

SECTION 25 DEFINITIONS AND WORD USAGE

A. Construction of Terms

1. In this Ordinance, certain terms or words are to be interpreted as follows:
 - a. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual or any other legal entity;
 - b. The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular;
 - c. The word “must” is mandatory, and the word “may” is permissive. The use of “may” as in “no buildings may be built,” or “buildings may not be built,” means that permission is not granted to build buildings and thus they are not allowed to be built;
 - d. The words “used” or “occupied” include the words “intended,” “designed,” or “arranged to be used or occupied;”
 - e. The word “building” includes the word “structure,” and the word “dwelling” includes the word “residence;”
 - f. The word “lot” includes the word “plot” or “parcel.”
2. In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text controls.
3. Terms not defined have the customary dictionary meaning.

B. Definitions

In this Ordinance the following terms have the following meanings unless a contrary meaning is specifically prescribed:

Accessory Apartment: One additional 800 square foot or smaller sized rental dwelling unit that is allowed as an accessory use of a single family dwelling. See Section Seventeen, Performance Standards, Specific Activities and Land Uses.

Accessory Use or Structure: A use or structure of a nature customarily incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, may 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 common wall is considered part of the principal structure.

Activity: The specific use or uses to which a premise is put.

Administrative Warrant: An Administrative Inspection Warrant, issued by a District Court Judge or other judge as may be appropriate, authorizing the Code Enforcement Officer or his duly recognized designate, to inspect particularly described premises for particularly described purposes authorized by law.

Adult Business: Any business a portion of which consists of selling, renting, leasing, exhibiting, displaying, or otherwise dealing in material or devices of any kind which appeal to prurient interests and which depict or describe specific human sexual activities.

Adult Use Marijuana: Recreational, non-medical use marijuana cultivated, distributed or sold by a marijuana establishment.

Adult Use Marijuana Cultivation Facility: A facility that cultivates, prepares and packages adult use marijuana and sells adult use marijuana to products manufacturing facilities, marijuana stores and to other cultivation facilities.

Adult Use Marijuana Licensee: A person permitted pursuant to this Ordinance to establish and operate an adult use marijuana operation.

Adult Use Marijuana Operation: A cultivation facility, a products manufacturing facility, a testing facility, a marijuana store or a marijuana social club.

Adult Use Marijuana Product: A recreational, non-medical use marijuana product that is manufactured, distributed or sold by a marijuana establishment

Adult Use Marijuana Products Manufacturing Facility: A facility that purchases adult use marijuana from a cultivation facility; manufactures, labels and packages adult use marijuana products; sells adult use marijuana products to marijuana stores, marijuana social clubs and to other products manufacturing facilities.

Adult Use Marijuana Store: A facility that purchases adult use marijuana from a cultivation facility, purchases adult use marijuana products from a products manufacturing facility and sells adult use marijuana and adult use marijuana products to consumers.

Adult Day Care Home: A licensed program of care and activities, maintained or carried out on a regular basis by a person or combination of people in a private dwelling or other facility, for a fee, for any part of a day, for six or fewer adults, 19 years of age or older, who are not blood relatives of the provider and are coming to the facility for the express purposes of participating in such a program.

Adult Day Care Center: Same definition as for adult day care home except that the facility shall serve more than six consumers and provide a minimum level of services

which includes activities, supervision, meals and if requested, supervision with assistance. Other services may also be provided.

Adventure Park: A commercially operated park, offering forms of entertainment such as roller coasters, rides, zip lines, rock climbing walls, games, or similar.

Agent: Anyone having written authorization signed by a property owner to act in behalf of that property owner.

Aggrieved Party: A person whose land is directly or indirectly affected by the grant 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.

Agriculture: Any public or private use of land or structures for propagation, production, management, maintenance, harvesting, processing and/or sale of produce and/or animals, including but not limited to farming, and livestock husbandry, forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, fruits and vegetables, Christmas trees, nursery stock and ornamental and green house products; but specifically excluding the operation of a commercial slaughterhouse or other commercial processing of animal by-products. Agriculture does not include forest management and timber harvesting activities or medical marijuana or adult use marijuana cultivation.

Agricultural Fair: An exhibition that is designed to promote education and encourage improvement in agriculture and which is licensed by the State.

Airport: A tract of land where aircraft take off and land. An airport includes those facilities for public as well as private use.

Alteration: Any change, addition, or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

Altered Structure: A change in either the intensity of use, such as the addition of bathrooms, kitchens, bedrooms, or the duration of the use, such as conversion from seasonal to year round use.

Alternative Tower Structure - shall mean clock towers, bell steeples, light poles and water towers, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Animal Boarding: A place that houses and provides shelter and food for animals for compensation from the animals owners.

Animal Care Facility: The use of a building or land for the diagnosis, care, and treatment of ailing or injured animals, which may include overnight accommodations.

Animal Husbandry: The growing and/or raising of livestock and/or poultry for commercial purposes.

Antenna - Any exterior apparatus designed for commercial transmission of telephonic, radio, or television, or similar communications through the sending and/or receiving of electromagnetic waves.

Aquaculture: The cultivation of aquatic animals and plants.

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

Archaeological and Historic Resources: Any area, site, or building which is listed on the National Register of Historic Places, or is identified in the Fryeburg Comprehensive Plan as an archaeological or historic resource.

Area of Special Flood Hazard: The land in the floodplain having one percent or greater chance of flooding in any given year, as specifically identified in the flood insurance studies conducted by the Federal Emergency Management Agency.

Arterial Highway or Street: A major street which carries traffic between municipalities and through Fryeburg. The following streets are Arterial Streets: U.S. Route 302, and State Routes 5 and 113.

Assisted Living Facility: See “residential care facility”.

Athletic Field: A developed recreational area that contains fields for competitive sports, and may contain bleachers or grandstands.

Automobile Graveyard: A place, not enclosed in a building, used to store three or more unserviceable, discarded, worn-out, or junked motor vehicles or parts thereof, other than temporary storage by an establishment or place of business which is engaged primarily in doing motor vehicle repairs to make the motor vehicles serviceable.

Automobile Impound Facility: A parcel of land or building that is used for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop and where motor vehicles are kept for a period not exceeding 21 days.

Awning Sign: A roof like structure made of plastic or canvas that serves as a shelter over a window, doors, storefront, or deck, and which is used to advertise, display, or attract attention to a person, institution, organization, business, product, service, or event.

Bakery: An establishment primarily engaged in the retail sale of baked products for consumption offsite. The products may be prepared either on or offsite. Such a use may include incidental food service.

Banner: A temporary sign made of cloth, flexible plastic, or canvas material

Bar/Tavern/Pub: An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. The term includes meeting halls of non-profit organizations if they are licensed to serve alcoholic beverages.

Basement: A portion of the building partly underground but having more than half its clear height below the average grade of the adjoining ground.

Bed and Breakfast: Any residential structure in which rooms are offered and rented to the public for periods typically less than 30 days and in which one meal per day is available and only to the occupants. There shall be no provisions for cooking in any individual guest room. The building must also be occupied by the resident manager or owner.

Best Management Practices: Common sense operational procedures as outlined in Section Sixteen for handling, storage, and disposal of regulated substances and procedures which are designed to minimize the impact of certain activities or land use on groundwater quality and quantity.

Board of Appeals: A Board appointed by the municipal officers consisting of five regular and two associate members charged with: (1) hearing administrative appeals of the Code Enforcement Officer; (2) hearing administrative appeals of the Planning Board; and (3) hearing requests for variances.

Board of Assessors: Board of Selectmen.

Boarding House: Any residential structure in which rooms or rooms and meals are provided for compensation for a period of at least one week. Meals may be available only to the occupants. The building must also be occupied by the resident manager or owner. There may be no provisions for cooking in any individual guest room.

Bottle Club: A place where social activities occur in which members, guests, or patrons provide their own alcoholic beverages, and where no alcoholic beverages are sold. The term includes meeting halls of non-profit organizations if members and/or guests provide their own alcoholic beverages.

Brew Pub: A restaurant that prepares handcrafted beer as an accessory use intended for consumption on the premises. Production capacity shall be limited to not more than 5000 barrels per year. Such accessory use may occupy up to 30 percent of the gross floor area of the restaurant.

Bulk Chemical 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.

Bulk Fuel Storage: Storage of a fuel in a container or containers designed for wholesale distribution or mass consumption.

Building: A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, goods or property of any kind.

Building Height: The vertical distance between the highest point of the roof (excluding any Roof-Mounted Solar Energy System) and the average grade of the ground adjoining the building. ~~Solar energy extending above the building are exempt from height restrictions.~~ For ground-mounted Solar Energy Systems, the vertical distance between the highest point of any system component and the average original (prior to construction) grade of the ground at the point where the system component is fixed to the ground.

Building Permit: The approval required from the Town of Fryeburg prior to constructing, erecting, placing, moving, demolishing, or altering a structure when the value is in excess of \$1000.

Business: Any commercial, industrial or other establishment rendering services to the general public.

Business Cluster: A group of two or more businesses on the same property and/or within the same structure.

Business Sign: An attached or free standing structure which directs attention to a business or profession conducted on the premises.

Café: An establishment primarily engaged in the sale of coffee or tea and sometimes other non-alcoholic beverages, simple meals or snacks, with a facility to consume them on the premises. May contain areas where people can gather for conversation, games, or musical entertainment, or use computers.

Campground: Any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged.

Canoe Livery: A business engaged in the rental of canoes or kayaks and may include the shuttling of the canoes/kayaks and customers to and from a destination. The business may also include associated training or lessons in the use of the canoes/kayaks and or the sale of accessory supplies related to canoeing and kayaking.

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

Caregiver: A person or an assistant of that person that provides care for a qualifying patient in accordance with Maine Medical Use of Marijuana Act.

Catering Service: An establishment that serves and supplies food to be consumed off premises.

Cemetery: Land used or dedicated to the burial of the dead, including earth interments, mausoleums, columbariums, and related maintenance facilities or a combination thereof.

Certificate of Completion: The approval required from the Town of Fryeburg prior to occupying or using a building or structure.

Change of Use: A change from one Land Use Category in the Land Use Table to another, or the addition of a new use category to an existing use category.

Channel: A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

Child Care Facility: A building or group of buildings used to house children overnight, with supervision and meals but not necessarily with medical care.

Cluster Development: A development method and/or layout in which building lots are reduced in size and buildings sited closer together than is allowed under non-clustered requirements, provided that the total development density does not exceed that which could be constructed on the site under conventional, non-clustered requirements. The cluster development must be developed in accordance with the applicable standards of this Ordinance and the Subdivision Section of this Ordinance.

Cocktail Lounge: An establishment that is made up of a bar and includes areas dedicated for the use of stages, dance floors, pool tables, and standing areas.

Code Enforcement Officer: A person appointed by the Board of Selectmen to administer and enforce this Ordinance and other land use Ordinances and regulations as authorized by this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like where applicable.

Co-Location - The location of more than one telecommunications facility (use) on a tower or alternative tower structure.

Collector Street: A street servicing at least 15 lots or dwelling units, or street which serves as a feeder to arterial streets and collector of traffic from minor streets.

Commercial and Industrial Street: A street servicing commercial or industrial uses.

Commercial and Industrial Uses: Those uses in Land Use Categories 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 26, 27.

Commercial Firewood Processing: A place where firewood is delivered, cut and split, and from which it is sold for commercial purposes.

Commercial Greenhouse: A building or group of buildings, whose sides and/or roof are made largely of glass or other sunlight transmitting material, used to grow plants and/or produce for sale (except for adult use or medical use marijuana).

Common Driveway: A vehicle accessway serving 2 dwelling units.

Community Activity Center: A building which is used for meetings, recreation, and similar uses by the general public, and not operated for profit.

Community Living Facility: A housing facility for eight or fewer mentally handicapped or developmentally disabled persons which is approved, authorized, certified, or licensed by the State.

Community Water System: A system that provides water to more than 25 people or 15 service connections on a year round basis. Examples include mobile home parks, condominiums, residential developments with centralized water systems, water districts, and companies providing water to towns or cities.

Conforming Use: A use of buildings, structures, or land which complies with all applicable provisions of this Ordinance.

Congregate Care Facility: A building or group of buildings containing private apartments and central dining facilities and within which supportive services, including medical or social services, are provided to the residents. Such facilities include only those certified by the State of Maine Department of Human Services.

Constructed: Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, associated with construction, are considered a part of that construction.

Construction: Includes building, erecting, moving or any physical operations on the premises which are required for construction. Excavation, fill, paving and the like shall be considered part of construction.

Contractors Storage Yard: A portion of a lot upon which a construction contractor maintains its principal office and allows for storage and maintenance of equipment and materials customarily used in the trade carried on by the construction contractor.

Contaminate: To have unwanted chemicals or bacteria mixed into a water system formerly void of such substances.

Contractor sign: A temporary sign identifying a construction contractor.

Correctional Facility: A building or group of buildings used to house persons who are awaiting trial or persons who have been confined by the courts.

Cottage/Cabin: A small dwelling for vacation use. A cottage or cabin rental facility would consist of 2 or more cottages or cabins in which overnight lodging is offered to the general public for compensation.

Craft and Flea Market: The sale of merchandise where vendors may rent tables and/or display space.

dB(A): The abbreviation designating both the unit of measure of sound level (the decibel) and the mode of measurement that gives the A-weighting of a sound level meter.

Day Care Center: An establishment, licensed by the Maine Department of Human Services, where 13 or more children under the age of six are cared for in return for compensation.

Day Care Home: An establishment, licensed by the Maine Department of Human Services, where more than three, but fewer than 13, children under the age of six are cared for in return for compensation.

Deck: An uncovered structure with a floor, elevated above ground level.

Deli: An establishment primarily engaged in the retail sale of cooked or prepared foods ready for serving such as cheeses, cold cooked meats, and salads.

Decorative Changes: Repainting or re-siding; removing or replacing trim, railings, or other non-structural architectural details; or the addition, removal, or change of location of windows and doors.

Decibel (dB): The practical unit of measurement for sound pressure level. The number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated dB.

Development: A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

District: A specified portion of the town, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

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

Distribution Center: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Drive-thru: An establishment that dispenses products or services to customers who remain in vehicles

Driveway: A private entrance from a street or street right-of-way to a building or buildings on abutting grounds. The driveway itself shall not constitute the means of legal access to a lot.

Dry Cleaner: An establishment where garments, and the like, are cleaned by using solvents and not soap and water.

Dwelling: A fixed structure containing one or more dwelling units.

Dwelling, Single-family: A building containing only one dwelling unit for occupancy by not more than one family.

Dwelling, Two-family: A building containing only two dwelling units (excluding dwelling units that are considered accessory apartments), for occupancy by not more than two families.

Dwelling, Multi-family: A building containing three or more dwelling units, such buildings being designed for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units. This definition is not meant to include single or two family dwellings.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one (1) family at a time, and containing cooking, sleeping, and toilet facilities. The term shall include manufactured housing, mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time period rented. The term shall not include recreational vehicles or so-called park model mobile homes provided they are registered with the State Division of Motor Vehicles and have all tires placed on the ground and are not used as a dwelling on the same lot for more than 120 days per year.

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

Easement: A right or privilege, less than fee simple ownership, that a person may have in another's land, such as a right-of-way.

Edible marijuana product: A marijuana product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing harvested marijuana.

Educational Campus: The grounds, including buildings and amenities, of a school.

Engineered System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2,000 gallons per day or more; or any system designed to treat waste water which has characteristics significantly different from domestic waste water.

Erect: Includes 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 sewer lines, collection or supply systems; and associated 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.

Excavation: Any removal of earth material from its original position.

Existing Public Street: Roads which are maintained by the Town of Fryeburg and the State of Maine.

Expansion of a Structure: Increase in the footprint of a structure, including all extensions such as, but not limited to, attached decks, garages, porches, and greenhouses.

Expansion of Use: The addition of weeks or months to a use's operating season; additional hours of operation; or an increase of footprint or ground area devoted to a particular use.

Exterior Siding that is Residential in Appearance: Siding materials such as clapboards, shingles, and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles, and shakes. This term also includes masonry, wood board-and-batten, and "Texture 1-11" exterior plywood.

FAA - The Federal Aviation Administration.

FCC - The Federal Communications Commission

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

Fair: A gathering of buyers and sellers at a particular time and place for trade; a competitive exhibition, usually of farm products; or a sale of a collection of articles for charitable purposes.

Farmers' Market: The multiple vendor display and sale of farm products including fresh fruits, vegetables, nursery plants, and other farm products, and may also involve

the accessory sales of other unprocessed food stuffs, and home processed food products such as jams, jellies, pickles, sauces, and baked goods.

Farm stand – Major: A building used for the sale of fresh fruits, vegetables, nursery plants, and other farm products and may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, baked goods and homemade crafts. The floor area devoted to the sale of these accessory items shall not exceed 50% of the total sales area. No commercially processed or packaged foodstuffs or handicrafts shall be sold at the stand.

Farm Stand - Minor: The seasonal, incidental sale of fresh fruits, vegetables, nursery plants, and other farm products which were produced on the premises or other land in the same control as the Farm Stand.

Filling: Depositing or dumping any matter on or into the ground or water.

Fitness/Health Club Facility: A facility where members (or the general public for a fee) use equipment or space for the purpose of physical exercise.

Flood or Flooding: means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- b. 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.

Flood Elevation Study – means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) – means 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.

Flood Insurance Study – see Flood Elevation Study

Floodplain or Flood-prone Area – means any land area susceptible to being inundated by water from any source (see definition of flood or flooding).

Floodplain Management – means 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.

Floodplain Management Regulations – means 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.

Floodproofing – means 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 contents.

Floor Area, Gross: The sum, in square feet, of the floor areas of all portions of a building enclosed by exterior walls.

Flowering Marijuana: With respect to a marijuana plant, the gametophytic or reproductive state of a marijuana plant during which the plant is in a light cycle intended to produce flowers, trichomes and cannabinoids characteristic of marijuana.

Foot-candle: The basic unit of illuminance. One foot-candle is equivalent to the illuminance produced on 1 square foot of a surface area by a source of 1 candle at a distance of 1 foot.

Footprint: The entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Forest Management Operations: Timber cruising and other forest resources evaluation activities, insect and disease control, timber stand improvement, pruning, regeneration of forest stands and other similar associated activities, but not timber harvesting or construction or creation of roads.

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six meters (approximately 19.7 feet) tall or taller.

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

Frontage: The linear distance measured along the front lot line which separates the lot from the street, road, or right-of-way.

Frontage, Shore: The horizontal distance, measured in a straight line, between the intersections of the lot lines with the shoreline at normal high water line.

Functionally Water-Dependent Uses: Those uses that require, for their primary purpose, location of submerged lands or that require direct access to, or location in, inland waters and that cannot be located away from these waters. These uses include, but are not limited to, commercial and recreational fishing and boating facilities, shoreline structures necessary for erosion control purposes and uses that primarily provide general public access to inland waters. Recreational boat storage facilities are not considered to be a functionally water dependent use.

Function Hall: A building or portion of a building used for the purpose of hosting a function, such as a conference, party, banquet, reception, or other social event.

Garage Sale: See Yard Sale.

Gateway Area: The entrance to the Village, the roadways that lead to town. As defined in the Comprehensive Plan: Route 302 from Menotomy Road and Battleground Road east to the Bridgton Town Line; Route 302 east from the New Hampshire Line to the Commercial Zone; Route 5 from Brownfield Town Line north to the Industrial Zone; Route 113 from the New Hampshire Line to Weston's; Route 5 from Fairgrounds north to Lovell Town Line, excluding the Outlying Residential-Commercial District.

Grade: In relation to buildings, the average of the finished ground level at the center of each wall of a building.

Great Pond: See Water Body; Great Pond.

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

Ground Sign: An outdoor sign which is directly supported, and physically separated from any other structure.

Groundwater: The water contained within the interconnected pores, cracks or fractures located below the water table of a confined or unconfined aquifer. Also, the water contained within the earth's surface that has penetrated from precipitation and from infiltration by streams, ponds and lakes.

Groundwater Extraction: The removal of more than 10,000 gallons per day of groundwater or spring water as part of a residential, commercial, industrial or land excavation operation.

Habitable Space: Any space in a residential dwelling unit usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A space used only for storage is not a habitable space.

Hanging Sign: A sign which is suspended from the underside of a horizontal plane surface and is supported by this surface, typically located on a porch or entryway.

Hazard Tree: A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as but not limited to: hurricanes; hurricane force winds; tornadoes; microbursts; or significant ice storm events. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Hazardous Wastes: A waste substance or material, in any physical state, designated hazardous by the Maine Board of Environmental Protection pursuant to Title 38 M.R.S.A. Section 1301 *et seq.* It does not include waste resulting from normal household or agricultural activities.

Hazardous Waste Facility: A facility designed to treat, store or dispose of hazardous waste as defined in the Maine Hazardous Waste Management Rules, (Section 854).

Historically Significant Property: Those buildings and sites listed in Tables 8-1 and 8-2 of the 1994 Fryeburg Comprehensive Plan.

Home Occupation: An occupation or profession, carried on for monetary gain, which is carried on at the owner/operator's dwelling unit or structure accessory to a dwelling unit, is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Hospital: An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

Hydric Soils: The following soils, as described and identified in the Soil Survey of Oxford County:

- Searsport mucky
- Vassalboro mucky peat
- Vassalboro mucky peat, ponded
- Wonsqueak mucky peat

Ice Cream Parlor: An establishment primarily engaged in the sale of single serve ice cream, frozen yogurt, or similar confections with a facility to consume on the premises.

Immature Marijuana Plant: A marijuana plant that is not flowering and that is not a mature marijuana plant, or a seedling.

Industrial Campus: A single integrated development consisting of industrial uses with associated commercial uses and having integrated traffic circulation, parking, landscaping, and other similar facilities.

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

Individual Private Campsite: An area of land which is not associated with a campground, but which is used for repeated camping by only one group not to exceed 10 individuals and which involves features which may include but not be limited to gravel pads, parking areas, fireplaces, or tent platforms.

Inherently hazardous substance: “Inherently hazardous substance” means any liquid chemical, compressed gas, carbon dioxide, or commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. “Inherently hazardous substance” does not include any form of alcohol or ethanol.

Junkyard: A place, not enclosed in a building, used to store:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances, and furniture;
2. Discarded, scrap and junked lumber; or
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

Kenel: Any place, building, tract of land, abode, enclosure, or vehicle which, for compensation:

1. provides food and shelter for dogs for purposes not primarily related to medical care, or
2. engages in the breeding of more than two female dogs for the sale of their offspring.

Lagoon: An artificial enlargement of a water body, primarily by means of dredging and excavation.

Land Use Authorization: As required by this Ordinance, the approval from the appropriate review authority prior to the construction, operation, or expansion of a land use or activity.

Laundromat: An establishment where, for compensation, clothes and the like are washed with soap and water.

Licensee (marijuana): A person permitted pursuant to this Ordinance to establish and operate an adult use marijuana operation.

Limited Access Area (marijuana): A building, room or other area within an approved marijuana operation where a licensee is authorized to cultivate, store, weigh, manufacture, package or sell adult use/medical use marijuana and adult use/medical use marijuana products in accordance with this Ordinance.

Livestock Keeping: The keeping of animals such as poultry, rabbits, goats, sheep, pigs, bees, cows, or horses for the use of the immediate household and not for commercial purposes. The term livestock keeping does not include cats, dogs, or other household pets.

Live Theater/Entertainment Establishment: An indoor or outdoor area devoted to the showing of plays, dance, musical, comedy, or other live performances and may include related services such as concessions.

Log Concentration Yard: A parcel of land used for the temporary storage of whole timber or sections of logs for later transportation to a wood processing facility. Such use may include equipment and machinery necessary for the operation.

Lot: An area of land under separate ownership, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the Oxford County Registry of Deeds.

Lot Area: The total horizontal area of land enclosed within the lot lines, except any area precluded by any regulation in this Ordinance.

Lot, Corner: A lot with at least two contiguous sides abutting upon a street.

Lot Coverage: The percentage of the lot covered by buildings, structures, parking lots, and other non-vegetated surfaces.

Lot Lines: The lines bounding a lot as follows:

Front Lot Line: On a lot which abuts only one street, the line separating the lot from the street right-of-way. On a corner or through lot, the line separating the lot from

either street right-of-way. On a back lot, the line separating the lot from the lot in front of, and closer to the street than, that lot.

Rear Lot Line: The lot line opposite the front lot line.

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

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file at the Oxford County Registry of Deeds.

Lot, Shorefront: Any lot abutting a great pond or river.

Lot, Through: Any interior lot having frontages on two more or less parallel streets, or between a street and a water body, or between two water bodies, as distinguished from a corner lot. All sides of through lots adjacent to streets and water bodies are considered as frontage, and front setbacks must be provided as required.

Lot Width: On lots which do not have street frontage the horizontal distance between the side lot lines, measured at the minimum front setback line as established by this Ordinance.

Lumen: A unit used to measure the actual amount of light that is produced by a bulb. Lumen output is listed by the manufacturer on the packaging.

Manufactured Housing Unit: Mobile homes and modular homes.

Manufacturing or manufacture (marijuana): The production, blending, infusing, compounding or other preparation of marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. “Manufacturing or manufacture” does not include cultivation.

Marijuana: The leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. “Marijuana” does not include industrial hemp, as defined in MRSA Title 7, section 2231, or a marijuana product.

Marijuana Cultivation or cultivate: The planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale. “Cultivation or cultivate” does not including manufacturing.

Marijuana Cultivation area: An indoor or outdoor area used for cultivation in accordance with this chapter that is enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area under this chapter.

Marijuana Extraction: The process of extracting marijuana concentrate from marijuana using water, lipids, gases or solvents or other chemicals or chemical processes.

Marijuana Operation: A cultivation facility, a products manufacturing facility, a testing facility, a marijuana store or a marijuana social club.

Marijuana Plant: A plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica and Cannabis ruderalis or their hybrids and the seeds of those plants.

Marijuana Product: Marijuana concentrate or a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. “Marijuana product” includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture.

Marijuana Social Club: A facility that purchases adult use marijuana products from a products manufacturing facility sells adult use marijuana products to consumers for consumption on the premises of the marijuana social club.

Marijuana Store: A facility that purchases adult use marijuana from a cultivation facility, purchases adult use marijuana products from a products manufacturing facility and sells adult use marijuana and adult use marijuana products to consumers.

Marijuana Testing Facility: A facility that develops, researches and tests marijuana, marijuana products and other substances.

Mature Marijuana Plant: A marijuana plant that is flowering or that is of a size: Greater than 12 inches in height; or greater than 12 inches in width.

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.

Major Earthmoving Activity: Any operation which within any 12 month period removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and transports the product removed away from the extraction site or sells the product on-site.

Medical Use (marijuana): The acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's medical

diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification.

Medical Use Marijuana Cardholder: A person who has been issued and possesses a valid registry identification card.

Medical Use Marijuana Licensee: A person permitted pursuant to this Ordinance to establish and operate a medical use marijuana operation

Medical Use Marijuana Operation: A registered caregiver retail marijuana store, cultivation facility, dispensary, testing facility, products manufacturing facility, or qualifying patient cultivation/products manufacturing.

Medical Use Marijuana Product: A product composed of harvested marijuana and other ingredients that is intended for medical use. "Marijuana product" includes, but is not limited to, an edible marijuana product, a marijuana ointment and a marijuana tincture. "Marijuana product" does not include marijuana concentrate.

Medical Use Marijuana Products Manufacturing Facility: A facility that manufactures, labels and packages medical use marijuana products.

Medical Use Marijuana Registered dispensary: An entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

Meteorological Tower – shall mean a structure designed to support the gathering of wind energy resource data and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location relevant to siting a wind energy conversion system.

Mineral Exploration: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance of the land and which include measures to restore the land to its original condition.

Mineral Extraction: An activity or process necessary for the extraction or removal of metallic minerals or overburden or for the preparation, washing, cleaning or other

treatment of metallic minerals and includes the bulk sampling, extraction or beneficiation of metallic minerals, not including mineral exploration.

Minor Earth Moving Activity: The removal or filling of less than 100 cubic yards of material from or onto any lot within one year, unless located within 250 of any shoreline, or the removal or filling of material incidental to the construction, alteration, or repair of a building, or in the grading and landscaping incidental thereto, or the removal, filling, or transfer of material incidental to construction alteration or repair of a public or private way or essential service unless located within 250 feet if the shoreline.

Minor Street: A street servicing less than 15 lots or dwelling units.

Mobile Home: Structures which were constructed in a manufacturing facility, constructed on a permanent chassis, transportable in one or more sections, and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained in the unit.

Mobile Home Park: A parcel of land under unified ownership designed and/or used to accommodate three or more mobile home units.

Modular Home: Structures which were constructed in a manufacturing facility, not constructed on a permanent chassis, transportable in one or more sections, and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained in the unit.

Motel/Hotel/Inn: A building or group of buildings in which overnight lodging is offered to the general public for compensation. A Motel/Hotel/Inn may contain such accessory services as newsstands, personal grooming facilities, and restaurants.

Mother plant (marijuana): A mature marijuana plant that is used solely for the taking of seedling cuttings.

Motor Vehicle Sales: The use of a premise, or portion thereof, for the display, sale, or rental of more than 2 motor vehicles where service, not including substantial body work or painting is conducted as an accessory use.

Nadir: The lowest point.

Net Residential Acreage: The net residential acreage is calculated by taking the total area of the lot and subtracting, in order, the following:

- a. Portions of the lot which, because of existing land uses or lack of access, are isolated and undevelopable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board.
- b. Portions of the lot shown to be in the floodway as designated in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency.

- c. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage, or subsoil conditions such as, but not limited to:
 - (1) slopes greater than 20%
 - (2) organic soils
 - (3) wetland soils
 - (4) 50% of the poorly drained soils
- d. Portions of the parcel subject to a right-of-way.
- e. Portions of the parcel located in the Resource Protection Overlay District.
- f. Portions of the parcel covered by surface waters.
- g. Portions of the parcel utilized for storm water management facilities.
- h. Fifteen per cent (15%) of the remaining area of the parcel to account for roads.

Net residential acreage shall apply to the computation of development density and not to the permissibility of building on any particular lot.

Noise: Sound.

Non-arterial Highway: Any street other than U.S. Route 302 and State Routes 5 and 113.

Non-conforming Use: Use of land or structures that is not permitted in the district in which it is located or which does not meet the performance standards prescribed for it by this Ordinance.

Non-conforming Structure: A structure that does not meet all of the following dimensional requirements: setbacks, height, footprint or and lot coverage, but which is allowed solely because it was in lawful existence at the time this ordinance or subsequent amendments took effect.

Non-conforming Lot of Record: A legally established building lot shown on a plan or deed recorded prior to the effective date of this Ordinance or amendment which does not meet the area, frontage, width or depth requirements of the district in which it is located.

Non-native Invasive Species of Vegetation: Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Normal High Water Line: That line which is apparent because of visible markings, changes in the character of soil due to prolonged action of the water, or changes in the

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.

Nursery Cultivation Facility (marijuana): A facility that cultivates immature marijuana plants, seedlings, and marijuana seeds only for sale and distribution to marijuana stores, other cultivation facilities, and to consumers.

Nursing Home: A facility, licensed by the State, which provides skilled nursing care and medical supervision to persons who are unable to care for themselves.

Official Business Directional Sign: A sign erected and maintained in accordance with the Maine Traveler Information Services Act, Title 23 M.R.S.A. Section 1906-1912, which points the way to public accommodations and facilities or other commercial facilities.

Outdoor Storage: Land area where goods and materials are stored in specific outdoor locations.

Passenger Transit Terminal: A facility or location where the principal use is the handling, receiving, and transfer of passenger traffic to other vehicles or modes of transportation.

Patio: An uncovered floor, usually made of concrete, brick, or other masonry material, which is not elevated above the surface of the ground.

Parking Space: An accessible area for the purpose of parking one automobile exclusive of drives, aisles or entrances, and meeting the Performance Standard in this Ordinance.

Place of Worship: A building or group of buildings used for the conduct of religious services.

Plant canopy (marijuana): The area within a cultivation facility that is dedicated to the live cultivation of marijuana plants, including, but not limited to, the growth and maintenance of mother plants, the propagation of marijuana plants from seed to plant tissue, the cloning of marijuana plants and the maintenance of a vegetative or flowering area for marijuana plants. "Plant canopy" does not include the area within the premises of a cultivation facility that is not dedicated to the live cultivation of marijuana plants, including, but not limited to, areas for the storage of fertilizers, pesticides or other products; quarantine areas; general office space, work areas and walkways.

Playground: An area developed for recreational use primarily by children. It may contain sandboxes, slides, swings, climbing apparatus, and similar.

Plumbing Permit: A permit required for the installation of plumbing into a building and for the installation of a subsurface waste water disposal system or components.

Portable Storage Container: A non-self propelled, fully enclosed container that is designed or used to transport, ship, or store goods, materials, and equipment.

Premises/Premise: One or more parcels of land which are in the same ownership and/or lease, and are contiguous and are used for the same commercial purpose.

Principal Structure: The structure in which the primary use of the lot is conducted.

Principal Use: The primary use to which the lot is devoted, and the main purpose for which the premises exist.

Privately Owned Street: A street which is not intended to be dedicated as a town road.

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 8 1/2 feet.

Propagation (marijuana): The process of reproducing marijuana plants through the use of seeds, cuttings or grafting.

Protected Natural Resource: Coastal sand dune systems, coastal wetlands, significant wildlife habitat, fragile mountain areas, freshwater wetlands, community public water system primary protection areas, great ponds and rivers, streams or brooks as defined by Title 38 M.R.S.A. § 480.B.

Public Facility: Any facility, including but not limited to buildings, property, recreation areas, and roads, which is owned, leased, or otherwise operated or funded by a governmental body or public entity.

Public Parks: Fryeburg public parks are Graustein Park, Bradley Park, Admiral Peary Park, Weston's Beach, Canal Bridge, Joseph Frye Homestead, Stark's Hill Rest Area, Baxter Memorial Park, Brownfield Bog Access, Skillings-Newman Memorial Park, Eastman Grove, Abraham Krasker Bog Pond Public Landing and Conservation Area, Jockey Cap, Town Forest and Nature Area.

Public Safety Facility: A place used to house or store public police, fire, or rescue equipment, and/or a building used as temporary living space for on-duty police, fire, or rescue personnel. Such uses may include accessory office uses.

Public Vantage Point: Any great pond, river, navigable stream, publicly accessible land protected by a conservation easement, public park, public property used by the

general public for outdoor recreation, or property listed on the National Register of Historic Places.

Public Way: Any way designed for vehicular use and maintained with public funds.

Public Works Facility: A place used to house or store public highway equipment and/or materials. Such uses may include accessory office uses.

Qualifying patient: A person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana in accordance with the Maine Medical Use of Marijuana Act.

Reader Board Message Sign: A sign comprised of non-permanent letters, numerals, or symbols which allows a change in the signs message by adding or removing, or rearranging said letters, numerals, or symbols.

Reconstruction of a road: A process where greater than 660 lineal feet (1/8th mile) of a road way is removed down to it's base gravel, whereby necessary repairs can be made to improve its serviceability.

Recreational Facility: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

Recreational Vehicle: A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling; the term may include a pick-up camper, travel trailer, tent trailer, or 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 a State Division of Motor Vehicles.

Recycling Station: A building or area where the primary activity is the separation and temporary storage of recyclable materials prior to shipment to a permanent disposal site.

Registration Certificate (marijuana): A document issued by the State that identifies an entity as an entity that has registered with the State in accordance with this the Maine Medical Use of Marijuana Act.

Registered Caregiver: A caregiver who is registered by the state pursuant to the Maine Medical Use of Marijuana Act.

Registered Caregiver Cultivation Facility: A facility that cultivates, prepares and packages medical use marijuana and which may directly transfer the medical use marijuana to qualifying patients, but not via a registered caregiver retail store.

Registered Caregiver Retail Marijuana Store: A facility that offers for sale, to registered qualifying patients, medical use marijuana.

Registered Patient: A qualifying patient who is registered by the State pursuant to the Maine Medical Use of Marijuana Act.

Registry Identification Card: A document issued by the State that identifies a person as a person who has registered with the State in accordance with the Maine Medical Use of Marijuana Act.

Repair: To take necessary action to fix normal damage or storm damage.

Replacement System: A subsurface sewage disposal system intended to replace: (1) an existing subsurface waste water disposal 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 waste water discharge.

Reserve Frontage Street: A street which provides residential frontage other than that on a through traffic street.

Residential Use: Land use category 1 on the Land Use Table, in Section Five.

Residential Care: Care which is greater than that necessarily attendant upon mere eating and lodging services, but which is less than that attendant upon nursing home care or hospital care.

Residential Care Facility: A building or group of buildings where, for compensation, residential care is provided. This use does not include “nursing home” or “congregate care facility.”

Resource Based (as included in Land Use Category 2): The sale of products raised or grown on the premises.

Resource Protection Overlay District: See description in Section Twenty (20).

Restaurant: A place the primary use of which is to prepare and serve meals to the general public for compensation.

Right-of-Way: An easement allowing passage by vehicles and/or persons over another's property.

Riprap: Rocks that are irregularly shaped and at least six inches in diameter used for the purpose of erosion control and soil stabilization. Typically used on ground slopes of two units horizontal to one unit vertical or less.

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.

Roof-Mounted Solar Energy System: A Solar Energy System of any size that is mounted on the roof of a legally existing building or structure.

Roof Sign: An outdoor sign which is affixed to a building and displayed above the eaves of that building.

River: See Water Body, River.

Sandwich Board Sign: A portable sign consisting of 2 panels of equal size, which are hinged at the top and placed on the ground so as to be self-supporting.

Sapling: A tree species that is less than 2 inches in diameter at 4.5 feet above ground level.

Sawmill: A mill or machine used for cutting logs into boards.

School: A place which offers an academic curriculum of college, professional, preparatory, high school, middle school, elementary, kindergarten, or nursery school instruction, or any combination thereof, and which may consist of amenities and facilities that are fundamental to the operation of a school such as dormitories, administration offices, and maintenance facilities. This does not include Special Purpose Schools.

School, Special Purpose: A place, typically commercially operated, where any specialized branch of knowledge such as art, fitness, dancing, gymnastics, music, automobile driving, business skills, not including horseback riding, is taught for compensation.

Seedling: A young tree species that is less than 4.5 feet in height above ground level.

Seedling (marijuana): A marijuana plant that is: Not flowering; less than 6 inches in height; and less than 6 inches in width.

Self-storage facility: A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self service storage of personal property with no commercial transactions permitted other than the rental of the storage units.

Setback: The horizontal distance between a structure and the property boundary. The terms street and road are to be considered synonymous with regard to frontline setback in all districts.

Front: The distance between the front lot line and the nearest part of the structure.

Side: The distance between the side lot line and the nearest part of the structure.

Rear: The distance between the rear lot line and the nearest part of the structure.

Street Right of Way: The distance between the street right of way and the nearest part of the structure.

Setback from Water: The minimum horizontal distance from the normal high water line to the nearest part of a structure, road, parking space, or other regulated object or area.

Shoreland Overlay District: See description in Section Twenty.

Shoreland Zone: The land area which is required to be regulated by Title 38 M.R.S.A. Section 435.

Sign: An object, device, or structure, or part thereof, situated outdoors or displayed in a window, visible from a public way, freestanding or attached, which is used to advertise, identify, display, or attract and direct attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, images, colors, or illuminations.

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

Sign Area: The area of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy, insignia, background, and/or borders. The structural supports of a sign are to be excluded in determining the signable area. Where a supporting structure bears more than one sign, all such signs on the structure are considered as one sign and so measured, unless it is a part of a business cluster.

Sign Permit: A permit issued by the Code Enforcement Officer for signs containing more than nine square feet of use.

Significant Wildlife Habitat:

1. The following areas to the extent that they have been mapped by the Department of Inland Fisheries and Wildlife or are within any other protected natural resource: habitat, as defined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal list of endangered or threatened animal species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife; and critical spawning and

- nursery areas for Atlantic salmon as defined by the Department of Marine Resources; and
2. Except for solely forest management activities, for which "significant wildlife habitat" is as defined and mapped in accordance with section 480-I by the Department of Inland Fisheries and Wildlife, the following areas that are defined by the Department of Inland Fisheries and Wildlife and are in conformance with criteria adopted by the Department of Environmental Protection or are within any other protected natural resource:
 - a. Significant vernal pool habitat
 - b. High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas
 - c. Shorebird nesting, feeding and staging areas.

Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended to reduce on-site consumption of utility power.

Solar Energy System: An assembly of solar collectors (including solar photovoltaic technology such as solar panels or arrays) and associated footings, supports, mounting and stabilization devices, inverters, electricity storage equipment, transmission and distribution lines, and related infrastructure, which collects, converts, and stores solar energy into electrical energy, heats water, or produces hot air or other similar function and delivers such energy, heat, or other similar function for on-site or remote consumption. A Solar Energy System may be roof-mounted or ground-mounted.

Solar Energy System, Small-Scale: A ground-mounted Solar Energy System that occupies less than 3 acres of Solar Land Area.

Solar Energy System, Medium-Scale: A ground-mounted Solar Energy System that occupies 3 or more acres but less than 20 acres of Solar Land Area.

Solar Energy System, Large-Scale: A ground-mounted Solar Energy System that occupies 20 or more acres of Solar Land Area.

Solar Land Area: The aggregate area of land occupied by a Solar Energy System, including but not limited to: (i) solar panels and associated mounting hardware and equipment, (ii) all inter-panel space, and (iii) all impervious surfaces. Solar Land Area does not include parking lots, driveways, or roadways used to access the Solar Energy System or any areas adjacent to the Solar Energy System that are vegetated by grasses and must, by virtue of a legal instrument, be kept free of structures, trees, or shrubs in order for the Solar Energy System to collect sunlight.

Sound Pressure Level: The level of sound measured in dB units with a sound level meter which has a uniform (“flat”) response over the band of frequencies measured.

Special Events: Circuses, fairs, carnivals, expositions, festivals, or other types of special activities that run for longer than one day but not longer than ten days, are intended to or likely to attract substantial crowds, and are unlike the customary or usual activities generally associated with the property where the special event is located.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Storm-damaged Tree: A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as a result of the storm event.

Stream: See Water Body.

Street: Public and private ways such as alleys, avenues, highways, roads, and other rights-of-ways, as well as areas on a subdivision plan designated as rights-of-ways for vehicular access other than driveways, logging roads, or farm roads.

The term “street” does not include those which have been discontinued or abandoned.

Structure: Anything built, constructed or erected on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and patios. Structures do not include fences, poles and wiring and other aerial equipment normally associated with service drops, including any guy wires and guy anchors; subsurface wastewater disposal systems as defined in Title 30-A Section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, Section 4700-E subsection 3-c, or wells or water wells as defined in Title 32, Section 4700-E subsection 8.

Substantial Completion: Completion of 80% or more of a permitted structure or use measured as a percentage of estimated total cost.

Substantial Expansion: Floor space increase of 25% or new materials or processes not normally associated with the existing use.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or structural part of the building commences, whether or

not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or for any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historical Places.

Substantial Start: Completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

Subdivision: “Subdivision” as defined in Title 30-A M.R.S.A. Section 4401.

Subsurface Sewage Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(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 waste water on or beneath the surface of the earth. The term does not include any waste water discharge system licensed under 38 M.R.S.A. Section 414, any surface waste water disposal system licensed under 38 M.R.S.A. Section 413 Subsection 1-A, or any public sewer. The term does not include a waste water disposal system designed to treat waste water which is in whole or in part hazardous waste as defined in Title 38 M.R.S.A. Section 1301 *et seq.*

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

Telecommunications Facility - shall mean any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services. Telecommunications Facilities shall be considered a principal use. Pre-existing accessory use towers/antennas shall be exempt from this definition.

Temporary Emergency, Construction, or Repair Dwelling: A residence that is:

1. Located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by the disaster, or
2. Located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in the residence when the work is completed, or
3. Located on a nonresidential construction site and occupied by persons having construction or security responsibility over such construction site.

Testing or test (marijuana): The research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency. “Testing or test” does not include cultivation or manufacturing.

Testing Facility (marijuana): A facility that develops, researches and tests marijuana, marijuana products and other substances.

Threshold Height - shall mean the height, as defined above, below which a telecommunications facility does not need review and approval as a special exception, unless otherwise noted herein.

Tier 1 Adult Use Marijuana Cultivation Facility: A facility that may cultivate not more than 30 mature marijuana plants and an unlimited number of immature marijuana plants and seedlings; or has not more than 500 square feet of plant canopy.

Tier 2 Adult Use Marijuana Cultivation Facility: A facility that may cultivate not more than 3,000 square feet of plant canopy.

Tier 3 Adult Use Marijuana Cultivation Facility: A facility that may cultivate not more than 10,000 square feet of plant canopy.

Tier 4 Adult Use Marijuana Cultivation Facility: A facility that may cultivate not more than 30,000 square feet of plant canopy.

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.

Time of Travel Boundary: A boundary beyond which groundwater will take more than a set period of time (i.e., 200 days) to travel to a given point (i.e., a pumping well).

Tower - shall mean any structure, whether freestanding or in association with a building or other permanent structure, that is designed and constructed primarily for the purposes of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar structures.

Tower Height - The distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna or wind turbine blade when the tip is at its highest point.

Tree: A woody perennial plant with a well defined trunk(s) at least 2 inches in diameter at 4.5 feet above the ground, with a more or less definite crown, and reaching a height of at least 10 feet at maturity.

Tributary Stream: See Water Body.

Trucking Terminal: An area or building where trucks load and unload cargo and freight and where cargo and freight may be broken down or aggregated into smaller and larger loads for transfer to other vehicles or modes of transportation.

Unit: A measure of land use density. Each building with any non-dwelling unit (excluding accessory buildings for single-dwelling units) or use shall constitute one unit. Each dwelling unit shall constitute one unit. In cases where one building accommodates both non-dwelling units or uses and dwelling units, the total number of units shall be equal to the sum of one for all non-dwelling unit(s) in the building and one for each dwelling unit in the building.

Upland Edge: The boundary between upland and wetland.

Utility Corridor: Right-of-way, easement, or other corridor for transmission wires, pipes or other facilities for conveying energy, communication signals, fuel, water, wastewater, etc. Municipal water supply distribution mains, operational, or maintenance facilities, are excluded from restrictions in the Wellhead Protection Table.

Utility Facility: Any facility (not including an office building, business office, storage yard, or vehicle or equipment maintenance or repair facility) operated by an electrical utility, a telephone utility, a water district or private water company, a sanitary district, a sewer district or municipal sewer department, a cable television supplier, or any other utility. Such facilities include: sanitary sewer lines, water lines, pumping and pressure control stations, telephone equipment huts, telephone and electrical power transmission lines (including poles, cross connects, subscriber loop carriers, network interface equipment, distribution area interfaces, service drops, and similar structures), standpipes, reservoirs, wells and other water storage structures, electricity regulating substations, water treatment plants, electric generating plants, and electric transmission lines. Utilities do not include microwave, radio, television, or other telecommunication transmitters and towers. For the purposes of this Ordinance there are three classifications of utility facilities as follows:

Small Scale Utility Facility: A utility facility consisting of structures which cover no more than 200 square feet of land. Also in this classification are utility distribution lines.

Medium Scale Utility Facility: A utility facility consisting of structures other than utility transmission lines and utility distribution lines, which cover more than 200 square feet of land but less than 500 square feet of land.

Large Scale Utility Facility: A utility facility consisting of structures which cover 500 square feet or more of land. Also in this classification are utility transmission lines.

Utility Distribution Lines: Poles, wires, cables, conduits, pipes, ducts, instruments, and appliances used to deliver the service or products of a utility after it leaves transmission lines. Utility distribution lines distribute and/or deliver services or products to consumers or customers in quantities or intensities usable by the consumers or customers.

Utility Transmission Lines: Poles, wires, cables, conduits, pipes, ducts, instruments, and appliances which carry the service or products of a utility from point to point but do not deliver or distribute the service or product directly to the ultimate consumers or customers. As compared to utility distribution lines, utility transmission lines cover longer distances and carry the service or product in greater quantity or at greater intensity.

Vegetation: All live trees, shrubs, ground cover, and other plants.

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

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

Wall Sign: 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 sign or facade of a building up to the roof line, excluding windows, doors and major architectural features.

Warehousing: Storage, deposit, or stocking of merchandise or commodities in a structure or room.

Water Body:

Great Pond: Any body of water which in a natural state has a surface area in excess of ten acres, and any body of water artificially formed or increased which has a surface area in excess of 30 acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner. The following bodies of water are great ponds: Black Pond, Bog Pond, Cat Pond, Charles Pond, Clays Pond, Dead Lake, Horseshoe Pond, Hunt Pond, Kezar Pond, Lovewell Pond, Lower Kimball Pond and Pleasant Pond.

Outlet Stream: Any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website if the USGS or national map, that flows from a freshwater wetland.

River: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of 25 square miles to its mouth. The following bodies of water are rivers: the Saco River from the Maine State line to the Brownfield town line; the Old Course of the Saco River from the confluence of the Charles River to the Saco River; the Kezar River from the confluence of Popple Hill Brook to the Old Course of the Saco River; the Kezar Outlet from the Lovell town line to the Old Course of the Saco River; the Charles River from Charles Pond to the Old Course of the Saco River; and the Cold River from the Stow town line to Charles Pond.

Stream: The free flowing body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a waterbody or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

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 water-borne deposits on exposed soil, parent material or bed-rock, 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.

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 are not limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

Waterfront: Abutting a water body.

Water-Oriented Uses: A use which by its nature of operation requires a waterfront location.

Wellhead: The specific location of a well (a hole or shaft dug or drilled to obtain water) and/or any structure built over or extending from a well.

Wellhead Protection Area: As defined by the U.S. Safe Drinking Water Act: The surface and subsurface area surrounding a water well or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such well or wellfield.

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

1. Of ten or more contiguous acres; or of less than ten contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a normal state, the combined surface area is in excess of ten 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. Also see Forested Wetlands.

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.

Wind Energy System – shall mean equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

Wind Tower – shall mean a monopole, freestanding, or guyed structure that supports a wind turbine generator.

Wind Turbine Height – shall mean the height above grade to the tip of the turbine blade when it reaches its highest elevation.

Wind Tower Farm: More than 1 wind tower located on a single lot for the purpose of creating energy for sale.

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

Written Certification (marijuana): A document on tamper-resistant paper signed by a medical provider that is valid for the term provided by the qualifying patient's medical provider, except that the term of a written certification may not exceed one

year, and that states that in the medical provider's professional opinion a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's medical diagnosis or symptoms associated with the medical diagnosis.

Yard Sale: The activity of selling or offering to sell household or personal articles (such as, but not limited to, furniture, tools, or clothing) on the lot on which the owner of the articles resides, provided that such activity occurs on no more than 15 days in the aggregate during any calendar year commencing on or after January 1, 1997. Any such activity occurring on more than 15 days in the aggregate per calendar year shall constitute a retail store. Any such activity commenced prior to the adoption of this Ordinance shall not constitute a lawful non-conforming use under Section Four of this Ordinance and can occur only as permitted pursuant to this definition. The term yard sale shall include garage sales, porch sales, tag sales, and the like.

Yurt: A soft-sided dwelling that is portable and self-supporting. A yurt rental facility would consist of 2 or more yurts in which overnight lodging is offered to the general public for compensation

Zone of Contribution: The area from which groundwater flows to a pumping well. Also, the entire area around a well that is recharging or contributing water to the well.