

-Definitions for the Town of Otisfield's Ordinances-

In this Ordinance, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. The following definitions shall supersede all other definitions contained in the Town of Otisfield's ordinances.

ABUTTER- The owner(s) of property within a 1000 feet of a given piece of property and any additional landowners as deemed necessary by the Board, whether or not these properties are separated by a public or private street or right of way. The owners of property shall be considered to be the parties listed by the Tax Assessor of Otisfield as the ones against whom taxes are assessed.

ACCESSORY STRUCTURE OR USE- A separate use or structure which is customarily both incidental and subordinate to the principal structure and is on the same lot only. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

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

ADULT BOOK, VIDEO AND /OR ENTERTAINMENT STORE- An establishment having as a substantial or significant portion of it stock in trade in sexual devices, printed or video material including, but not limited to, magazines, books, pictures, photographs, videos, computer video or connection, or films for sale or viewing on premises that are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of minors from the establishment's premises, or any other factors showing that the establishment's primary purpose is to purvey such material.

ADULT ENTERTAINMENT FACILITY- An establishment devoted to adult entertainment, either with or without a liquor license, presenting material, either live or via film, video, computer or other media, and distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas or featuring topless dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons. Entertainers shall include employees, contracted firms offering such entertainers, and patrons who may be encouraged to perform in a sexually explicit manner or display genital anatomical areas.

AGGRIEVED PARTY- An owner of land whose property is directly or indirectly affected by the granting or denial of an approval, permit or variance under this Ordinance; a person whose land abuts land or is across a road or street or body of water from land for which an approval, permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such approval, permit or variance.

AGRICULTURAL RELATED SALES AND SERVICES- The use of buildings or land for sale of equipment, products or services to those primarily engaged in agricultural and/or forestry activities.

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

ALTERATION- Any change or modification in construction, (normal maintenance of buildings or property shall not be misconstrued as an alteration) or change in the structural members of a building or structure such as bearing walls, columns, beams or girders, or in the use of a building. The term shall also include change, modification, or addition of a deck, dormer, or roof of a building.

AQUACULTURE- The growing or propagation of harvestable freshwater, plant or animal species.

AREA OF SPECIAL FLOOD HAZARD - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of the Floodplain Management Ordinance.

ARTERIAL STREET- A major thoroughfare, which serves as a traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets: Powhatan Road, Bolsters Mills Road, Gore Road, State Route 121, and State Route 117.

AUTOMOBILE GRAVEYARD- A yard, field or other area used to store three (3) or more unserviceable, discarded, worn out or junked motor vehicles as defined in Title 29-A, section 101, subsection 42, or parts of such vehicles.

1. "Automobile graveyard" does not include any area used for temporary storage by an establishment or place of business that is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable.
2. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations.

AUTOMOBILE RECYCLING BUSINESS- The business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80% of the business premises specified in the site plan is used for automobile recycling operations.

BACKLOT- Any lot or parcel of land that does not have frontage on a public street or privately -owned street meeting the standards contained in Chapter 5, Street Construction Standards.

BASAL AREA- The area of cross section of a tree stem at 4 ½ feet above ground level inclusive of bark.

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

BASEMENT- Any portion of a building with a floor to ceiling height of six (6) feet or more and having more than 50% of its volume below the existing ground level.

For Floodplain Management Only:

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

BOAT LAUNCHING FACILITY- A facility designed primarily for the launching of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles

BUILDING- See STRUCTURE

BUILDING PERMIT- The official written document to be displayed at the construction site that grants the authorization for the construction. This document is issued by the Building Inspector.

BUREAU OF FORESTRY- State of Maine Department of Agriculture, Conservation, and Forestry. Bureau of Forestry.

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

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

CAPITAL IMPROVMENTS PROGRAM- The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

CAPITAL INVESTMENT PLAN- The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

CERTIFICATE OF COMPLIANCE - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of the Town's Ordinances(s).

CHANGE OF USE- Any action which alters an existing or proposed use of a property to any other use. The change will be in the actual function or type of business occurring or proposed for the property and shall not be limited to the categories of uses as set forth in Chapter 3. Multiple uses may exist on any property provided that a Change of Use has been granted for each use. This includes the rental or leasing of any portion of a parcel with an approved use for any other additional use(s).

CHILD CARE HOME- A child boarding home, summer camp, foster family home or other place providing domiciliary arrangements for compensation of less than three children, unrelated to the operator by blood, marriage or adoption, under eighteen years of age.

CLUSTER SUBDIVISION- A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space.

CODE ENFORCEMENT OFFICER - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

COLLECTOR STREET- A street servicing at least twenty (20) lots or dwelling units, (a street with average daily traffic of 250 vehicles per day or greater) or street which serves as feeder to arterial streets and collector of traffic from minor streets.

COMMERCIAL COMMUNICATION TOWER- Any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless service, cellular phone service, specialized mobile radio communications (SMR) common carrier wireless exchange phone service, specialized mobile radio communication (SMR), common carrier wireless exchange access service, and personal communications service (PCS) or pager service.

COMMERCIAL RECREATION- Any commercial enterprise that receives a fee in return for some recreational activity.

COMMERCIAL USE- The use of lands, buildings or structures, other than a "home occupation" as defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental residential buildings and/or dwelling units.

COMMON DRIVEWAY- A vehicular access-way serving two (2) single-family dwellings that provides access to a street.

COMMON OPEN SPACE- Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

COMPLETE APPLICATION- An application shall be considered complete upon submission of the required fee and all information required by these Ordinances, or by a vote by the Board to waive the submission of required information. The Board shall issue a written statement to the applicant upon its determination that an application is complete.

COMPLETE SUBSTANTIAL CONSTRUCTION- The completion of a portion of the improvements which represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

COMPREHENSIVE PLAN- A document or interrelated documents adopted by the Legislative Body, containing and inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

CONFINED FEEDING OPERATIONS- Specialized livestock production enterprises with confined beef cattle and hog feeding and poultry and egg farms and accessory structures. These operations have large animal populations restricted to small areas.

CONFORMING USE- A use of buildings, structures or land which complies with all applicable provisions of this Ordinance.

CONGREGATE HOUSING- Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly 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 shall include only those facilities which 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 Maine State Statutes.

CONSERVATION EASEMENT- A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

CONSTRUCTION- Includes building, erecting, altering, reconstructing, moving upon or any physical operations on the premises which are required for construction. Excavating, fill, drainage, and the like, shall be considered a part of construction.

CORNER LOT- Any lot bordered by two (2) intersecting streets.

CUL DE SAC- A street with only one outlet and having the other end for the reversal of traffic movement.

DENSELY DEVELOPED AREA- Any commercial, industrial or compact residential area of ten (10) or more acres with a density of at least one (1) principal structure per two (2) acres.

DENSITY- The number of dwelling units per acre of land.

DESIGNATED SCENIC RESOURCE - A specific location, view or corridor, identified as a scenic resource in the Otisfield Comprehensive Plan or by a State or Federal agency, which consists of:

1. A three dimensional space extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object such as a mountain, resulting in a narrow corridor; or on a group of objects such as a downtown skyline or a mountain range, resulting in a panoramic view or corridor; or
2. Lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

DEVELOPED AREA- Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets. This definition does not apply to Shoreland Zone regulated areas.

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

DIMENSIONAL REQUIREMENTS- Numerical standards relating to spatial relationships including but not limited to setback, lot area, street frontage and height.

DIRECT WATERSHED OF A GREAT POND- Any land area that contributes stormwater runoff either by surface water or subsurface flow to a great pond without such runoff traveling through another great pond. For the purposes of these Ordinances, the watershed boundaries shall be as delineated in the Comprehensive Plan. *The entire town of Otisfield falls within the Sebago Lake, Thompson Lake, Saturday Pond, Little Pond, Moose Pond, and Pleasant Lake watersheds.* Due to the scale of the map in the Comprehensive Plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the applicant shall conduct an on- site investigation to determine where the drainage divide lies. If the Board and the applicant cannot agree on the location of the drainage divide based on the on- site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a registered land surveyor showing where the drainage divide lies.

DISABILITY- Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a psychologist as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

DITCH- A natural or constructed waterway or outlet shaped or graded to form a parabolic cross section, for safe conveyance of runoff.

DREDGING- The act of excavating or dredging material (natural or unnatural) from any navigable waters.

DRIVEWAY- A vehicular access-way serving one (1) lot that provides access to a street. A vehicular access-way serving two lots or less that provides access to a street. In the Shoreland Zone a driveway is limited in length to 500 feet.

DUPLEX OR TWO FAMILY DWELLING- A structure that provides living accommodations for two (2) families by having separate entrances, kitchens, bedrooms, porches, living rooms, baths, with a full common wall or (floor/ceiling) between the living units and a single foundation (or slab) for the structure.

DWELLING- A building or structure of portion thereof used for residential purposes.

EARTH MOVING- The removal of earth from its original position.

"ECHO" UNIT- A small residential living area (not more than 600 square feet of floor area) contained in a structure placed or constructed to the side or rear of an existing single family dwelling to be occupied by one or two people who are (a) age is 62 or older or (b) disabled, who are related by birth, marriage, or adoption to the occupants of one principal residence, and who benefit from living close to the family.

ELDERLY HOUSING COMPLEX- A dwelling complex that is occupied by a minimum of ten (10) persons 62 years of age or older and/or handicapped persons as a residential living environment with other persons 62 years of age or older and/or handicapped persons.

ELEVATED BUILDING - means a non-basement building

1. built, in the case of a building in Zones AE or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
2. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones AE or A, ELEVATED BUILDING also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L..

ELEVATION CERTIFICATE- An official form (FEMA form 81-31, 02/06 as amended) that

1. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and
2. is required for purchasing flood insurance.

EMERGENCY OPERATIONS- Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

ENGINEERED SUBSURFACE WASTE WATER DISPOSAL SYSTEM- A subsurface waste water disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of waste water per day or more, or any system designed to be capable of treating waste water with higher BOD5 and total suspended solids concentrations than domestic waste water.

ESSENTIAL SERVICES- The construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water slurry or similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

EXCAVATION CONTRACTOR- An individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

EXPANSION (WIRELESS)- The addition of antennas, towers, or other devices to an existing structure.

EXPANSION OF A STRUCTURE- 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- The addition of *weeks* or months to a use's operating season; additional hours of operation; or use of more footprint of a structure or land area devoted to a particular use.

FAMILY- One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel.

FILLING- Depositing or dumping any matter on or into the ground or water.

FINAL PLAN – The final drawings on which the applicant's plan of subdivision is presented to the Planning Board for approval and which, if approved, may be recorded at the Oxford County Registry of Deeds.

FLOOD OR FLOODING-

1. a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. the overflow of inland waters; and
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
2. 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 by some similarly unusual and unforeseeable event which results in flooding.

FLOOD INSURANCE/ ELEVATION STUDY- An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD INSURANCE RATE MAP (FIRM)- An official map of a community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and risk premium zones applicable to the community.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see 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.

FLOODWAY- see REGULATORY FLOODWAY.

FLOODWAY ENCROACHMENT LINES - mean the lines marking the limits of floodways on federal, state, and local floodplain maps.

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

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

FORESTED WETLAND- A freshwater wetland dominated by woody vegetation is six (6) meters tall or taller.

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

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.

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

FRESHWATER WETLAND- Fresh water swamps, marshes, bogs and similar areas which are:

1. 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; and
2. Not considered part of great pond, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

FRESHWATER WETLAND (Shoreland Zone)- freshwater swamps, marshes, bogs and similar areas, other than forested wetlands which are

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

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

FUNCTIONAL WATER-DEPENDENT USES- Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and/or recreational fishing and boating facilities; fish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, excluding recreational boat storage buildings, boatyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site; and uses which primarily provide general public access to inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

For Floodplain Management Only:

FUNCTIONALLY DEPENDENT USE- means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

GRADE- In relation to buildings, it is the average of the finished ground level at the center of each wall of a building.

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

GREAT POND CLASSIFIED GPA-Any great pond classified GPA, pursuant to Title 38, M.R.S.A. Article 4-A.

GROUND COVER- Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor, (commonly called "Duff Layer").

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.

HAZARDOUS MATERIALS- any waste as designated by the Maine Board of Environmental Protection in Chapter 850 of their rules under the authority of 38 M.R.S.A. §1301, et.seq. Generally, a hazardous waste exhibits one of the following characteristics: ignitability, corrosivity, reactivity and toxicity.

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

HIGH INSTENSITY SOIL SURVEY- A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

HISTORIC BUILDING- Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a) by an approved state program as determined by the Secretary of the Interior; or b) directly by the Secretary of the Interior in
5. Identified in the Otisfield Comprehensive Plan.

HOME BASED BUSINESS- See RESIDENCE BASED BUSINESS

IMPERVIOUS SURFACE- Roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt. Paving, gravel, packed earthen materials, and macadam or other surfaces which similarly impeded the natural infiltration of storm water.

INCREASE IN NONCONFORMITY OF A STRUCTURE- Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of the nonconformance of the existing structure shall not be considered to increase the nonconformity. For example, there is no increase in nonconformity if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

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

INDUSTRIAL- The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

INSTITUTIONAL- A building or use devoted to some public, government, educational, charitable, religious, medical or similar purpose.

JUNKYARD- A yard, field, or other area used as a place of storage for:

1. Automobile graveyards (as defined by M.R.S.A. Title 30-A, Sections 3751-3760).
2. Discarded, worn out or junked plumbing, heating supplies, household appliances and furniture.
3. Discarded scrap and junked lumber.
4. 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 non-ferrous material, and;
5. Garbage dumps, waste dumps, and sanitary fills.

LAGOON- An artificial enlargement of a water body, primarily by means of dredging and excavation.

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

LEVEL OF SERVICE- A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 1991 edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

LICENSED FORESTER- A forester licensed under 32 M.R.S.A. Chapter 76.

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

LOT- An area of land in one ownership, or leasehold, 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 County Registry of Deeds.

LOT AREA- The area of land enclosed within the boundary lines of a lot, minus land below the normal high- water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

LOT COVERAGE- The percentage of the lot covered by all buildings, roads, driveways, walkways and any other non-vegetated surfaces.

LOT, MINIMUM AREA- The required lot area for a single use.

LOWEST FLOOR- The lowest floor of the lowest enclosed area (including basement). An unfinished or flood – resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

M.R.S.A.- Maine Revised Statutes Annotated

MAJOR ROAD CROSSING OF A MAJOR WATERCOURSE- That portion of a road which traverses a river or a body of standing water.

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

MANUFACTURED HOME PARK OR SUBDIVISION- means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MANUFACTURING- The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging, or processing operations.

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

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.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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

MINERAL EXTRACTION- Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location, and to transport the product removed, away from the extraction site.

MINIMUM LOT WIDTH- The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

MINOR DEVELOPMENT - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

MINOR ROAD CROSSING OF A MAJOR WATERCOURSE- That portion of a road which traversed a flowing water, a stream, or channel and which is other than a major road crossing of a major watercourse as defined above.

MINOR STREET - A street servicing less than fifteen (15) lots or dwelling units.

MOBILE HOME PARK- A parcel of land under unified ownership approved by the municipality for the placement of three (3) or more manufactured homes. (As contained in State Law.)

MOBILE HOME PARK LOT- The area of land on which an individual home is situated within a mobile home park and which is reserved for the use of the occupants of that home.

MULTI-UNIT DEVELOPMENT- A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

MULTI-UNIT RESIDENTIAL- A residential structure containing three (3) or more residential dwelling units.

MUNICIPAL ENGINEER- Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

NATIVE- Indigenous to the local forests.

NATURAL RESOURCE BASED PROCESSING/MANUFACTURING- The processing and manufacturing of products primarily from raw natural resources, Such activities include but are not limited to saw mills, vegetable and fruit packing and processing, and dairy product processing.

NEIGHBORHOOD COMMERCIAL- Commercial use with less than 1,500 square feet of floor area intended to serve the convenience of primarily residential neighborhoods.

NET RESIDENTIAL ACREAGE- The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development as outlined in Section 12.10.c.3.

NET RESIDENTIAL DENSITY- The average number of dwelling units per net residential acre.

NEW CONSTRUCTION- Structure for which the "start of construction" commenced on or after the effective date of the Shoreland Zoning Ordinance. It shall also include any subsequent improvements to such structures.

For Floodplain Management Only:

NEW CONSTRUCTION - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

NEW STRUCTURE OR STRUCTURES- Includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure.

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

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

NON-CONFORMING RIGHT OF WAY- A right-of way, other than those on which a public way maintained by the Town of *Otisfield* or the State of Maine is located or a private way shown on a recorded plan and approved by the Planning Board, that is less than sixty (60) feet in width.

NON-CONFORMING STREET- A vehicular way other than those maintained by the Town of Otisfield or the State of Maine, not meeting the standards of, Street Construction Standards.

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- Use of buildings, structures, premises, land or part thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

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 from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the normal high-water are considered part of the river or great pond.

NUISANCE- 1) A thing or condition causing danger or annoyance either to a limited number of persons or to the general public or, because of its attraction, to children who will be unlikely to recognize its dangerous quality. or
2) Any property or use existing in violation of this Ordinance.

OTHER WETLANDS- Freshwater swamps, marshes, wooded swamps and similar areas that are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support and which under normal circumstances to support, a prevalence of wetland vegetation typically adapted for live-in saturated soils. These wetlands are identified in the Otisfield Comprehensive Plan.

OUTLET STREAM- Any perennial or intermittent stream flowing from a freshwater wetland as shown on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey (USGS) on the website of the USGA or the national map

PARABOLIC ANTENNA (also known as a satellite dish antenna) - An antenna which is bowl-shaped, designed for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.

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

PLANNED UNIT DEVELOPMENT- A development controlled by a single developer for a mix of residential, commercial, and industrial uses. A PUD is undertaken in a manner that treats the developed area in its entirety to promote the best use of land, including the creation of open space, a reduction in the length of road and utility systems, and the retention of the natural characteristics of the land.

PLANNING BOARD- The planning board of the Town of Otisfield.

PRELIMINARY PLAN- The preliminary drawings indication the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

PRINCIPAL STRUCTURE- A structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

PRINCIPAL USE- A use other than one which is wholly incidental or accessory to another use on the same lot.

PRIVATELY OWNED STREET/ WAY- Any way designed for private use and maintained by the property owner or group of property owners other than a driveway, and which is not an accepted as a Town road.

PRIVY- A pit in the ground into which human excrement is placed.

PROFESSIONAL ENGINEER- A professional engineer, registered in the State of Maine.

PUBLIC EASEMENT (Defined in 23 MRSA # 3021)- “ An easement held by a municipality for purposes of public access to land or water not otherwise connected to a public way, and including all rights enjoyed by the public with respect to private ways created by statute” prior to July 9, 1976.

PUBLIC FACILITY- Any facility, including, but not limited to, buildings, property, recreation areas, and streets, easements or rights-of-ways, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

PUBLIC UTILITY- Any person, firm, corporation, municipal department, board of commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

PUBLIC WATER SYSTEM- a water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.

PUBLIC WAY- An area or strip of land designated and held by the municipality or the State of Maine for the passage and use of the general public by motor vehicle.

RARE AND ENDANGERED SPECIES- Endangered, threatened or rare plants, animals or communities, identified by the Maine Natural Heritage Program.

RECENT FLOODPLAIN SOILS- the following soil series as described and identified by the National Cooperative Soil Survey:

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

RECORDING PLAN- An original of the Final Plan, suitable for recording in the Oxford County Registry of Deeds and which need show only information relevant to the transfer of interest in the property, and which does not show other information presented in the plan, such as sewer and water line locations and sizes, culverts and building lines.

RECREATIONAL STRUCTURES AND USES- A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities, including campgrounds but excluding boat launching facilities.

RECREATIONAL VEHICLE- A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles. This does not prevent storage of the vehicle at the owners residence or a commercial storage facility.

For Floodplain Management Only:

RECREATIONAL VEHICLE- means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
3. designed to be self-propelled or permanently towable by a motor vehicle; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY- 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 (1) foot. In riverine areas it is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of one-half (1/2) the width of the flood plain, as measured from the normal high –water line to the upland limit of the floodplain.

RENOVATION- Any improvement to the exterior that requires an electrical or plumbing permit and that is not an alteration, new construction or enlargement.

REPLACEMENT SEPTIC SYSTEM- A system intended to replace an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure.

RESERVED AFFORDABLE HOUSING - Affordable housing which is restricted by means of deed covenants, financing restrictions, or other binding long-term methods to occupancy by households making 80% or less of the area median household income.

RESIDENCE BASED BUSINESS- An occupation or profession which is customarily carried on in a dwelling unit or structure accessory to a dwelling unit which is incidental to residential use and at least one member of the household must own and be actively involved and have control over the business. Not more than two (2) full or part-time employees shall be employed other than immediate family members residing on the property. A Residence Based Business must meet the criteria listed in Section 3 B 6. of Site Plan Review Ordinance.

RESIDENTIAL DWELLING UNIT- A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

RESIDUAL- Those materials including but not limited to pulp and paper mill wastewater treatment plant sludge, food and fiber processing waste, municipal wastewater plant sludges, vegetable and fish processing waste, and ash from wood incinerators, generated from municipal, commercial or industrial facilities and that are suitable for controlled land application and result in vegetative assimilation, attenuation of the components in the material or improved soil conditions.

RESUMPTION OF USE- The reestablishment of the former use or activity.

RIGHT-OF-WAY- A strip of land, described in a deed, and dedicated to the purpose of providing access to a parcel or parcels of land abutting it, and indicating responsibility for maintaining said right of way.

RIP-RAP- Rocks, irregularly shaped and at least 6 inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) horizontal units to one (1) vertical unit, or less.

RIVER- A free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

RIVERINE- Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

ROAD- Any public or private way designed for vehicular access, other than driveways, farm roads, trails or logging roads. The term "roads" includes synonymous words including, street, avenue, highway, lane, way, etc.

SAND AND/OR GRAVEL PIT- All of the land area disturbed or otherwise involved in the excavation and processing of sand, gravel, crushed stone or soil. Gravel pits operated and/or owned by the same person, firm or corporation and separated by less than 800 horizontal feet of undisturbed land shall be considered one and the same gravel pit.

SAPLING- A tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

SECONDARY STRUCTURE- Any structure of over one hundred (100) square feet in floor area which exists or is to be constructed or placed on a lot and whose use is secondary to that of the principal structure on the same lot. This includes, but is not limited to, items such as truck trailers or bodies used for storage purposes.

SEEDLING- A young tree species that is less than four and one half (4.5) feet in height above ground level.

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

1. in the case of electric service
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

SERVICES- Uses that provide a service rather than a product including banking, insurance, real estate, hotels, personal services, business services and, health services.

SETBACK- The nearest horizontal distance from a lot line, right of way or normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

SHORE FRONTAGE- The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

SHORELAND ZONE - The land area located within two-hundred fifty (250') feet, horizontal distance of the normal high-water line of any great pond or river; within two-hundred fifty (250') feet of the upland edge of a freshwater wetland rated "moderate" or "high" value by the MDIFW; within seventy-five (75') feet of the upland edge of a freshwater wetland rated "low" or not rated by the MDIFW; or within seventy-five (75') feet horizontal distance of other wetlands identified in the Otisfield Comprehensive Plan; or within seventy-five (75') feet of the normal high-water line of a stream and/or outlet stream.

SHORELINE- The normal high-water line or upland edge of a freshwater wetland.

SIGHT DISTANCE- The length of an unobstructed view from a particular access point to the furthest visible point of reference for unobstructed road visibility.

SIGN- Any device, fixture, placard or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGNIFICANT VIEW LOCATION- Points where scenic views can be accessed as identified in the Otisfield Comprehensive Plan.

SIGNIFICANT WILDLIFE HABITAT- The following areas to the extent that they have been mapped by MDIFW; habitat for species appearing on the official State or Federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by MDIRW; high and moderate waterfowl and wading bird habitats, including nesting and feeding areas as defined by MDIFW; and as may be identified in the Otisfield Comprehensive Plan.

SINGLE-FAMILY DWELLING- A structure containing only one (1) dwelling unit for occupation by not more than one family.

SKETCH PLAN- A conceptual map, rendering and supportive data, describing the project proposed by the applicant for initial review, prior to submitting an application for subdivision approval. It may be used by the applicant as the basis for preparing the subdivision plans as part of the application for subdivision approval.

SPECIAL FLOOD HAZARD AREA - see AREA OF SPECIAL FLOOD HAZARD.

START OF CONSTRUCTION- The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the work of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways, nor does it include excavation for basements, footings, piers, or foundations, or the erection of temporary forms; nor does it include installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of the building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

STORAGE OF MINERALS- The stock piling of topsoil, loam, rock, sand, gravel or other similar materials on a site to be moved to another location at a future date.

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 -SHORELAND ZONE- A free-flowing body of water from the outlet of a great pond or the point confluence of two (2) 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 or the national map to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

STREAM, RIVER OR BROOK- A channel between defined banks. A channel is created by the action of surface water and has two (2) or more of the following characteristics.

1. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.
2. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.
3. The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
4. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present in the stream bed.
5. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassyswale.

STREET- see *ROAD*

STREET CLASSIFICATION-

Arterial Street – A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets: *Powhatan, Bolster's Mills, Harrison and Gore Roads, State Rte. 121.*

Collector Street – A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

Cul –de- Sac- A street with only one outlet and having the other end for the reversal of traffic movement.

Industrial or Commercial Street – Streets servicing industrial or commercial uses.

Minor Residential Street – A street servicing only residential properties and which has a average daily traffic of less than 200 vehicles per day.

Private Right-of-Way – A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

STREET RECONDITIONING- The replacement of the wearing surface or the overlying of a new wearing surface over the existing surface. Street reconditioning may include the placement of new base material and shoulder grading. Street reconditioning shall not include the placement of new sub base material on 50% or more of the project length.

STREET RECONSTRUCTION- The rebuilding, including new sub base on 50% and more of the project length, pavement, shoulders and ditches, of a street or section of a street.

STRUCTURE- Anything constructed or erected, the use of which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, signs, commercial park rides and games, carports, porches, and other building features, including stacks and antennas, but not including sidewalls, fences, driveways, parking lots, and field or garden walls or embankment retaining walls.

For Floodplain Management Only:

STRUCTURE - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

STRUCTURE-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 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- The division of a tract or parcel of land into three or more lots within any 5-year period, that begins after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings, or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of such tract or parcel shall be considered to create the first 2 lots and the next dividing of either of the first 2 lots, by whomever accomplished, unless otherwise exempted herein shall be considered to create a third lot, unless:

1. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence or for open space land as defined in Title 36 MRSA, 1102 for a period of at least 5 years before the second dividing occurs; or
2. The division of the tract or parcel is otherwise exempt under this definition.

All lots, whether located in the Shoreland Zone or not shall be considered lots for the purpose of subdivision review.

A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality or by transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of these Ordinances, unless the intent of the transferor in any transfer or gift is to avoid the objectives of these Ordinances. If real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption, is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then the previously exempt division creates a lot or lots for the purposes of this definition. The grant of bona fide security interest in an entire lot that has been exempted from the definition under this paragraph, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of these Ordinances.

In determining the number of dwelling units in a structure, the provisions regarding the determination of the number of lots shall apply, including exemptions from the definition of a subdivision of land.

SUBDIVISION, MAJOR- Any subdivision containing more than four (4) lots or dwelling units, *any subdivision located on an arterial street*, or any subdivision containing a proposed street.

SUBDIVISION, MINOR- Any subdivision containing four lots or dwelling units or less, and in which no street is proposed to be constructed.

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

SUBSTANTIAL COMPLETION- The progression of work to the point where the structure or improvement is habitable or usable for the purpose(s) intended without presenting a health or safety hazard to the occupants, users, employees, or customers and without creating a potential environmental problem due to erosion control, stormwater management, or wastewater disposal as determined by the Building Inspector/Code Enforcement Officer. It shall include, but not necessarily be limited to adequate plumbing, an electrical system in accordance with the State Electrical Code, completed but not necessarily painted, interior partitions of main rooms, windows, exterior doors, final roofing, and permanent site work and vegetation or other means to control erosion and manage stormwater.

SUBSTANTIAL DAMAGE- means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT- any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and a variance is obtained from the community's Board of Appeals.

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

SUBSURFACE SEWAGE DISPOSAL SYSTEM- A collection of treatment tank(s), disposal area(s), holding tank(s) and ponds, 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 wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under M.R.S.A., section 414, any surface wastewater disposal system licensed under 38 M.R.S.A., section 413, sub-section 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or part hazardous waste as defined in 38 M.R.S.A. chapter 13, sub-chapter 1.

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

SWIMMING POOL- A permanent 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. A swimming pool over one hundred (100) square feet is considered to be a structure.

TARGETED MARKET COVERAGE AREA- The area which is targeted to be served by a proposed telecommunications facility.

TEMPORARY, MOBILE VENDOR- A seller of goods or services at a location or locations in the town of Otisfield whose primary facility is not permanently affixed to the earth such as, but not limited to, a motor vehicle, cart, wagon, tent, or stand for a period not to exceed 120 days from the date of issuance of the permit. Said vendor may be located on public land or private land upon which said vendor has written permission to operate. The vendor shall not have any acquired interest in any private land upon which said vendor wishes to operate.

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. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

TOWN WAY- A public road owned and maintained by the Town of Otisfield that is not a public easement.

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

TRIBUTARY STREAM- A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" or "tributary 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.

TRACT, or PARCEL, of LAND- All contiguous land in the same ownership, whether or not the land is separated at any point by: an intermittent or non-navigable stream provided that lands on the opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.

UNREASONABLE ADVERSE IMPACT- The proposed project would produce an end result which is:

1. Excessively out of character with the designated scenic resources affected, including existing buildings, structures, and features within the designated scenic resource, and
2. Would significantly diminish the scenic value of the designated scenic resource.

UPLAND EDGE OF A WETLAND- The boundary between upland and wetland. the upland edge which is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

USABLE OPEN SPACE- that portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

USABLE OUTDOOR AREA- parking lots/areas, loading and unloading areas; storage areas and exposed machinery locations.

USE- The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

USE PERMIT- Is a written document issued by the Planning Board that provides evidence the property use applied for has been found acceptable (possibly with conditions and/or restrictions) and is authorized for that purpose.

VARIANCE- A grant of relief from this Ordinance provided that the application of the term would result in "undue hardship".

VEGETATION- All live trees, shrubs, ground cover, and other plants, including without limitations, trees, both over and under four (4") inches in diameter, measured four and one half (4 2') feet above ground level.

VIEWPOINT- That location which is identified either in the Comprehensive Plan or by a Federal or State agency, and which serves as the basis for the location and determination of a particular designated scenic resource.

For Floodplain Management Only:

VIOLATION- means the failure of a structure or development to comply with a community's floodplain management regulations.

WAREHOUSING- A structure used primarily for the storage of goods and materials.

WASTE- any discarded material including, but not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material, and landscape refuse. Wastes may have value as recyclable or reusable material but are of no use to the generator of the material.

WATER BODY- Any great pond, river or stream.

WATER CROSSING- Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

WETLAND- See Freshwater Wetland.

WET POND- A pond designed to store and provide treatment for phosphorus-laden runoff from developed areas. (See Phosphorus Control in Lake Watersheds published by the Maine DEP 1992)

WIRELESS COMMUNICATIONS FACILITY- 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 services (PCS) or pager services.

WOODY VEGETATION- Live trees or woody, non-herbaceous shrubs.

WRITTEN PETITION- A petition signed by at least ten (10) percent of the municipal voters in the last Gubernatorial Election.

As Adopted by the Town Meeting on June 21, 2008

As Amended: June 27, 2009, January 20, 2010, June 25, 2016

TAFT 07.19.16