. [3-81]

8.1.2 Appeals from the decision of the Planning Board may be made to the Appeals Board as provided for by 30-A MRSA Section 2691(4) and acts amendatory or supplemental thereto.

8.2 ENFORCEMENT

- 8.2.1 It shall be the duty of the Building Inspector to enforce the provisions of this Ordinance unless the Town of Wiscasset Ordinances specifically designate otherwise. If the Building Inspector shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. A copy of such notice shall be maintained by the Building Inspector with copies forwarded within 10 days to the Planning Board and Selectmen. [3-92]
- 8.2.2 When the above action does not result in the correction or abatement of the violation, the Selectmen are hereby authorized and directed to institute any and all actions necessary, including seeking injunctions of violations and the imposition of fines, to enforce the provisions of this Ordinance in the name of the Municipality.
- 8.2.3 Any person who continues to violate any provision of this Ordinance after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine of not less than \$5.00 nor more than \$100.00 for each violation. However, in the shoreland zone these fines are not less than \$100.00 or more than \$2,500.00 for each violation. Each day such a violation is continued is a separate offense. [6-91]

9. DEVELOPMENT STANDARDS IN THE VILLAGE 1, VILLAGE 2, & VILLAGE WATERFRONT DISTRICTS [6-12]

9.1 Appearance of new structures and additions to existing structures

- 9.1.1 The design of new or replacement buildings shall be compatible with the predominant architectural style of buildings located on properties within 150 feet of the project parcel. In the absence of a predominant architectural style, such replacement buildings shall reflect traditional New England building forms. The Planning Board shall have the authority to make the determinations described in this subsection and, at its discretion, may seek the advice of a consultant or other authority at the applicant's expense.
- 9.1.2 The design of additions or modifications to an existing building shall be compatible with the architectural style of the existing building. The Planning Board shall have the authority to make the determination described in this subsection and, at its discretion, may seek the advice of a consultant or other authority at the applicant's expense.

9.2 Conversion of existing residences to non-residential use

9.2.1 If any portion of an existing residential building is proposed to be converted all or in part to non-residential use, the existing residential appearance of the building shall be maintained with the exception of signage, parking and access as may be required by applicable provisions of the Wiscasset Ordinance.

9.3 Prohibited uses. The following uses are prohibited in the Village 1, Village 2 and Village Waterfront Districts.

9.1.1 Drive-thru facilities

9.1.2 Formula restaurants

9.1.3 Franchise signage*

*Except that franchise signage existing as of the date of enactment of this section may be replaced by other franchise signage as long as the area of franchise signage is not increased.

9.4 Buffering for Village 2.

The following shall apply to Village 2 only:

Non-residential buildings in Village 2 that are developed on lots adjacent to lots in residential use shall be adequately buffered and screened. The buffering and screening required under this section is such buffering or screening as the Code Enforcement Officer or Planning Board, as the case may be, deems necessary to protect all adjacent residential uses from adverse impacts from noise, odor, glare, dust, vibration, or visual impacts materially impairing the quiet and beneficial use and enjoyment of the residential uses. These measures can include, but are not limited to, a landscaped buffer strip provided to create a visual screen between the uses. Where no natural vegetation can be maintained or due to varying site conditions, the landscaping screen may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffering and screening shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking and waste collection areas. Where a potential safety hazard to small children would exist, physical screening or barriers shall be used to deter entry to such premises. The buffer areas and screens shall be maintained and vegetation replaced to insure continuous year-round screening. All exterior lighting fixtures shall be of such a design to shield the affixed light bulb from sight beyond the property boundaries, and so designed to minimize light emissions visible from neighboring properties except illumination generated from sources directly associated with emergency operations on the site.

SUMMARY OF PERMITTED USES

Schedule of Uses- Land Use Matrix

1. Activity categories. The various land uses contained in the matrix are organized into the following activity classifications: Open Space; Residential; Institutional; Commercial; Industrial; and Other.

2. Symbols used in schedule of uses. The following symbols contained in the Schedule of Uses have the following meanings:

- Yes - No permit required (must comply with land use standards)
- CEO - Permitted uses which require a building permit or other type of permit from the Code Enforcement Officer
- PB - Uses requiring approval from the Planning Board in accordance with the requirements of Article VIII, Site Plan Review.
- 1,2, etc. - Numbers adjacent to letter symbols refer to notes at the end of the Schedule of Uses which contain additional requirements.
- Blank - Not permitted

3. Matrix

<u>Use</u>	<u>Proposed</u>		<u>Existing Districts</u>								
	<u>Village 1¹</u>	<u>Village 2¹</u>	<u>Residential</u>	<u>Commercial</u>	<u>Rural</u>	<u>Negawasset Watershed</u>					
<u>Open Space Uses</u>	-	-	-	-	-	-					
<u>Community garden, greenhouse, nursery or similar agricultural use</u>	-	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>					
<u>Agriculture</u>	-	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>					
<u>Park, playground</u>	<u>Yes</u>	<u>Yes</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>					
<u>Parking lot</u>	<u>Yes³</u>	<u>Yes³</u>		<u>PB³</u>	<u>PB³</u>	<u>PB³</u>					
<u>Public park</u>	<u>Yes</u>	<u>Yes</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>					
<u>Campgrounds, commercial</u>	-	-			<u>PB</u>	<u>PB</u>					
<u>Cemeteries</u>	-	-			<u>PB</u>	<u>PB</u>					
<u>Confined feeding operations</u>	-	-			<u>PB</u>	<u>PB</u>					
<u>Storage of fishing, clamming and similar gear</u>	-	-	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>					
<u>Golf course/driving range</u>	-	-		<u>PB</u>	<u>PB</u>	<u>PB</u>					
<u>Commercial outdoor recreation</u>	-	-		<u>PB</u>	<u>PB</u>	<u>PB</u>					
<u>Timber harvesting</u>	-	-			<u>PB</u>	<u>PB</u>					
<u>Aquaculture</u>	-	-			<u>PB</u>	<u>PB</u>					
<u>Residential Uses</u>	-	-									
<u>Single-family dwelling</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>					

<u>Use</u>	<u>Proposed</u>		<u>Existing Districts</u>			
	<u>Village 1</u>	<u>Village 2</u>	<u>Residential</u>	<u>Commercial</u>	<u>Rural</u>	<u>Negussset Watershed</u>
<u>Two-family dwelling</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>Multi-family dwelling for 3 or more families</u>	<u>PB</u>	<u>PB</u>	<u>PB⁴</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Renting of rooms in a private dwelling</u>		<u>Yes²</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Home occupation</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>Planned residential development</u>			<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Open space (cluster) subdivision</u>			<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Mobile home park</u>					<u>PB</u>	<u>PB</u>
<u>Institutional Uses</u>						
<u>Charitable or educational institution</u>	<u>PB</u>	<u>PB</u>	<u>PB⁴</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Church, parish house</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Clinic, medical or dental</u>	<u>PB</u>	<u>PB²</u>	<u>PB⁴</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Convalescent or rest home, nursing home or elderly congregate housing</u>	<u>PB</u>	<u>PB²</u>	<u>PB⁴</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Day nursery</u>		<u>PB²</u>	<u>PB⁴</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Day care facility</u>		<u>PB²</u>	<u>PB⁴</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Municipal use</u>	<u>PB</u>	<u>PB</u>	<u>PB⁴</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Public Utility Installation</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	
<u>Group home with more than 8 residents</u>			<u>PB⁴</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Hospice</u>	<u>PB</u>	<u>PB²</u>	<u>PB⁴</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Library</u>	<u>PB</u>	<u>PB</u>	<u>PB⁴</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Museum</u>	<u>PB</u>	<u>PB</u>	<u>PB⁴</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Civic service facilities, clubhouses, social and fraternal organizations</u>	<u>PB</u>	<u>PB²</u>	<u>PB⁴</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Municipal solid waste facility</u>					<u>PB</u>	<u>PB</u>
<u>Social and fraternal organizations</u>			<u>PB⁴</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Commercial Uses</u>						
<u>Antique shop</u>	<u>PB</u>	<u>PB²</u>		<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Convenience store</u>	<u>PB</u>	<u>PB²</u>		<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Convenience store with fuel sales</u>				<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Restaurant</u>	<u>PB</u>	<u>PB²</u>		<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Restaurant with drive-thru</u>				<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Drinking establishment</u>	<u>PB</u>			<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Funeral home</u>		<u>PB²</u>		<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Hotels, motel</u>	<u>PB</u>			<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Marina, boatyard</u>					<u>PB</u>	<u>PB</u>
<u>Marine research facility</u>	<u>PB</u>				<u>PB</u>	<u>PB</u>
<u>Offices</u>	<u>PB</u>	<u>PB²</u>	<u>PB⁴</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Professional building</u>	<u>PB</u>	<u>PB²</u>	<u>PB⁴</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>

<u>Use</u>	<u>Proposed</u>		<u>Existing Districts</u>			
	<u>Village 1¹</u>	<u>Village 2¹</u>	<u>Residential</u>	<u>Commercial</u>	<u>Rural</u>	<u>Nequasset Watershed⁵</u>
<u>Recreational use such as a bowling alley, theater, dance hall</u>	<u>PB</u>			<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Retail business unless otherwise listed</u>	<u>PB</u>	<u>PB²</u>		<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Retail and wholesale outlet</u>				<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Service establishment such as a bank, barbershop, tailor, Laundromat</u>	<u>PB</u>	<u>PB²</u>		<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Adult bookstore/adult video store</u>				<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Adult entertainment facility</u>				<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Airports</u>					<u>PB</u>	<u>PB</u>
<u>Bed and breakfast</u>	<u>PB</u>	<u>PB</u>		<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Race track</u>					<u>PB</u>	<u>PB</u>
<u>Farm market/farm stand</u>	<u>PB</u>	<u>PB</u>		<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Grocery store</u>	<u>PB</u>	<u>PB²</u>		<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Kennel/Dog daycare</u>				<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Small engine repairs</u>	<u>PB¹</u>	<u>PB²</u>		<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Vehicle body shops</u>				<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Vehicles sales and/or service</u>	<u>PB</u>			<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Auction barn</u>				<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Boat building and repair</u>				<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Veterinary clinic</u>	<u>PB</u>	<u>PB²</u>		<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Shopping center</u>				<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Redemption center</u>				<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Recycling facility</u>					<u>PB</u>	<u>PB</u>
<u>Transportation facilities</u>	<u>PB</u>			<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Spas, health clubs</u>	<u>PB</u>	<u>PB²</u>		<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Indoor/outdoor boat storage</u>					<u>PB</u>	<u>PB</u>
<u>Agricultural/lawn equipment sales and service</u>	<u>PB</u>			<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Lumber yard</u>					<u>PB</u>	<u>PB</u>
<u>Industrial Uses</u>						
<u>Gravel pits</u>					<u>PB</u>	<u>PB⁶</u>
<u>On-site manufacturing</u>				<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Trucking/distribution terminal</u>					<u>PB</u>	<u>PB</u>
<u>Industrial</u>					<u>PB</u>	<u>PB</u>
<u>Light industrial</u>					<u>PB</u>	<u>PB</u>
<u>Abattoir</u>					<u>PB</u>	<u>PB</u>
<u>Auto graveyards/junkyards</u>					<u>PB</u>	<u>PB</u>
<u>Bottling facility</u>					<u>PB</u>	<u>PB</u>
<u>Breweries and distilleries</u>				<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Microbreweries and brew pubs</u>	<u>PB</u>			<u>PB</u>	<u>PB</u>	<u>PB</u>

<u>Use</u>	<u>Proposed</u>		<u>Existing Districts</u>			
	<u>Village 1¹</u>	<u>Village 2¹</u>	<u>Residential</u>	<u>Commercial</u>	<u>Rural</u>	<u>Nequasset Watershed^p</u>
Hazardous materials manufacturing/storage/distribution				<u>PB</u>	<u>PB</u>	<u>PB</u>
Sawmills				<u>PB</u>	<u>PB</u>	<u>PB</u>
Research laboratories				<u>PB</u>	<u>PB</u>	<u>PB</u>
Warehousing				<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Other Uses</u>						
<u>Essential services</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>Essential service buildings</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>
<u>Uses similar to use requiring permit from the CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>	<u>CEO</u>
<u>Uses similar to use requiring Planning Board approval</u>	<u>PB</u>	<u>PB</u>	<u>PB^d</u>	<u>PB</u>	<u>PB</u>	<u>PB</u>

- (1) See Article VI Section 9 for Design Standards related to new construction requirements for Village 1, Village 2, and Village Waterfront District.
- (2) Uses must be located entirely within 500 feet of the centerline of Routes 1 or 27 and on lots that directly abut or have direct legal access to Routes 1 or 27. Said access to Routes 1 or 27 must serve as the only access for the use except the Planning Board, pursuant to Site Plan Review, may allow access to be located on a less traveled road. New buildings shall not exceed 6,500 square feet in total floor area.
- (3) Proposals to pave, strip, grade, or remove earth materials from areas of more than 10,000 square feet within a five-year period shall receive site plan review.
- (4) Permitted uses provided buildings are not more than 3 stories in height, and are of the same general architectural appearance as existing buildings in the immediate neighborhood, and provided there are adequate off-street parking areas for the normal amount of vehicles expected to be used by inhabitants, clients and employees.
- (5) All streams in the Nequasset Lake watershed shall be protected by state shoreland regulations extended to the uppermost source of each stream. Public sewer lines, public waterlines, and municipal sewage treatment plants are not permitted.
- (6) Permitted per State Regulations.
- (7) Timber harvesting is permitted only in accordance with the standards established in Article VI Section A.3.[3-92]

SUMMARY OF PERMITTED USES IN THE SHORELAND DISTRICTS

A. SHORELAND RESOURCE PROTECTION DISTRICT.

A.1 Permitted Uses:

- A.1.1 Harvesting a wild crop such as salt marsh hay or berries.
- A.1.2 Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking.
- A.1.3 Wildlife management practices.
- A.1.4 Motorized vehicular traffic on roads and trails, and snowmobiling. [6-74, 6-78]
- A.1.5 Forest management activities: timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, regeneration of forest stands, and other similar associated activities, but not the construction or creation of roads. [6-74, 6-88]
- A.1.6 Fire prevention activities. [6-88]
- A.1.7 Soil and water conservation practices and archaeological sites. [3-92]
 - a. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts including severe erosion, mass soil movement, improper drainage, and water pollution whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soils Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, an other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to

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.

ABBATTOIR: Slaughterhouse [6-12]

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]

AQUACULTURE: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species. [6-12]

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]

BASAL AREA: the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark. [6-12]

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 portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level. [6-12]

~~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]

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. [6-12]

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~~ Maine Department of Environmental Protection. 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 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. [6-12]

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]

COMMUNITY LIVING ARRANGEMENT: A housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement may include a group home, foster home or intermediate care facility. [6-12]

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.

CONFINED FEEDING OPERATION: specialized livestock production enterprises with confined beef cattle or confined hog feeding or poultry or egg farms and accessory structures; and where pasture, crops, or other vegetation are not normally managed or sustained for grazing during the normal growing season. These operations have large animal populations restricted to small areas. [6-12]

CONGREGATE HOUSING: Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly occupants. [6-12]

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. [6-12]

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]

DAY CARE: Homes and centers licensed as such by the Maine Department of Health and Human Services for children or adults. [6-12]

DBH: The diameter of a standing tree measured 4.5 feet from ground level. [6-12]

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]

DISABILITY: Any infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; including the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services. [6-12]

DISCONTINUE: To stop or cease the use of a property.

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.

DISRUPTION OF SHORELINE INTEGRITY: The alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions. [6-12]

DOG DAYCARE: See KENNEL. [6-12]

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.~~

DRIVE-THRU FACILITY: A facility that allows customers to purchase products or conduct business transactions without leaving their vehicles. [6-12]

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]

1. Single-family dwelling – any structure containing only one (1) dwelling unit for occupation by not more than one (1) family.
2. Two-family dwelling – A building containing only two (2) dwelling units, for occupation by not more than two (2) families.
3. Multi-family dwelling – A building containing three (3) or more dwelling units, such buildings designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units. [6-12]

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]

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. [6-12]

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] Also see TOTAL FLOOR AREA [6-12]

FOREST MANAGEMENT ACTIVITIES: Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads. [6-12]

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

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

- a. It has the same or similar name, tradename, or trademark as others in the chain or group:
- b. It offers characteristics in a style which is distinctive to and standardized among the chain or group in exterior design or architecture:
- c. It offers characteristics in a style which is distinctive to and standardized among the chain or group in uniforms, except that a personal identification or simple logo will not render the clothing a uniform. [6-12]

FOUNDATION: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material. [6-12]

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

FRANCHISE SIGNAGE: Signage employing a distinct style, colors and/or other elements, including trademarked logos, commonly employed by a retail or other licensed franchise that serve to promote brand identity. [6-12]

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: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. [6-12]

~~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

pt where the artificial 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 COVER: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor. [6-12]

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

GROUP HOME: A boarding care facility for more than eight (8) individuals wherein children under eighteen (18) years of age or adults over sixteen (16) years of age and not legally related to the operator are provided personal care, supervision and social or rehabilitative services. Uses within the meaning of this definition must be licensed by the State of Maine and may include, but are not limited to residential treatment homes but do not include foster family homes. Similar uses with eight (8) or fewer individuals shall be subject to 30-A- MRSA §4357-A: Community living arrangements. [6-12]

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.

HARVEST AREA: The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest. [6-12]

HAZARDOUS MATERIAL: Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, designated as hazardous by the Maine Department of Environmental Protection. [6-12]

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-HABITABLE 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]

HOME OCCUPATION: An occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than three (3) persons other than family members residing in the home. [6-12]

HOSPICE: A facility that provides special care, including relieving symptoms and providing quality of life and support, for people with a life expectancy of six months and for their families. [6-12]

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]

INCREASE IN NON-CONFORMITY 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. [6-12]

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]

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

INDUSTRIAL: The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals. [6-12]

INSTITUTIONAL: A non-profit or quasi-public use or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes. [6-12]

KENNEL: An establishment, in which more than four (4) dogs or four (4) cats are sold, housed, bred, boarded, or trained for a fee. [6-12]

LAND MANAGEMENT ROAD: A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads. [6-12]

LICENSED FORESTER: A forester licensed under 32 M.R.S.A. Chapter 76. [6-12]

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.

LIGHT INDUSTRIAL: Facilities and/or industrial activity involving the manufacturing, packaging, assembly or distribution of products from previously prepared materials including, but not limited to, the following: bakeries, breweries, bottling, printing and publishing, machine shops, assembly of electronic components, tool and die shops and the packaging of foods; and/or, the manufacturing of: precision instruments, watches, musical instruments, toys and sporting goods, pottery and ceramics using only previously pulverized clay, wood products, jewelry. Light industrial uses do not include salvaging operations. [6-12]

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 slowest 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]

DIVISION: 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]

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. [6-12]

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

mobile home shall be fabricated 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

MULTI-FAMILY RESIDENTIAL: A residential structure containing three (3) or more residential dwelling units. [6-12]

NATIVE: Indigenous to the local environment. [6-12]

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 CONDITION: Non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect. [6-12]

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 (NON--TIDAL): 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. [6-12]

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~~).

PARKS: Non-commercially operated recreation facilities open to the general public including, but not limited to playgrounds, monuments, green strips, open space. The term shall not include campgrounds, or commercial recreation and amusement centers. [6-12]

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]

PLANNED RESIDENTIAL DEVELOPMENT: A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development often includes a mixture of uses and may include streets, buildings, open spaces and other site features. [6-12]

PLAYGROUND: See PARKS. [6-12]

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 UTILITY: Any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public. [6-12]

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], [6-12]

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

RECREATIONAL FACILITY: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities. [6-12]

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]

REPLACEMENT 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. [6-12]

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)

RESIDUAL BASAL AREA: The average of the basal area of trees remaining on a harvested site. [6-12]

RESIDUAL STAND: A stand of trees remaining in the forest following timber harvesting and related activities. [6-12]

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.

SALT MARSH: Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed. [6-12]

SALT MEADOW: Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas. [6-12]

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

1. in the case of electric service

- a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
- b. the total length of the extension is less than one thousand (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. [6-12]

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-water line of a water body or tributary stream, or upland edge of a wetland, or property line, to the nearest part of a structure, road, parking space, or other regulated object or area. [6-12]

~~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, including all areas affected by tidal action; or within seventy-five (75) feet of the normal high-water line of a stream. [3-91] [6-12]

SHORELINE: The normal high-water line, or upland edge of a freshwater or coastal wetland.
[6-12]

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]

SKID TRAIL: A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation. [6-12]

SLASH: The residue, e.g., treetops and branches, left on the ground after a timber harvest. [6-12]

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-

point where the body of water 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: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. [6-12]

~~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

the improvement. This before the "start of construction" of the improvement. This term includes structures and appurtenances, and their appurtenances, 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: 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. [6-12]

~~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]

TIDAL WATERS: All waters affected by tidal action during the maximum spring tide. [6-12]

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. [6-12]

~~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]~~

TIMBER HARVESTING RELATED ACTIVITIES: The construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting. [6-12]

TOTAL 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 the structure such as porches and decks but not including unfinished attics or cellars or areas where the ceiling height is less than six (6) feet. [6-12]

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]

TRANSPORTATION FACILITY: The use of land, buildings or structure for uses such as but not limited to aircraft landing fields, airports and related uses, heliports, railroad yards, train stations, bus stations and terminals, intermodal facilities, truck terminals and port facilities. [6-12]

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 OF A WETLAND: The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller. [6-12]

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]

VELOCITY ZONE: An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. [6-12]

VIOLATION: The failure of a structure or other development to fully comply with a regulation or ordinance of 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.

WAREHOUSING: The storage, deposit or stocking of merchandise or commodities in a structure or room. [6-12]

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. This definition includes crossings for timber harvesting equipment and related activities. [3-91] [6-12]

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]

WINDFIRM: The ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage. [6-12]

WOODY VEGETATION: Live trees or woody, non-herbaceous shrubs. [6-12]

WISCASSET 1 207 882 8200

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TOWN of WISCASSET

Rick Lang

Code Enforcement Office

51 Bath Road

Wiscasset, Maine 04578

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March 14, 2014

Laurie,

As we have discussed, one of the most important changes that I can see that need to be changed is SECTION 16. SIGN AREA. What now has happened is we allow the same amount of sign area for an individual business on a one acre lot and multiple businesses on large lots such as shopping centers. My proposed change returns that section dealing with multiple businesses back to the pre 2011 ordinance. There are other changes that I feel the ORC need to look at, however they could wait for the next round of changes that they will be working on to do this.

Thank you,
Rick

16.1 General sign calculation standards

- A. The sign area shall include all lettering, wording and accompanying design symbols, together with the background on which they are displayed. Supporting bracing or framework shall be excluded, but any decorative structure shall be included.
- B. Applied sign area shall include any background color of a different color from the color of the building surface or transparent surface. Where lettering and/or symbols of an applied sign are painted or applied directly on the surface and coloring of a building or on glass, the area shall be considered to be that area within a line drawn around the outside of all letters and symbols.
- C. Two sided signs: Only one side of a sign shall be counted when determining the size of such a sign.
- D. Total sign area of all signs per lot shall not exceed one hundred fifty (150) square feet, except for those properties and uses provided under Section 13, Common Signs, and Section 12.7, Signs within the Downtown Sign District, of this Ordinance. Signs exempted under Section 7, Exempted Sign, of this Ordinance shall not be included when determining total square footage
- E. Signs advertising a group of separate business tenants located in a single building, mall, plaza or office park the maximum permitted sign area shall be 32 square feet for the sign bearing the name of the building, mall, plaza, or office park and eight (8) square feet for each business located there. In addition to the group sign each unit located within the building, mall, plaza or office park may have up to 64 square feet on their premises.