

APPEAL: In the context of this ordinance, it is a procedure whereby an aggrieved person may have the benefit of having the actions of the Code Enforcement Officer, Planning Board, or Selectmen reviewed to determine their validity under the law by the Zoning Board of Appeals. Actions of the latter body may then be reviewed by the Supreme Court.

AQUACULTURE: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.(AMENDED 6-4-94)

AQUIFER

A permeable geologic formation, either rock or sediment, that when saturated with groundwater is capable of transporting water through the formation.

BEST MANAGEMENT PRACTICE

Procedures designed to minimize the impact of certain activities or land uses on groundwater quality and quantity, and shall include best management practices relating to groundwater quality as developed by the State of Maine departments of Agriculture, Forestry, Transportation and Development pursuant to 38 M.R.S.A. Section 410-J.

BOARD

Refers to the Town of Waterboro Planning Board.

BOAT HOUSE: A non-residential, non-commercial structure designed for the purpose of protecting or storing boats and boating equipment. A type of accessory structure.

BUILDING: Any structure having a roof, partial roof, or canopy supported by poles, columns, or walls used or intended to be used for the shelter or enclosure of persons, animals, or things regardless of the material of which it is constructed.

BUILDING PERMIT: A certificate to be secured from the Code Enforcement Officer of the town by every person who, after the date of enactment of this ordinance, undertakes to erect or alter any building or structure or to change the present use of his land or of any building or structure on it, indicating that the person so acting, is in compliance with the provisions of all applicable state and local.

BULK OIL, GASOLINE STORAGE, CEMENT MIXING, & GENERAL CONSTRUCTION FACILITIES: Bulk Fuel Oil, Gasoline Storage, Cement Mixing General Construction Tanks, Trucks, Equipment and Facilities. Notwithstanding any provision of this ordinance to the contrary, all of the above uses must be on parcels not less than five (5) acres in size.(AMENDED 6-5-93)

CAMP: A structure equipped and used for seasonal and/or recreational living quarters and being complete with adequate sanitary facilities conforming to the State Plumbing Code.

CAMPGROUND: A public or private enterprise which for a fee provides overnight camping facilities in cottages or shelters or space for tents or recreational vehicles. It also provides restroom, washroom and shower facilities; and usually provides recreational areas and activities; camping supplies; outdoor campfire and cooking facilities; etc.

CHANGE IN USE: A switch to a different kind, type, or class of activity in the use of land or structures (for example, a retail store changing to a wholesale outlet--agricultural land put to use for residential structures) as opposed to a mere change in the size or intensity of given use or a change within a given type or class of activity (for example, a small store becoming a large store--a dairy farm which is now used for general farming or crop production).

CHEMICAL BULK STORAGE

Storage of a chemical or chemicals in a container or containers larger than those intended for normal homeowner or retailer purposes. Proper, non-commercial, homeowner use of chemicals is not included.

CLEAR CUTTING: The felling of all trees in a continuous area at one time.

CLEARING: The removal of naturally occurring objects, materials, trees or other vegetation for purposes of development.

CLUSTER DEVELOPMENT: In the context of this ordinance--a development controlled by a single developer on any size parcel of land which contemplates an imaginative more compact grouping of residential housing units. Cluster developments are usually undertaken in a manner that treats the developed area as an entirety to promote flexibility in design, architectural diversity, the efficient use of land including the creation of common open space, a reduction in the size of road and utility systems, and the retention of the natural characteristics of the land. Cluster development may not be used, however, to increase the overall density of development

CODE ENFORCEMENT ORDER: An order issued by the Code Enforcement of provisions of this ordinance and directing the violator to cease such action. Failure to comply may lead to an enforcement action.

CODE ENFORCEMENT OFFICER: A person acting on the direction of the Selectmen and pursuant to the provisions of this ordinance charged with issuing building and occupancy permits and enforcing the provisions of this ordinance by the issuance of code enforcement orders to any person violating the ordinance.

COMMERCIAL ANIMAL HUSBANDRY: The keeping of more than 5 animal units (1 animal unit equals 1,000 pounds of live animal weight).(AMENDED 3-11-89)

COMMERCIAL BREEDING: Breeding, raising, and care of dogs, cats, mink, rabbits, and other domesticated or fur bearing animals for Commercial purposes.(AMENDED 6-5-93)

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 or residential buildings and/or dwelling units. (Amended 5-13-04)

COMMON SPACE: An area within a planned unit development or cluster development intended for the use and enjoyment of subsequent owners of property within the development. It is created by the grouping of structures in one portion of the total area to be retained in its natural state or developed for wood lot, gardening, or outdoor recreational uses.

CONDITIONAL USE: A permitted use, but one which by its nature in a particular zoning district requires case by case determination to assure compliance with the provisions of this ordinance and avoidance of harm to public or private interests.

CONFORMING USE OR STRUCTURE: A use or structure which is in existence at the time a zoning ordinance is enacted or which is built or undertaken after enactment, which complies in all respects with the provisions of the enacted zoning ordinance.

CONTRACTOR BUSINESS: A Business engaged in the provision of services off premises, but which has an office and equipment / materials stored on the premises. (AMENDED 4/26/03)

CONSTRUCTION/DEMOLITION: Construction or demolition of facilities, buildings, etc. associated with the land uses or activities.

CONVENTIONAL DEVELOPMENT: A term used to connote traditional patterns of design, building style and subdividing activity as distinguished from planned unit developments or cluster developments.

CUL-DE-SAC: A type of non-through street; one that does not connect with other segments of a public and/or private road network but ends in a turn-around.

DAY CARE FACILITY: A house or other place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 3 or more children under 13 years of age. Day Care Facility does not include any facility operated as a nursery school, a home day care provider, a summer camp established solely for recreational and educational purposes, or a formal public or private school. (Amended 4/27/02)

DENSITY OF DEVELOPMENT: A way of expressing the relationship between people, their support facilities (houses, places of employment, municipal services) and land area. Density is often a function of land use choices--more intensive residential, commercial, or industrial land uses increase populations and the density of development in a given area. Less intensive agricultural, forestry, or open space uses tend to have the opposite effect.

DEVELOPER: Any person, including a governmental body undertaking to use or develop any land or water area.

DEVELOPMENT: The carrying out of any building or mineral extractive activity or the making of any material change in the use or appearance of any structure or land and the subdividing of land, including: The reconstruction, alteration of the size, or any other material change in the external appearance of a structure or land; a change in the intensity of use of land such as an increase in the number of dwellings units, offices, or businesses in a structure or on land; alteration of a shore, bank, or the bottom of any waterbody; commencement of drilling, mining, or excavation of materials; demolition of a structure; clearing of land in the context of site preparation; deposit of refuse, or fill material on a parcel of land.

DEVELOPED AREA: “Disturbed area” (see definition below) excluding areas that are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. An area is not considered developed if planting to restore the previous cover type and restoration of any altered drainage patterns occur within one calendar year of the disturbance.

DISTURBED AREA: All land areas that are stripped, graded, grubbed, filled or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. Disturbed area does not include routine maintenance, but does include re-development and new impervious area.

DRINKING WATER STANDARDS, PRIMARY AND SECONDARY: Standards for drinking water as stated in the State of Maine Rules Relating to Drinking Water, Maine Department of Human Services.

DRIVE-IN FACILITIES: A store, eating establishment, or business institution which by design and physical arrangement primarily serves its patrons in parked automobiles, but not including automobile service stations.

DWELLING: A structure or part thereof equipped and used for permanent (as opposed to temporary or transient) living quarters for one or more families.

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.(AMENDED 6-4-94)

ESSENTIAL SERVICES: The construction, alteration or maintenance of 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 associated with the furnishing of such services.(AMENDED 6-4-94)

ESTIMATED COST: As it applies to building permits, the reasonable value of all services, labor or materials, use of scaffolding or other appliances and devices entering into and necessary to the prosecution and completion of the work ready for occupancy; provided that the cost of excavation or grading, and of painting, decorating of other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure is not deemed a part of such estimated cost.

EXPANSION OF A STRUCTURE: An increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.(AMENDED 6-4-94)

EXPANSION OF MANUFACTURED HOUSING PARKS: All Manufactured Housing Parks in existence or under Planning Board Review as of September 25, 1991 as permitted under Article 7 Section 7.02 of this Zoning Ordinance.(AMENDED 6-5-93)

FABRICATED, MANUFACTURED, LIGHT INDUSTRIAL: Activities and Facilities with less than five thousand (5,000) sq. ft. of work area.(AMENDED 6-5-93)

FAMILY: One or more persons occupying a dwelling and living as a single housekeeping unit. Such unit shall not exceed five persons not related by blood, adoption, or marriage.

FARMING: Farming, grazing, poultry and livestock raising including farm residences. Harvesting of wild crops, grasses, etc.(AMENDED 6-5-93)

FLEA MARKET: A shop or open market customarily involving table or space rented to vendors selling antiques, used and new household goods, curios, and the like. For the purpose of this ordinance, any Yard/Garage Sales conducted for more than 3 days during a weeks time period shall be defined as a Flea Market. "Flea Markets" as distinguished from Yard & Garage Sales, must require a Conditional Use Permit in all districts.(AMENDED 6-5-93)

FLOOR AREA: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks. (AMENDED 6-4-94)

FLOOR DRAIN: An opening in the floor that leads to the ground and/or is not permitted under other State, Federal, or local regulations. Work sinks which lead to such drains are included.

FOREST MANAGEMENT: Timber cruising and other forest evaluation activities, management planning activities, insect and disease control, pruning and other stand improvement, regeneration of forest stands, and other similar associated activities, but no the construction of roads or timber harvesting.(AMENDED 3-11-89)

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

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

FRONTAGE: That portion of a lot or parcel of land abutting a public or private right-of-way or a waterbody.

FRONT YARD SETBACK: The minimum horizontal distance from the edge of a public or private right-of-way to the nearest part of a structure. (AMENDED 6-4-94)

FUEL OIL DISTRIBUTOR, FUEL OIL STORAGE: The storage of fuel for distribution or sale. Storage of fuel oil not for domestic use, i.e., not in tanks directly connected to burners.

GAS STATION, SERVICE STATION: Any place of business at which gasoline, other motor fuels, motor oil or vehicle maintenance services are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

GENERAL BUSINESS OFFICES: Business Offices such as but not limited to Banks, Insurance Brokers, Real Estate, Stock Brokerage i.e. with less than one thousand (1,000) sq. ft. of customer service and office area.(AMENDED 6-5-93)

GOVERNMENT FACILITIES: Includes Municipal Office Buildings, Police Facilities, Fire Protection Facilities, Libraries and Rescue Facilities.(AMENDED 6-5-93)

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

GREENBELT: For the purpose of these regulations, a "greenbelt" is defined as a strip of land vegetated with grass or other plant life maintained as open green space. Removal of dead trees, mowing of grass and pruning of other vegetation, to the extent appropriate

for routine maintenance, are the only cutting permitted within a greenbelt area. The only construction permitted within a greenbelt is that necessarily related to the exercise or use of a utility easement and/or that necessarily related to a driveway. If another means of access to the property other than through the greenbelt is available, construction related to utility easements shall be the only permissible construction within the greenbelt boundaries. (Amended 4/27/02)

GROUNDWATER: The water contained within the interconnected pores, cracks or fractures located below the water table of a confined or unconfined aquifer.

HAMMERHEAD TURN: A gravel area built entirely outside of the right of way a minimum of 75' sq. for the purpose of vehicular maneuvering.

The area of the right of way adjacent to the hammerhead turn must consist of a 75' x 50' gravel area. The right of way must extend 75' beyond the hammerhead turn with a graveled area of 75' x 35'. The right of way with a hammerhead turn shall be built in compliance with the sketch to be provided by the Code Enforcement Office. (AMENDED 3/11/00)

HAZARDOUS MATERIAL: Any gaseous, liquid or solid materials or substances designated as hazardous by the Environmental Protection Agency and/or the Maine Department of Environmental Protection.

HAZARDOUS WASTE: Any substance identified under chapter 850, Identification of Hazardous Wastes, of the rules of the State of Maine, Department of Environmental Protection, effective date July 1, 1980, including revisions or amendments thereto, and any radioactive waste material which means any solid, liquid, or gas residue, including but not limited to spent fuel assemblies prior to processing, remaining after the primary usefulness of the radioactive material has been exhausted and containing nuclides that spontaneously disintegrate or exhibit ionizing radiations.

HOME AGRICULTURAL USES: Agricultural uses, as defined by this ordinance, carried on by the permanent residents of a dwelling unit for their own personal household use and not for resale. (AMENDED 3-11-89)

HOME DAY CARE PROVIDER: A person who receives some type of payment to provide child care in his or her own home on a regular basis, for 3 to 12 children under 13 years old, who are not the provider's own children. (Amended 4/27/02)

HOME OCCUPATION: A use that is clearly incidental and subordinate to the residential use of the property. A home occupation must conform to the standards set forth in Article 7.04 of this ordinance. (AMENDED 3-8-97)

HORTICULTURE ACTIVITIES: Activities including but not limited to Nurseries, Greenhouses, and Commercial Sale of such products.(AMENDED 6-5-93)

IMPERVIOUS AREA: The total area of a parcel that consist of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce permeability.

INDOOR RECREATION: Recreational Facilities including Bowling Alleys, Skating Rinks, Swimming Pools, etc.(AMENDED 6-5-93)

INDUSTRIAL – The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals. (Amended 5-13-04)

INDUSTRIAL WASTE: Wastes resulting from the processes employed in industrial manufacturing, trade, or business establishments.

INERT FILL: Material placed on or into the ground as fill that will not react chemically with soil, geologic material, or groundwater.

INFILTRATION: Any process specifically used to meet all or part of the stormwater standard of this chapter by actively directing all or part of the stormwater into the soil. Infiltration is the process by which runoff percolates through the unsaturated overburden and fractured bedrock to the water table. For the purposes of this ordinance, infiltration does not include:

1. Incidental wetting of soil in ditches, detention basins or the equivalent;
2. Wetting of underdrained basins, dry swales or similar filtration systems;
3. Wetting of buffers meeting the performance standards of this ordinance.

Discharge of runoff to areas of the site where the water will collect and percolate into the ground is considered infiltration if the volume, rate or quality of the discharge exceeds the runoff capacity of the area, such as a stormwater treatment buffer. Underdrained swales, underdrained ponds and similar practices that discharge to surface waters or to buffer strips meeting the requirements of this ordinance are not considered infiltration systems, although these may be used to treat runoff prior to discharge to an infiltration area.

INTEGRATED PEST MANAGEMENT PLAN (IPM): Integrated Pest Management (IPM) is the coordinated use of physical, biological and cultural controls and least-toxic pest control products and techniques to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard to people, property and the environment. Integrated Pest Management involves the monitoring of pest populations, establishment of injury levels, modification of habitats (to eliminate sources of food, water, harborage and entry), utilization of least-toxic controls, and keeping of records and evaluation of performance on an ongoing basis.

INSTITUTIONAL FACILITIES: Includes but not limited to Hospitals, Nursing Homes, and Sanitariums, etc.(AMENDED 6-5-93)

INTENSIVE OPEN SPACE USES: Uses of open space which have the potential, because of their duration, frequency, or nature, to significantly impact the environment, particularly the groundwater quality and quantity. Examples of intensive open space uses include: automobile or all-terrain vehicle race tracks or ranges, etc.

JUNKYARDS: A lot or parcel of land and/or a structure or a part of either, used for the purchase, collection, storage, recycling, or sale of wastewater, rags, scrap metal, or other discarded goods, materials, machinery, or vehicles. Said areas must not be located within five hundred (500) ft. of any residence, camp, or water body and must be appropriately screened.(AMENDED 6-5-93)

LANDFILL: An area used for the placement of solid waste, liquid waste or other discarded material on or in the ground.

LANDSCAPED AREA: An area of land that has been disturbed and re-planted or covered with one or more of the following: Lawn or other herbaceous plants, shrubs, trees or mulch; but including area that has reverted to natural, vegetated condition.

LOADING AREA: An obstructed area no part of which is located in or on any public or private right-of-way and the principal use of which is for the standing, loading, unloading, and maneuvering of vehicles.

LOT: A tract of land having frontage on a public or private right-of-way occupied or intended to be occupied by a permitted use or structure and accessory uses and structures together with such open spaces, yards, parking areas, etc. as are required.

MARINA: A boat basin that has docks, moorings, supplies, and other facilities for small boats, including the sale of boat, bait, and tackle supplies.(AMENDED 6-5-93)

MARSH: A periodically wet or continually flooded land area with the surface not deeply submerged, covered predominantly with sedges, cattails, rushes or other hydrophytic plants.

MASSAGE: Any method of rubbing, kneading, tapping, vibration, compression, percussion, application of friction or manipulation of external parts of the human body with the hands or other parts of the body or with the aid of any instrument or device performed by any person who is not a physician, surgeon, physician's assistant, nurse, chiropractor, physical therapist, barber, cosmetologist, beautician or other health or hygiene professional licensed by and practicing in accordance with the laws of the State of Maine. Massage does not include massage therapy as defined in 32 M.R.S.A. s14301(4).(AMENDED 6-5-93)

MANUFACTURED HOUSING UNIT: Structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the

plumbing, heating, air conditioning, and electrical systems contained therein. (AMENDED 9-25-90)

MINERAL EXPLORATION: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.(AMENDED 6-4-94)

MINING OR MINERAL EXTRACTION: The removal of geologic materials such as soil, topsoil, loam, sand, gravel, clay, metallic, ores, rock, peat, or other like material from its natural location and transportation of the product removed away from the extraction site.

MOBILE HOME PARK: A parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units. (AMENDED 9-25-90)

MOBILE HOME PARK LOT: An area of land on which an individual manufactured housing unit is situated within a mobile home park and which is reserved for use by the occupants of that unit. The Planning Board shall require that all mobile home park lots are delineated on a mobile home park plan. (AMENDED 9-25-90)

MODIFICATIONS: Are permitted departures for cause from the general and otherwise applicable provisions of this ordinance.

MULTI-FAMILY DWELLING: A dwelling designed for occupancy by two or more families.

NONCONFORMING STRUCTURE OR USE : A legal structure or use including accessory uses or structures already in existence or begun before the date of enactment of a zoning ordinance or amendment, which structure or use does not comply with the existing provisions of the zoning ordinance or amendment.

NORMAL HOUSEHOLD USE: Use by the permanent residents of a dwelling unit incidental to and related to their residential use and occupation of that dwelling unit. (AMENDED 3-11-89)

NORMAL HIGH WATER MARK: That point or elevation on the shore or bank of a waterbody where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. A series of such points along a shoreline determines the normal high water line.

NUISANCE: Is defined by MRSA tit. 30 ss4962 (1) (F) as "any property or use existing in violation of any zoning ordinance." more generally, it is an action or the use of land or things by one person in a manner harmful or detrimental to the person, land, or things or another.