
APPENDIX A: DEFINITIONS

Section 1. Construction of Language

In the interpretation and enforcement of this Ordinance, all words, other than those specifically defined in the Ordinance, shall have their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers include the singular.

The words "shall", "must" and "will" are mandatory; the word "may" is permissive.

The word "lot" includes the words "plot" and "parcel".

The word "building" includes the word "structure".

The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied".

The word "Town" means the Town of Parsonsfield, Maine.

Section 2. Definitions

In this Ordinance the following terms have the following meanings:

Abutter: The owner of any property with one or more common boundaries or points, or across the road or stream from the property involved in the application or appeal. For purpose of notice it also includes any property owner within 500 feet of the property involved in the application or appeal

Access Road: All private ways constructed or used to provide motor vehicle access to: (i) two or more lots; or (ii) to rear lots; or (iii) two or more distinct areas or buildings, in developments that are not subdivided. Usually consisting of a bed of exposed mineral soil, gravel, asphalt or other surfacing material.

Accessory Use or Structure: A use or structure that is customarily both incidental and subordinate to the principal use or structure on the same lot. The term "incidental" in reference to the principal use or structure means both: a) subordinate and minor in significance to the principal use or structure, and b) attendant to the principal use or structure. Such accessory uses, when aggregated, must not subordinate the alleged principal use of the lot. Shipping containers are accessory structures when placed on the lot.

Agriculture: The cultivation of soil, producing or raising crops, including gardening, as a commercial operation. The term also includes greenhouses, orchards, nurseries, and versions thereof when associated with farming or agriculture, but these terms, when used alone, refers specifically to a place where flowers, plants, shrubs, and/or trees are grown for sale.

Alteration: Any change, or modification in construction, or change in the structural members of a building or structure, such as bearing walls, columns, beams or girders, or change in the use of a building. The term also includes change, modification, or addition of a deck, dormer, staircase, or roof to the building.

Aggrieved Party: A person whose land is directly affected by the grant or denial of a permit or variance under this Ordinance, or a person whose land abuts or is across a road or street or stream from land for which a permit or variance has been granted, or is within 500 feet of the property for which a permit or variance has been granted.

Airport Facilities: A tract of land or water with facilities for the landing, take-off, shelter, supply, and repair of aircraft.

Amusement Facility: A private, commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

Animal Husbandry, Breeding or Care: The keeping or raising of four or more animals, including domestic animals and pets, for commercial use. This definition also includes kennels.

Authorized Agent: An individual or a firm who has written authorization signed by the property owner to act on behalf of a property owner.

Auto Service Station: A place where gasoline, or any other automobile engine fuel, kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing and minor repair of automobiles, not including storage of unlicensed vehicles and not including body, frame, or fender straightening and repair.

Automotive Body Shop: A business engaged in automotive body, frame, or fender straightening and repair, or painting and undercoating.

Automobile Repair Shop: A business engaged in general automotive repair, engine rebuilding, and/or automotive parts replacement.

Barn: A building used for the storing farm products and sheltering livestock.

Basement: Any portion of a structure with a floor-to-ceiling height of 8 feet or more and having more than 50% of its volume below the existing ground level.

Bed and Breakfast: A dwelling with individual guest rooms, in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one week. The owner or manager must operate the facility and their residence must be in the Bed and Breakfast. There must be no provisions for cooking in any individual guest- room.

Boarding, Lodging Facility: A residential structure where lodging and/or meals are provided for compensation, for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There must be no provisions for cooking in any individual guest- room.

Bowling Alley: A building equipped with long narrow wooden lanes or alleys used for the game of ten-pins.

Buffers \ Screening: Buffers and screens are fences, vegetation, landscaping, berms, and mounds used to minimize any adverse impacts or nuisance conditions as experienced on the site or from adjacent areas.

Building: A three (3) dimensional enclosure using any building materials or any space, for any use or occupancy, temporary or permanent, including swimming pools, foundations or pilings in the ground, and all parts of any kind of structure above ground including decks, railings, dormers, and stairs. Excluding sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls.

Building/Structure Height: The vertical distance between the highest point of the roof and the average grade of the existing or original ground adjoining the building or structure, whichever distance is greater.

Business and Professional Offices: The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors, and the like, or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales or activities utilizing trucks as part of the business operation.

Campground: Land on which one or more tents are erected or trailers are parked for a fee for temporary recreational use on sites arranged specifically for that purpose. The word "campground" includes the words "camping ground", and "tenting grounds".

Cemetery: Property used for the interring of the dead.

Church: A building or structure, or group of buildings or structures, designed and primarily intended and used for the conduct of religious services. This term does not include buildings primarily used for schools.

Civic, Convention Center: A building or complex of buildings that may house Town offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

Cluster Development: A development consisting exclusively of residential dwelling units or commercial uses, planned, developed as a whole, or in a programmed series of developments, and controlled by one developer which contemplates an innovative, more compact grouping of dwelling units or other uses. Cluster developments treat the developed area as an entirety to promote flexibility in design, architectural diversity, the efficient use of land, a reduction in the size of road and utility systems, the creation of permanent, common open space, and the conservation of natural characteristics of the land.

Code Enforcement Officer: A person appointed by the Town Officers to administer and enforce land use ordinances.

Collector Street: A street whose principal function is to carry traffic between local, residential, commercial and industrial streets and arterial streets, but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.

Commercial Communication Tower: A structure on which commercial transmitting and/or receiving devices are located, excluding facilities only used for public safety, utility and public works services.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including, but not limited to: racquet and tennis clubs, health facilities, amusement parks, golf courses, gymnasiums and swimming facilities, etc.

Commercial Use: Any activity carried out for pecuniary gain.

Community Center, Club: A building that houses any voluntary association of persons organized for social, religious, benevolent, literary, scientific, or political purposes; whose facilities, especially a clubhouse, are open to members and guests only, and not the general public; and which association is not engaged in activities customarily carried on by a business or for pecuniary gain.

Conditional Use Permit: *A permit issued by the Planning Board that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Planning Board.*

Conforming Use: A building, structure, or use of land, or portion thereof, which complies with the provisions of this Ordinance.

Congregate or Housing: Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly or disabled occupants; the individuals are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing includes only those facilities that have been certified by the State of Maine as meeting all

certification standards and guidelines for congregate housing facilities as promulgated by the Department of Human Services pursuant to the provisions of the Maine State Statutes.

Constructed: Built, erected, altered, reconstructed, moved upon, or any physical operations on the premises that are required for construction. Excavation, fill, drainage, and similar site work are considered a part of construction.

Convenience Stores:

“Neighborhood” Convenience Store: A store of less than 2,501 square feet of floor space intended to service the convenience of a residential neighborhood. Primarily with the sale of merchandise, including such items as, but not limited to, basic food, newspapers, emergency home repair articles, and other household items, but not to include "sit-down" dining or "eat-in" foods or take out windows or the sale of petroleum products like gasoline and diesel fuel.

“General” Convenience Store: A store intended to service the convenience of a residential neighborhood. Primarily with the sale of merchandise, including such items as, but not limited to, basic food, newspapers, emergency home repair articles, and other household items, but not to include take out windows. The sale of petroleum products like gasoline and diesel fuel for vehicle refueling is permitted.

Club, Private: Building or use catering primarily to club members and their guests for recreational purposes, and not operated primarily for profit.

Day Care: Homes and Centers licensed as such by the Maine Department of Human Services.

DBH-Trees: "Diameter at Breast Height", usually 4 1/2 feet vertically from the base of the tree to the point where the diameter of the tree is measured "Breast Height".

Density: The number of dwelling units per lot of land or unit.

Development: Any man-made changes to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

Distribution Terminal-Trucking: Any building or group of buildings used primarily to receive goods and materials and re-transport these goods and materials primarily by truck to other locations.

District: A specified portion of the Town, delineated on the official land use map, and within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Driveway: That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodations area.

Dwelling: A building or structure or portion thereof that is designed or used for residential purposes.

1. **Accessory Dwelling:** A second dwelling unit which occupies a portion of, or is attached to, a single-family residence (not associated with a duplex) that comprises not more than 25% of the gross floor area of the building, nor more than a total of 600 square feet.
2. **Single-Family Dwelling:** A structure containing one (1) dwelling unit for occupation by not more than one (1) family.
3. **Two Family Dwellings:** A building containing only two (2) dwelling units, for occupation by not more than two (2) families.

4. **Duplex Dwellings**: A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.
5. **Multi-Family Dwellings**: A building containing three (3) or more dwelling units, such buildings being designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units.
6. **Dwelling Unit**: A room or suite of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities.

Elevations: (Exterior elevation of a structure) a drawing or design that represents a structure as being projected geometrically on a vertical plane parallel to one of its sides.

Essential Services: Facilities for the transmission or distribution of water, gas, electricity, or essential communications, or for the collection and treatment of sewerage wastes including, without limitation: towers, poles, wires, mains, drains, sewers, traffic signals, hydrants and similar accessories but not buildings. Essential services do not include commercial communication towers.

Excavation: Any breaking of the ground, except common household gardening and ground care.

Expansion of a structure in the shoreland zone: An 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 in the shoreland zone: The addition of one or more months to a use's operating season; or the use of more footprint of a structure or ground area devoted to a particular use.

Extractive Industries: The excavation, processing or storage of soil, topsoil, peat, loam, sand, gravel, rock, or other mineral deposits, not including:

1. The excavation of material incidental to, and at the site of, approved construction of buildings, driveways or parking areas;
2. The excavation of material incidental to, and at the site of, construction or repair of streets; and
3. The excavation, processing or storage of less than ten (10) cubic yards of material, within a one year period on a lot.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth, adoption, or marriage. Except an unrelated group may not consist of more than five (5) persons, as distinguished from a group occupying a guest house, rooming house, hotel, motel, inn or a licensed group home.

Farm Stand: A building or structure used for the retail sale of fruits, vegetables, and other agricultural products, to the public.

Fill: A quantity of material used to build up an area of ground or to displace an area of water.

Firewood Processing: The commercial cutting, splitting, sawing or preparing of forest products to be sold as a solid fuel.

Flood: A temporary rise in stream or river flow that results in water overflowing its banks and inundating adjacent areas.

1. **Flood Insurance Rate Map**: The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones.

2. Flood Plain: The lands adjacent to a body of water that have been or may be covered by the regional flood.
3. Regional Flood: The maximum known flood of a body of water; either the one hundred (100) year frequency flood, where calculated, or the flood of record.
4. Flood-way: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (100 Year Flood) without cumulatively increasing the water surface elevation more than one 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.

Forestry: The operation of timber tracts, tree farms, forest nurseries, the gathering of forest products or the performance of forest services.

Frontage, Road: The horizontal, straight-line distance between the intersections of the side lot lines with the road 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 elevation.

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

Garage: An accessory building, or part of a principal building, including a car port, used primarily for the storage of motor vehicles as an accessory use.

Gasoline Service Station: A place of business at which gasoline, other motor fuels or motor oil are sold at retail to the public for use in a motor vehicle, regardless of any other business on the premises.

Group Home: Six (6) or more unrelated individuals occupying a dwelling unit and living as a single housekeeping unit, usually associated with an agency or organization that provides staff for management or supervision of the individuals in the group home.

Hazardous Material: Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, according to current guidelines of the U.S. Environmental Protection Agency, or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

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; tornados; microbursts; or significant ice storm events. Hazard trees

also include those trees that pose a serious and imminent risk to bank stability. 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.

Home Occupation: An occupation or profession which is carried on in no more than five-hundred (500) square feet or twenty-five percent (25%) of the floor area of a detached, single-family dwelling unit by the full-time permanent occupants of the dwelling and no more than two (2) non-occupant employees on site at any time, which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character of the neighborhood. The term "home occupation" includes both professional and personal services.

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.

Hotel/Motel/Inn: A commercial building or group of buildings built to accommodate, for a fee, travelers and other transient guests who are staying for a limited duration with sleeping rooms without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

Industrial Uses are defined as follows:

Light Manufacturing: Uses that, generally, do not have offensive characteristics and can be conducted entirely within enclosed buildings. These may include by way of example industrial processes such as printing, manufacturing of products from component parts, food packaging, or warehousing.

Heavy Manufacturing: Uses, such as the manufacture or processing of chemicals, cement or rubber products, stockyards, paper mills, or distilleries, that generally produce nuisances. These nuisances may be in the form of air pollutants, excessive noise, traffic, glare or vibrations, noxious odors, danger of explosion, or unsightly appearance.

Junkyards: A site exposed to the elements, which is used for the storage and sale of second-hand products or materials, or for the storage of two (2) or more automobiles or trucks, which cannot pass the Maine State inspection requirements in their existing condition.

Kenel: An establishment in which more than four (4) dogs or four (4) cats are sold, housed, bred, boarded, or trained for a fee.

Landfill: A tract of land that is used to dispose of waste material that has been discarded, including garbage, refuse or the like, usually by burying the material.

Lot: A parcel of land in the Town of Parsonsfield owned or in leasehold, with ascertainable boundaries established by deed or instrument of record. Also, a parcel of land whose ownership is defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the York County Registry of Deeds.

Lot Area: The total horizontal square feet within the lot lines.

Lot, Minimum Area: The minimum required lot area within a district for a single use.

Lot, Corner: A lot with at least two contiguous sides abutting a street or right-of-way.

Lot, Coverage: The percentage of a lot covered by all buildings.

Lot Lines: Lines bounding a lot as defined below:

1. Front Lot Line: On an interior lot, the front line is the line separating the lot from a street or right-of-way. On a corner or through lot, the front lot line is the line separating the lot from either street or right-of-way.
2. Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line is an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line is opposite from the front lot line of least dimension.
3. Side Lot Line: A 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 with the York County Register of Deeds.

Lot, Shorefront: A lot abutting a body of water.

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

Lot Width: The distance between the side boundaries of the lot measured at the front setback line.

Manufactured Housing: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site.

Mobile Home Park: A plot of land developed to accommodate at least three (3) manufactured homes.

Mobile Signs: A sign on the front, sides or back of any vehicle whose primary purpose is the transporting of individuals and/or material from place to place.

Net Residential Acreage: The gross available acreage less the area required for streets or access and less the areas of any portions of the site which are unsuitable for development because of topography, natural drainage or subsoil conditions.

Net Residential Density: The number of dwelling units per net residential acre.

Non-conforming structure: a structure which does not meet any one or more of the following dimensional requirements: setback, height, lot coverage or footprint, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-Conforming Use: A building, structure, lot, use of land, or portion thereof, legally existing at the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to all applicable provisions of this Ordinance.

Nursing Home: A privately operated, State licensed establishment where skilled nursing care is provided for persons who are unable to care for themselves.

Parks and Recreational Facilities: Park and recreational facilities that are operated by a governmental unit and are open to the general public including, but not limited to, playgrounds, parks, monuments, greenways, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, and the

maintenance of such land and facilities. The term does not include campgrounds, or commercial recreation and amusement centers.

Permitted Uses: Uses which are listed as permitted in the various districts set forth in this Ordinance. The term shall not include prohibited uses.

Photocopying Facility: A commercial facility where documents, images, pictures, printed material or the like are copied or duplicated using photocopying equipment, for a fee.

Planning Board: The Planning Board in the Town of Parsonsfield.

Portable Signs: A sign not designed or intended to be permanently affixed into the ground or on a structure. Moveable identification signs are not considered to be portable signs.

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

Principal Use: The primary use to which the premises are devoted.

Printing Facility: A commercial facility where for a fee documents, text, pictures, designs, images, etc. are reproduced or represented on a surface or surfaces through the transfer by machinery of ink, dye, pigment etc.

Public and Private Schools: An elementary or secondary school, or parochial school, which satisfy either of the following requirements: the school is not operated for a profit or as a gainful business; or the school teaches courses of study which are sufficient to qualify attendance in compliance with State Compulsory Education Requirements.

Public Utility: A person, firm, corporation, town department, board or commission authorized to furnish gas, steam, electricity, sewerage disposal, communication facilities, transportation or potable water to the public.

Recreational Activity: An activity, pastime, hobby, sport, or the like that is done by an individual(s) for relaxation and enjoyment.

Recreational Camping Vehicle: A self-propelled or drawn vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, or motor home.

Restaurant: An establishment where meals are prepared and served to the public

Retail Business: A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

Retail Fuel Distributor: A commercial enterprise that stores and or delivers gaseous, liquid or solid energy products, like petroleum products, gas, oil, kerosene, propane, coal, wood etc. to retail customers for a fee, which is used and consumed as an energy source for space heating, in combustion engines or furnaces, etc..

Right-of-way: All public or private roads and streets, state and federal highways, private ways (a/k/a public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

Road: An existing state, county, or town way or a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the York County Registry of Deeds. Also, a road dedicated for public use and shown on a plan duly recorded in the York County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. *The term "road" does not include those ways that have been discontinued or abandoned.*

Setback: The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps, and railings.

Shopping Center: A concentration of two or more retail stores or service establishments under one ownership or management containing *15,000 sq. ft. or more of gross floor space.*

Signs: Any structure, or part thereof, attached thereto or painted or represented thereon, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement.

Sludge: *Sediment like, but not limited to sewerage sediment, that contains a heavy growth of micro-organisms resulting from vigorous aeration.*

Stable: A building or structure for the lodging and feeding of horses.

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 the result of a storm event.

Stream: A 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 edition of a United States Geological Survey 7.5 minute series topographic map, or if not available a 15 minute series topographic series map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

Structure in the shoreland zone: Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water 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.

Subdivision: A subdivision is (1) as defined in Title 30-A M.R.S.A., 4401, as amended (a division of a tract or parcel of land into three (3) or more lots within a five year period) (see statute for full definition); and (2) as that definition is further augmented by the following:

1. Such division may be accomplished by sale, lease, development, building or otherwise, including informal arrangements which result in the functional division of a tract or parcel. The term subdivision may, at the Planning Boards discretion, also include cluster housing, shopping centers, lodging places (e.g. motels, inns. etc.) and apartment, condominium, or cooperative housing units, when any of these items contain three or more units.
2. Under such definition, lots of forty (40) or more acres each must be counted as lots if the lots are wholly or partly within the Shoreland District and the average lot-depth-to-shore-frontage ratio is greater than three to one.
3. A parcel of land 40 or more acres in size must be counted as part of a subdivision of land.

Swale: A low place in a tract of land, usually moister and often having ranker vegetation than the adjacent higher land.

Swimming Pool: An outdoor man-made receptacle or excavation designed to hold water to a depth of at least twenty-four (24) inches, primarily for swimming or bathing, whether in the ground or above the ground.

Tavern: A place where alcoholic beverages are sold and consumed on the premises.

Temporary Signs: Signs that are not permanently fixed.

Timber Harvesting: Means the cutting or removal of at least 50 cords of timber for the primary purpose of selling or processing forest products.

Transmission Tower: A structure that is used to support electric power transmission lines and that do not provide direct electrical service to local customers.

Use: The manner in which land or a structure is arranged, designed or intended, or is occupied.

Variance: A variance is a relaxation of the terms of this code, where such variance will not be contrary to the public interest. Also, where owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of the code will result in unnecessary or undue hardship.

Vendor, Mobile or Temporary: A commercial activity conducted by person(s) whose location is not permanent and who engages in the sale of goods or merchandise to the public. Persons or persons selling products or services using a mobile, registered vehicle/equipment. Sales of controlled or illegal products or services are not allowed. Permit required for any operation of three (3) days or more per year.

Waste Disposal: The process by which waste, garbage, refuse, discarded material, and the like are collected, processed and disposed of.

Wetlands: All freshwater wetlands. Fresh-water wetlands are all lands identified by the Department of Inland Fisheries and Wildlife in accordance with Title 38 M.R.S.A. Section 407A, or areas identified by the United States Environmental Protection Agency having jurisdiction under Section 404 of the Clean Water Act.

Wholesale Business: On-premises sales of goods primarily to customers engaged in the business of reselling the goods.