

**ARTICLE 18 – DEFINITIONS****18.1. GENERAL TERMINOLOGY**

**18.1.1.** In this Ordinance, certain terms or words should be interpreted as follows:

**18.1.1.1.** The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual;

**18.1.1.2.** The present tense includes the future tense, the singular number includes the plural and plural includes the singular;

**18.1.1.3.** The word "shall" is mandatory;

**18.1.1.4.** The word "may" is permissive;

**18.1.1.5.** The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied"; and

**18.1.1.6.** The word “ residence ” includes the word “dwelling”.

**18.1.1.7.** In the case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the map shall control.

**18.1.1.8.** Terms not defined shall have the customary dictionary meaning.

**18.2. Definitions Of Words**

For the purpose of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

**Accessory Structure or Use** - A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**Accommodations** - a room, group of rooms, or building in which someone may live or stay.

**Adjacent Grade** - means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Adult business.** An adult business is defined as any adult entertainment establishment or sexually oriented business such as any of the following and those similar:

(i) A public or private establishment which features entertainers or employees who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interests of the patron.

(ii) An establishment having as a substantial or significant portion of its sales or stock in trade, erotic material, or an establishment with a portion of the premises 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 on 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 purpose is to purvey such material.

(iii) An enclosed building used regularly and routinely for presenting motion picture or video material having as a dominant theme material distinguished or characterized by an emphasis on erotic material for observation by patrons therein.

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(iv) An establishment or place primarily in the business of providing services of an erotic nature.

**Aggrieved Party** - An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

**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 or the construction, creation or maintenance of land management roads.

**Alteration** - As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

**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 3.5**.

**Automobile Graveyard** – As defined by **Title 30-A, MRSA, §3752**.

**Automobile Recycling Business** - As defined by **Title 30-A, MRSA, §3752**.

**Auxiliary Public Utility Structure** - A structure not to exceed 200 sq. ft. in gross floor area or 16 ft. in height; operated by a utility company or district which is regulated by the State of Maine Public Utilities Commission. Such utility structures are to be unoccupied except for required maintenance.

**Aquaculture** - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**Basal Area** - the area of cross-section of a tree stem at 4 1/2 feet above ground level and 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 structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level. In the Flood Hazard Area, "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 and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

**Buffers** - Units of land, together with a specified type and amount of vegetative planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

**Building** –

(i) **Building** - Any structure, maintained, or intended for use as shelter or enclosure of persons, animals, goods or property of any kind. Where independent units with separate

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entrances are divided by walls, each unit is a building. (Also, see "Structure" for additional definition in the Flood Hazard Area.)

(ii) **Building, Accessory** - A building which (1) is subordinate in area, extent and purpose to the principal building or use served, (2) is located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance, and (3) is customarily incidental to the principal building or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

(iii) **Building, Principal** - A building (structure) in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located.

**Building Front Line** - A line parallel to the front lot line transecting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

**Building Height (for purposes of dimensional requirements in the Growth Management Areas)** - The vertical distance between the mean elevation of the finished grade of the building and the highest point of the roof. For those structures with multiple roofs, each roof shall be considered in relation to the finished grade upon which that part of the structure rests. (For determining height for Shoreland Management Area purposes, see the definition of "Height of a Structure".)

**Building, Professional Office** - A building in which there is located the office of a professional such as an architect, accountant, dentist, doctor of medicine, lawyer, etc., or in which a business conducts its administrative, financial or clerical operations, but not including any other manufacturing, commercial, or industrial activity.

**Bulk Oil and Fuel Tank Storage** - That portion of a property where liquids are received by tank vessel, pipelines, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.

**Campground or Travel Trailer Park** - A commercially developed 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.

**Certificate of Compliance** - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

**Clinic, Dental or Medical** - A facility licensed and used for the provision of medical, dental, surgical or mental health care of the sick or injured, but excluding therefrom inpatient and overnight accommodations.

**Code Enforcement Officer** - A person certified under **Title 30-A MRSA, §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.

**Commercial Complex (Shopping Mall or Center)** - Commercial premises owned or managed as a single entity, which accommodates more than one retail or service business, including professional offices.

**Commercial Entertainment** - Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, nightclubs, cocktail lounges and similar entertainment activities. The activity may be indoor or outdoor. This does not include Adult Businesses.

**Commercial Indoor Recreational Use** - Includes, but is not necessarily limited to, the following commercial uses: arcades, bowling alleys; indoor sports arenas, tennis courts, and race tracks; indoor animal exhibits, etc. This does not include Adult Businesses.

**Commercial Outdoor Recreational Use** - Includes, but is not necessarily limited to, the following commercial uses: golf courses, tennis courts, amusement and theme parks, water slides, winter recreation facilities, zoo's and animal parks, race tracks, speedways, motorcycle tracks, etc. This does not include Adult Businesses.

**Commercial Use** - The use of lands, buildings, or structures, other than a "home occupation" or a "home business" defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units; component of business which includes all activities, functions and institutions involved in transferring goods from producers to [consumers](#).

**Congregate Housing** - A private, licensed establishment operated for the purpose of providing domiciliary care for a group of persons who by reason of age or physical condition do not desire to, but are financially capable of providing such care for themselves, and who are not in need of medical or nursing treatment except in the case of temporary illness.

**Cross-Sectional Area** – the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

**Day Care Facility** - As defined in **Title 22, MRSA, Section 1673**, as a house or other place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day, providing care and protection for 3 or more children under the age of 16 unrelated to the operator, not to include nursery schools, summer camps, formal public or private schools, and further defined by the Department of Human Services as follows:

- (i) **Day Care Center** - A Day Care Facility as defined in State statutes for 13 or more children on a regular basis; and
- (ii) **Day Care Home** - A Day Care Facility as defined in State statutes for 3 to 12 children on a regular basis.

**Deck** - An accessory attachment to a principal structure, and is considered to be part of the principal structure. It shall be constructed primarily of wood or composite and shall not be enclosed. It shall not have a roof. (See Porch.) It shall be supported above the ground on posts or beams and shall not have a foundation. It may contain railings with screening and gates to enclose pets or children.

**Dedication** - The transfer of property interests from private to public ownership for a public purpose. The transfer may be fee-simple interest or of a less-than-fee-simple interest, including an easement.

**Developer** - The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase, tenants, contractor, development corporation, or entity.

**Development** - The division of a parcel of land into three (3) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Ordinance; a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring. Development also means any man made change to improved or unimproved real estate, including but not

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limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

**DBH (Diameter Breast Height)** – the diameter of a standing tree measured 4.5 feet from ground level.

**Dimensional requirements** - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

**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 physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

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

**District** – Within this Ordinance, the Shoreland Management Area overlays the primary Growth Management Areas and is divided into two districts; the Limited Residential District and the Resource Protection District. These Districts are delineated on the Official Shoreland Management Area Map and within the Districts certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

**Drainage** - The removal of surface or ground water from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water-supply preservation and prevention or alleviation of flooding.

**Driveway** - A vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

**Dwelling** – see residence and residential definitions.

**Elevated Building in the Flood Hazard Management Area** - means a non-basement building

- (i) 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
- (ii) 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 10.6**.

**Elevation Certificate** - An official form (**FEMA Form 81-31, 02/06**, as amended) that:

- (i) is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- (ii) is required for purchasing flood insurance.

**Emergency Operations** -Emergency operations shall include 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 and livestock from the threat of destruction or injury.

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**Employee** – A person employed 40 hours or more per week; employee includes employee equivalent, e.g. one 10 hour per week employee plus one 30 hour per week employee is one employee. A business must ensure adequate parking; restroom; break facilities, etc to accommodate the maximum number of employees plus customers on-site at the same time.

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

**Expansion of a Structure** - An increase in the floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches, and greenhouses.

**Expansion of Use** - The addition of one or more months to a use's operating season or the use of more floor area or ground area devoted to a particular use.

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

**Flood or Flooding** - means:

- (i) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (a) The overflow of inland or tidal waters.
  - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
- (ii) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph i.a. of this definition.

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

**Flood Insurance Rate Map (FIRM)** - means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study** - see **Flood Elevation Study**.

**Floodplain** - Floodplains may be either riverine or inland depressional areas. Riverine floodplains are those areas contiguous to a lake, river, stream, or stream bed whose elevation is greater than the normal waterpool elevation but equal to or lower than the projected one hundred (100) year flood elevation. Inland depressional floodplains, not associated with a stream system, are low points to which surrounding lands drain.

**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** - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height. Also, 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 surface areas of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

**Flowing Water** - A surface water within a stream channel that has a perceptible flow and is substantially permanent in nature. Such waters are commonly referred to as rivers, streams, and brooks and can be further defined as:

- (i) **Major Flowing Waters** - A flowing water downstream from the point where such water drains fifty (50) square miles or more; or
- (ii) **Minor Flowing Waters** - A flowing water upstream from the point where such water drains less than fifty (50) square miles.

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

**Forested Wetland** - A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

**Forest Stand** - A contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

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

**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.

**Frequency** is the number of complete oscillations or cycles per unit of time. See Hertz, below.

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

- (i) Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook such that in a natural state, the combined surface area is in excess of 10 acres; and

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(ii) 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.

(iii) Wetland mapping to be submitted as a requirement of this ordinance shall be prepared and signed by a State Certified Soil Scientist or Geologist, registered in the State of Maine. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

**Frontage, Road** -The continuous linear distance, measured along the lot line which separates the lot from a public or private way provided, however, that any lot, any portions of which abut a public way, the continuous length of the abutments along the public way shall be the frontage.

**Frontage, Shore** -The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreline. Shore frontage may be measured in running lineal feet instead of the method herein proposed provided that such measurement is made by a licensed professional surveyor and is submitted to the board under the seal of such surveyor at the expense of the applicant.

**Functionally Water-Dependent Uses** -Includes piers, docks, wharves, floats, cribs, pilings, breakwaters, causeways and similar structures projecting into water bodies. Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

**Government Facilities and Grounds** - Any facility, including but not limited to, buildings, structures, property, recreation areas, excluding roads, which are owned, wholly occupied or operated by the United States, State of Maine, or any political subdivision or agency of the United States or State of Maine.

**Grade** - In relation to buildings, 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 as GPA** – Any great pond classified GPA pursuant to **38 MRSA Article 4-A, §465-A**. All great ponds in the Town of Clifton are classified GPA

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

**Growth Management Area** – a specified portion of the Town, delineated on any of the Official Growth Management Areas Maps, within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance. There are three (3) primary growth management areas plus overlay areas designated as development overlay areas or special protection areas.

**Harvest Area** - The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

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- (i) **Structure** - The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.
- (ii) **Tower** - The height above grade of the fixed portion of the tower, excluding the wind turbine blade if the tower supports a wind turbine.
- (iii) **Total Extended Height** - The height above grade to a blade tip at its highest point of travel on a wind turbine.
- (iv) **Turbine Height** means the total distance measured from the grade of the property as it existed prior to the construction of the wind energy system, facility, tower, turbine, or related facility at the base to its highest point. In the case of a wind turbine, this includes the length of the blade at its highest possible point.

**Hertz (Hz)** is a unit of cycles per second. A process that repeats itself a given number of times in one second is said to occur at that many Hertz.

**Historic Site** - A property of historic, architectural or archaeological significance as defined by the National Historic Preservation Act of 1966.

**Home Business** – A business or professional use that is more intensive than a home occupation and which is conducted within or from a dwelling unit by an occupant of the dwelling unit. The use may also be conducted within an accessory structure. The business or professional use shall be accessory to the primary residential use

**Home Occupation** – Home occupations are limited to those occupational activities and uses which may be conducted within a residential dwelling or accessory structure without substantially changing the appearance or condition of the residence or accessory structure, and is clearly incidental to and compatible with the residential use and surrounding residential uses, and shall not employ more than two (2) persons other than family members residing in the home.

**Hydrogeological Survey** - carried out to determine groundwater levels, chemical quality and hydraulic characteristics. Groundwater modeling and degradation modeling may be a resulting product to allow comprehensive [environmental risk modeling](#).

**Hydrological Survey** - involving the mapping of drainage channels, streams, marshes, wetlands and other watercourses to allow the preparation of flood risk assessments for ecological planning gain and the creation of wetland nature reserves. Survey works can include flow data and water quality sampling, analysis and interpretation.

**Impervious Surfaces** - Surfaces which do not absorb water, specifically all buildings, parking areas, driveways, roads, sidewalks and any areas of concrete or asphalt. In the case of lumber yards, areas of stored lumber constitute impervious surfaces.

**Increase in Non-Conformity of a Structure** - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standards or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally

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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 individuals, and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

**Industrial Use or Structure** - Use of land or structure for assembling, fabricating, finishing, manufacturing, packaging, or processing of goods or the extraction of minerals.

**Institutional Use or Structure** – A non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

**Junkyard** – As defined by **Title 30-A, MRSA, §3752**.

**Lakes and Ponds** - Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams or may result from excavation. State regulations apply to any body of water which has a surface area in excess of ten (10) acres except a man-made body of water completely surrounded by land held by a single owner.

**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.

**Large Outdoor Display** - An open area other than a street used for the commercial storage and/or display of motor vehicles, recreational vehicles, boats or other forms of watercraft, snowmobiles, farm machinery, or camping trailers or travel trailers, manufactured housing units, or any combination thereof.

**Level of Service** - A qualitative measure that incorporates the collective factors of speed, travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience, and operating costs provided by a highway facility under a particular volume condition, as established by the Institute of **Transportation Engineer's Transportation and Traffic Engineering Handbook, 2nd edition**.

**Licensed Forester** - A forester licensed under **32 MRSA Chapter 76**.

**Loading Space** - An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

**Locally Established Datum** - means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

**Lowest Floor for Flood Management Activities** - means 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 described in **Article 10.6** of this ordinance.

**Lot** - A parcel of land undivided by any street or public road and occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses incidental to such building, use, or development, including such open spaces and yards as are designed, and arranged or required by this Ordinance for such building, use, or development.

**Lot Area** - The area of land enclosed within the boundary lines of a lot, minus land considered not suitable for development under **Article 7, GPS 8.0**, of this Ordinance and areas beneath roads serving more than two lots.

**Lot Coverage** - The maximum combined ground floor area of all principal and accessory buildings on a lot, divided by the area of such lot, the result expressed as a percentile. In the Shoreland Overlay Area, lot coverage also includes all non-revegetated areas.

**Lot Depth** - The mean horizontal distance between the front and rear lot lines, measured within the lot boundaries.

**Lot Line** - A line bounding a lot which divides one lot from another, or from a street or any other public or private space, as defined below:

(i) **Front Lot Line** - In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard. In the case of a lot with no road frontage, the front lot line shall be considered to be the line parallel to the front of the building.

(ii) **Rear Lot Line** - That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

(iii) **Side Lot Line** - Any lot line other than a front or rear lot line.

**MRSA** - Maine Revised Statutes Annotated shall have the same effect as M.R.S.A. or M.R.S. or MRS as the word "annotated" refers to a written published volume now deprecated in favor of digital representations.

**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.

**Marina** – A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services; such as, boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine 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 (in the Shoreland Management Area)** - 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. In the Shoreland Management Area, the minimum lot width is the dimensional standard of shore frontage requirement extending 100 feet, horizontal distance, inland from the shoreland. When only two lot lines extend into the Shoreland Overlay Area, both lot lines shall be considered to be side lot lines.

**Minor Development (in the Flood Hazard Management Area)** - 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 10.6**, 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.

**Mitigation Waiver** means a legally enforceable, written agreement between the Applicant and a Non-participating Landowner in which the landowner waives certain setback, noise or other protections afforded in the Ordinance. A Parcel in which the landowner has entered into such an agreement becomes a Participating Parcel. A complete copy of any such agreement must be provided to the Planning Board and recorded in the Penobscot County Registry of Deeds.

**Mobile home** - As defined by and in compliance with **10 MRSA** Chapter 953.

**Mobile Home Park** - A parcel of land under unified ownership approved by the Town of Clifton for the placement of two (2) or more mobile or modular homes.

**Modular home** - As defined by and in compliance with **10 MRSA** Chapter 953.

**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)".

**New Construction for Floodplain Management Activities** - 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.

**Native** – Indigenous to the local forests.

**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 Growth Management Area or Shoreland Management Area in which it is located.

**Non-conforming Structure** - A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed

solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Non-conforming Use** -The use of buildings, structures, premises, land or parts thereof which is not allowed 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.

**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 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 great pond during the period of normal high-water are considered part of the great pond.

**Normal Maintenance and Repair** - Any work necessary to maintain an improvement or structure in its original or previously improved state or condition. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in uses, change in location, change in size or capacity.

**Nursing Home** - A facility for the care of the aged or infirm person, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

**100-year flood** - see **Base Flood**.

**Open Space Use** - A use which does not disturb the existing state of the land except to restore this land to a natural condition.

**Outdoor advertising sign** - A sign which directs attention to a business, product, activity, or service which is not conducted, sold or offered on the premises where such sign is located.

**Owner** - The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

**Owner/operator** means the person or entity with legal ownership of a commercial, industrial, or institutional project, including successors and assigns, that has the authority and responsibility to operate the facility or business on a day-to-day basis. An Owner/operator must have the legal authority to represent and bind.

**Parcel, Non-Participating** means a parcel of real estate that is neither a Project Parcel nor a Participating Parcel for a wind energy application.

**Parcel, Participating** means a parcel of real estate that is not a Project Parcel for a wind energy application, but is subject to a Mitigation Waiver. A complete copy of the Mitigation Waiver must be provided to the Planning Board, and filed with the Penobscot Country Registry of Deeds.

**Parking Area or Parking Facility** – Any surfaced or un-surfaced area of one or more parking spaces.

**Parking Lot** - An open area other than a street used for the parking of more than four motor vehicles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

**Parking Space** - A surfaced area, not less than nine (9) feet wide and eighteen (18) feet long, enclosed or unenclosed, sufficient in size to store one motor vehicle and permit ingress and egress of that motor vehicle without the necessity of moving any other automobile. In the Shoreland Management Area, additionally, a parking space may be surfaced or un-surfaced.

## DEFINITIONS

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

**Personal Wireless Services** - Any communication service which, for a fee to the public or a substantial portion thereof, provides for the transmission between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information received, and which:

- (i) Is comprised of for-profit radio communications between mobile and fixed radio stations, and linked to public-switch communications networks (example: commercial ship-to-shore radio facilities);
- (ii) Is transmitted or received by means of devices which do not require individual FCC licenses, but excluding direct-to-home satellite services (example: cellular telephone services); or
- (iii) Offers access to telephone exchange services or facilities for the purpose of origination or termination of telephone toll services by a common carrier of interstate or foreign radio transmissions.

**Piers, docks, wharfs, bridges and other structures and uses** extending over or below the normal high-water line or within a wetland;

- (i) **Temporary** - Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
- (ii) **Permanent** - Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

**Porch** - An accessory attachment to a principal structure and is considered to be part of the principal structure. It shall be constructed primarily of wood and have a roof, canopy, or awning and may have framed or screened walls. It shall be supported above the ground on post, beams, or by a foundation. It may contain railings with screening and gates to enclose pets or children.

**Principal Use** - A use other than one which is wholly incidental or accessory to another use on the same premises.

**Professional Office** - Business offices for the following licensed uses: physician, dentist, mental health counselor, architect, insurance, real estate, engineer, land surveyor or accountant. For services not listed here, see definition for "Service Business."

**Project Boundary** means the boundaries of the commercial, industrial, or institutional project as shown on the site plan submitted to and approved by the Planning Board in accordance with this Ordinance.

**Project Parcel** means any parcel(s) of real estate on which all or any part of a commercial, industrial, or institutional project will be constructed.

**Public Facility** - Any facility, including, but not limited to, buildings, property, recreation areas, and roads, 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 or commission authorized by the Maine Public Utilities Commission to furnish gas, steam, electricity, communication facilities, or transportation of water to the public.

**Qualified Independent Acoustical Consultant.** Qualifications for persons conducting baseline and other measurements and/ or conducting reviews related to the application for a Wind Energy Facility or for enforcement actions against an operating Wind Energy Facility include, at a minimum, demonstration of competence in the specialty of community noise testing and Full Membership in the Institute of Noise Control Engineers (INCE). Certifications such as Profession Engineer (P.E.) do not test for competence in acoustical principles and measurement and are thus not, without further qualification, appropriate for work under this Ordinance. The Independent Qualified Acoustical Consultant can have no direct or indirect financial or other relationship to the applicant.

**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

**Reconstruction** - The restoration, remodeling or rebuilding of a structure, whether necessitated by deterioration, obsolescence, casualty or other occurrence, where the costs of such work equal or exceed the value of the property in its existing condition; except that in the Shoreland Management Area, costs of reconstruction may or may not equal or exceed the value of the property in its existing condition.

**Recreational Facility, Indoor** – An establishment providing recreational activities, completely enclosed by a structure designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreation activities. This may include such activities as (but not be limited by) bowling alley, gymnasium, roller skating or ice skating, billiards, pool, theater, swimming pool or related amusements. This does not include adult entertainment establishments.

**Recreation Facility, Outdoor:** An area used primarily for outdoor recreational activity, i.e., swimming pool, tennis court, basketball court, soccer field, baseball diamond, park, playground, ski park, ski slope, rappelling tower, or other similar uses not specifically addressed, and may include structures for restrooms, locker rooms, maintenance equipment storage, mechanical services, on-site energy generation directly related to the use.

**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, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, must be stationed only in an authorized campground or trailer park or as an accessory use on the premises of a consenting private property owner for use only by members of the property owner's family or social guests, and must be registered with the State Division of Motor Vehicles.

**Regulatory Floodway -**

- (i) means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- (ii) when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of

one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

**Replacement System** - A sewage disposal system intended to replace:

- (i) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure; or
- (ii) any existing overboard wastewater discharge.

**Research Facility** - A building or part of a building devoted to scientific inquiry and ancillary functions. No manufacturing is conducted on the premises except as related to the scientific research being conducted.

**Residence** – means a building or structure, including manufactured housing, maintained for permanent or seasonal residential occupancy providing living, cooking and sleeping facilities and having permanent indoor or outdoor sanitary facilities, excluding recreational vehicles, tents and watercraft. A structure intended as occasional, temporary living quarters; such as a hunting cabin, is not a residence.

- (i) **Dwelling** - A building or portion thereof, used exclusively for residential occupancy, including single-family, two-family and multiple-family dwellings.
- (ii) **Dwelling Unit** - A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one (1) family at a time, including provisions for living, sleeping, cooking and eating and toilet facilities. This definition shall include mobile homes and rental units that contain cooking, sleeping and toilet facilities regardless of the time-period of rental. This definition shall not include recreational vehicles as defined by this Ordinance.
- (iii) **Dwelling, Single-Family Detached** - A dwelling, or dwelling unit, designed for and occupied by not more than one (1) family and having no roof, wall, or floor in common with any other dwelling unit.
- (iv) **Dwelling, Two-Family** - A detached or semi-detached building, either containing two (2) dwelling units, or used for residential occupancy by two (2) families living independently of each other.
- (v) **Dwelling, Multi-Family** - A building or portion thereof, either containing three (3) or more dwelling units, or used for residential occupancy by three (3) or more families living independently of each other and doing their own cooking in the building, including apartments, group houses and row houses.
- (vi) **Dwelling, Seasonal** - A dwelling unit which is used less than seven (7) months in any calendar year period.

**Residence, Planned** – means a residence for which all applicable building and land use permits have been issued, provided that the time for beginning construction under such permits has not expired.

**Residential Back Lot** - A lot created from a conforming lot of record that meets the minimum lot size requirement of the Growth Management Area in which it is located and does not diminish the remainder of the existing lot of record to a size less than the minimum lot size requirement of the Growth Management Area in which it is located. A back lot is one which does not have frontage on a public or private road but is served by a right-of-way of not less than fifty feet (50') in width to a public road, which right-of-way does not diminish the existing road frontage of the lot of record by more than fifty feet (50').

**Residential Unit, Accessory** - An Accessory Residential Unit is defined as either of the following:

## DEFINITIONS



- (i) A second dwelling unit contained within a single family detached dwelling or within an accessory building on the same lot as a single family detached dwelling for use as a complete, independent living quarters, with provision for living, sleeping, bathing, and cooking; or
- (ii) A single dwelling unit contained within a non-residential structure for use as a complete, independent living quarters, with provision for living, sleeping, bathing, and cooking.

**Residual Basal Area** – The average of the basal area of trees remaining on a harvested site.

**Residual Stand** - A stand of trees remaining in the forest following timber harvesting and related activities.

**Restaurant** - An establishment whose principal business is the sale of food and/or beverages to consumers in a ready-to-consume state, and whose principal method of operation includes one or more of the following characteristics:

- (i) **Dine-In** - Customers normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed;
- (ii) **Carry-Out** - A carry-out or delivery service, drive-in service, and service or consumption outside fully enclosed structure.

**Retail Shop or Store** - a shop or store for the sale of goods, commodities, products or services directly to the consumer, as opposed to wholesale.

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

**Riverine** - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Road** - A thoroughfare or way consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as define herein.

- (i) **Private Road** - A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.
- (ii) **Public Road** - A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.

**Roadside Stand** - A structure with the purpose of selling at retail on the premises only farm produce, camp firewood, or garden, greenhouse or nursery products, and between Labor Day and Christmas, cut Christmas trees, garlands, wreaths, and wreath materials primarily produced on the property.

**Sales and Display** - A prominent exhibition of (something) in a place and for sale where it can be easily seen. Examples include but are not limited to automobiles, mobile homes and building materials.

**Scenic Resource** means a scenic resource as named in the Clifton Comprehensive Plan: Peaked Mountain, Little Peaked Mountain, Parks Pond Bluff, Eagle Bluff.

**Sensitive Receptor** means any land in **The Great Pond Limited Residential Area**, any land in **The Great Pond Resource Protection Area**, a residence or planned residence, a house of

worship, an academic school, daycare centers, a college, a library, a duly licensed hospital, a nursing home, elder care facilities, public parks, state and federal wildlife areas, the manicured areas of recreational establishments designed for public use, including but not limited to golf courses, camp grounds and other nonagricultural businesses. These areas are more likely to be sensitive to the exposure of the noise, vibration, shadow or flicker, etc. generated by a Wind Energy Facility.

Houses of worship, academic schools, libraries, State and National Parks without camping areas, Historic Areas, nature preserves, federally-designated wilderness areas without camping areas, state wilderness areas designated by statute without camping areas, and locally-designated passive recreation areas without camping areas are considered protected locations only during their regular hours of operation.

**Service Business:** Any business or establishment which provides a service of a non-retail nature for hire by others, conducted through the application of some specialized knowledge, training, skill or talent, or through the employment of some special action or work. By definition, a service business does not entail outside storage of goods or equipment nor utilize vehicles larger than 9,000 lbs. gross vehicle weight (GVW). An automobile service station shall not be considered a service establishment.

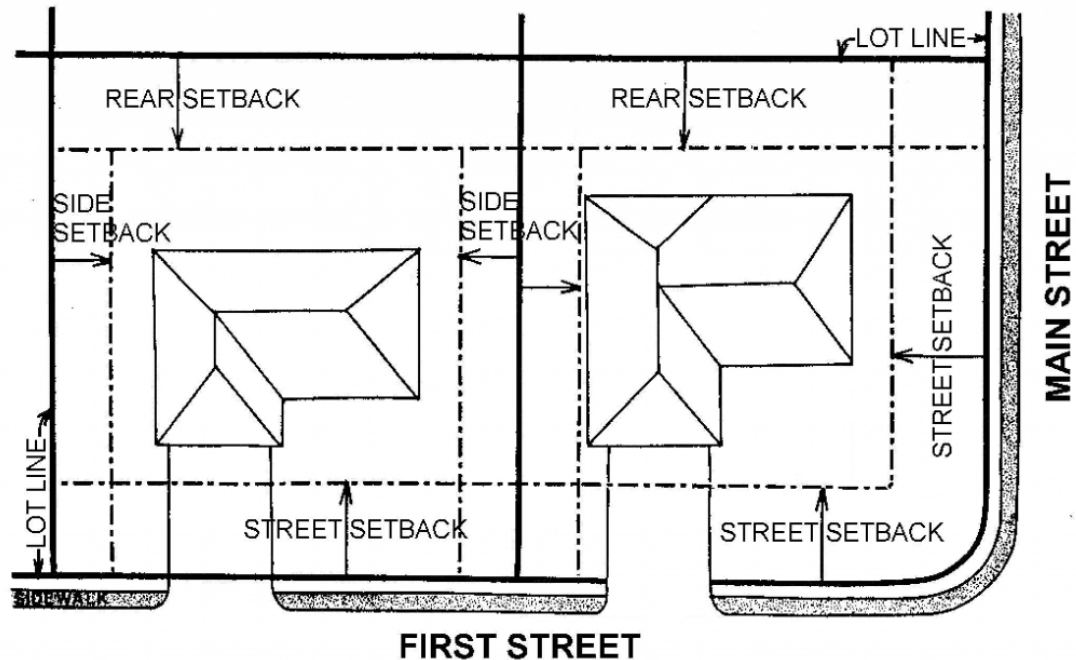
**Service Drop -** Any utility line extension which does not cross or run beneath any portion of a water body provided that:

- (i) In the case of electric service:
  - (a) the placement of wires and/or the installation of utility poles is located entirely upon a roadway right-of-way; and
  - (b) the total length of the extension is less than one thousand (1,000) feet.
- (ii) 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.

**Setback -** The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, or road right-of-way to the nearest part of a structure, parking space, or other regulated object or area.

- (i) **Front Setback -** The setback between the front lot line and the nearest part of a structure or other regulated object or area.
- (ii) **Rear Setback -** The setback between the rear lot line and the nearest part of a structure or other regulated object or area.
- (iii) **Side Setback -** The setback between the side lot line and the nearest part of a structure or other regulated object or area.

(iv) **Shoreline Setback** - The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland and the nearest part of a structure or other regulated object or area.



**Shoreland Management Area** - The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream. For the purposes of this Ordinance, the Shoreland Management Area is an overlay of the primary growth management areas.

**Shoreline** - The normal high-water line of a water body or tributary stream, or upland edge of a freshwater wetland.

**Sign** - An attached or free-standing structure used for bringing the subject matter thereon to the attention of the public.

**Skid road or skid trail** - A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

**Slash** - The residue, e.g., treetops and branches, left on the ground after a timber harvest.

**Sound** - a fluctuation of air pressure which is propagated as a wave through air.

(i) **Ambient** includes all sound present in a given environment. It includes intermittent sounds, such as aircraft, barking dogs, wind gusts, mobile farm or construction machinery, and vehicles traveling along a nearby road. It also includes insect and other nearby sounds from birds, animals or people.

(ii) **A-Weighted Sound Level (dBA)** is one measure of the overall sound level. This measure is designed to reflect the response of the human ear, which does not respond equally to all frequencies. Lower frequency sounds are given less weight than those in the

mid-range of human perception. The resulting measure is said to be A-weighted and the units are dBA.

(iii) **Background Sound (L90)** refers to sound that is normally present at least 90% of the time, and excludes intermittent sounds from flora, fauna, wind and human activity. Background sound levels vary during different times of the day and night. During any continuous ten minute period, L90 is defined to be the average sound level during the quietest one continuous minute of the ten minutes. L90 may be measured relative to A-weighting or C-weighting, in which case it may be denoted L90A or L90C.

(iv) **C-Weighted Sound Level (dBC)** is similar to the A-weighted sound level (dBA), but it does not de-emphasize low frequencies to the extent that A-weighting does. For sounds with a significant low-frequency component, dBC is a more accurate measure of the energy of the sound waves than dBA.

(v) **Decibel (dB)** refers to a dimensionless quantity which is proportional to the logarithm (base 10) of a ratio of two quantities that are proportional to the power, energy or intensity of sound. One of these quantities is a reference level relative to which all other levels are measured.

(vi) **Equivalent Sound Level (Leq, N)** means the level of the mean-square sound pressure during a stated time period, N, or equivalently the level of the sound exposure during a stated time period, N, divided by the duration of the period.

(vii) **Hourly Sound Level (Leq, hourly)** means the equivalent sound level for one hour measured or computed in accordance with this Ordinance. (NOTE: For convenience, a one hour equivalent sound level should begin approximately on the hour.)

(viii) **Short Duration Repetitive Sounds** means a sequence of repetitive sounds which occur more than once within an hour, each clearly discernible as an event and causing an increase in the sound level of at least 6 dBA on the fast meter response above the sound level observed immediately before and after the event, each typically less than ten seconds in duration, and which are inherent to the process or operation of the development and are foreseeable.

(ix) **Sound Level (L10)** refers to the sound level exceeded 10% of the time. During any continuous ten minute period, L10 is defined to be the average sound level during the loudest one continuous minute of the ten minutes. L10 may be measured relative to A-weighting or C-weighting, in which case it may be denoted L10A or L10C.

(x) **Sound Level (L90)** refers to Background Sound (see above).

(xi) **Sound Level L90(10 minute)** refers to sound that is normally present at least 90% of the time. During any continuous ten minute period, L90(10 minute) is defined to be the average sound level during the quietest one continuous minute of the ten minutes. L90 may be measured relative to A-weighting or C-weighting, in which case it may be denoted **L90A(10 minute)** or **L90C(10 minute)**.

(xii) **Sound Level (Leq)** is the frequency-weighted equivalent sound level. It is defined to be the steady sound level that contains the same amount of acoustical energy as the corresponding time-varying sound. Leq may be measured relative to A-weighting or C-weighting, in which case it may be denoted LeqA or LeqC.

(xiii) **Sound Level (pre/post)**. Each of the Sound Levels defined above,  $L_{90}$ ,  $L_{10}$  and  $L_{eq}$ , whether A-weighted or C-weighted, may be followed by “(pre)” or “(post)”. Post-construction Sound Levels measured with all elements of the Wind Energy Facility turned on will be denoted with “(post)”. During the application process, before the Wind Energy Facility has been constructed, “(post)” will be used to denote the pre-construction estimate of the post-construction Sound Level. Pre-construction Sound Levels, or Sound Levels measured with all elements of the Wind Energy Facility turned off will be denoted with “(pre)”. See the Appendix to SPS 8.0, particularly Sections 4c, 4e and 5.

(xiv) **Sound Measurement Point (MP)** refers to a location where sound and/or vibration are measured.

(xv) **Sound Level** is ten times the common logarithm of the square of the ratio of the frequency-weighted and time-exponentially averaged sound pressure to the reference sound of 20 micropascals.

(xvi) **10 Minute Sound Level** applies to whatever sound level is specified, as defined in this ordinance, and measured over a 10 minute period and may be either A or C weighted. For example:  $L_{90A}(10 \text{ minute})$ ,  $L_{eqA}(10 \text{ minute})$ .

**Special Flood Hazard Area** - see **Area of Special Flood Hazard**.

**Specified Criminal Activity**. Specified criminal activity is defined as a criminal conviction for any of the following offenses: prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; or any similar sex related offenses to those described above under the Maine Criminal Code or statutes of other states, the United States or any other nation or province, and for which:

- (i) less than two (2) years have elapsed since the date of conviction or the date of release from confinement or probation imposed for the conviction, whichever is the later date, if the conviction is for an offense punishable by a maximum term of imprisonment of less than one year;
- (ii) less than five (5) years have elapsed since the date of conviction or the date of release from confinement or probation imposed for the conviction, whichever is the later date, if the conviction is for an offense punishable by a maximum term of imprisonment of one year or more;
- (iii) less than (5) years have elapsed since the date of the last conviction or the date of release from confinement or probation imposed for the last conviction, whichever is the later date, if the convictions are for two or more offenses or combination of offenses occurring within any twenty-four (24) hour period, and all such offenses are punishable by maximum term of imprisonment of less than one year.

**Start of Construction** - means 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 slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for

basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

**Stream** - A free-flowing body of water depicted as an intermittent or perennial stream 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 map, to the point where the body of water flows to another water body or wetland within the Shoreland Management Area.

**Street line** - The line along the edge of the surveyed right-of-way line closest to the property in question. In those cases where the roadway does not fall within the surveyed right-of-way width, the street line shall be determined as one-half the right-of-way width as measured from the center of the traveled roadway. In no instance shall the street line fall inside the surveyed right-of-way.

**Structure** - Anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as tents, decks, patios, raised walkways, handicapped access ramps and satellite dishes over four feet in any one dimension. Structure, for floodplain management purposes, is a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

**Structure, Principal** - A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

**Subdivision** - The division of a tract or parcel of land into three (3) or more lots within a five (5) year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in State Statutes, **Title 30-A, MRSA, §4401**, as amended.

**Substantial Completion / Substantially Complete** - Completion of seventy percent (70%) of a permitted structure or use measured as a percentage of estimated total cost.

**Substantial Damage** - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent 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:

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(ii) 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 percent (30%) of a permitted structure or use measured as a percentage of estimated total cost.

**Subsurface wastewater disposal system** - Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under **38 MRSA §414**, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

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

**Telecommunications Tower** - A tower or other structure designed to support, enclose or otherwise attach any antennae, repeater, transmitter or receiver for the transmission/reception of radio-wave communications, including, but not limited to, television, radio, cellular telephone or any other communications.

**Telecommunications Facility** - A facility and all elements thereof, including but not limited to support towers, antennas, and accessory equipment buildings, that together facilitate communication by the electronic transmission of telephone, radio, television, internet, wireless, or microwave impulses of an FCC licensed carrier, but excluding those used exclusively for private radio and television reception, private citizen's band, amateur radio communications. Personal wireless communication facilities that exceed the height requirements provided for by the LUO shall be considered telecommunication facilities and therefore subject to all applicable provisions.

**Temporary Storage Enclosure** - Any portable, movable or transportable van, trailer, shipping container, railway car or similar enclosed structure, used for the storage of goods, materials, merchandise or supplies.

**Temporary Use** - A use established for a fixed period of time with the intent to discontinue such upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

**Timber Harvesting** - The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the Shoreland Management Area, on a lot that has less than two (2) acres within the Shoreland Management Area, shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated by **SS 3.0**.

**Timber Harvesting and Related Activities** – The harvesting of timber, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

**Tonal Sound** - for the purpose of this ordinance, a tonal sound exists if the one-third octave band sound pressure level in the band containing the tonal sound exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies at or between 500 Hz and 10,000 Hz, by 8 dB for center frequencies at or between 160 and 400 Hz, and by 15 dB for center frequencies at or between 25 Hz and 125 Hz.

**Town** - The Town of Clifton, Maine.

**Transportation Facilities** - Structures and grounds used for transportation service activities, such as ticket booths, and waiting shelters for bus, taxi, or touring van.

**Travel trailer** - A portable structure which can be moved on its own wheels, designed as a temporary living place for travel, vacation and recreational use. In no case shall a travel trailer or camper be used as a mobile home. In the Shoreland Management Area, these are considered recreational vehicles.

**Travel trailer park** - Land on which two or more travel trailers are parked or tents erected for temporary family recreational use on sites arranged specifically for that purpose. The words "travel trailer park" shall include "camping grounds" and "tenting grounds."

**Tributary Stream** - A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. Also, this definition does not include the term 'stream' as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland management area of the receiving water body or wetland.

**Upland edge of a Wetland** - The boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

**Use** - The purpose or activity for which land or any structure thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**Useable Floor Area** - Any floor area directly under a ceiling height of not less than seven feet (7'), except for the purpose of calculating the floor area of a bedroom, the floor area to a knee-wall, a minimum of five feet (5') high, may be counted as useable floor area.

**Variance** - A relaxation of the terms of this Ordinance where such a variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, to prevent a literal enforcement of this Ordinance that would result in unnecessary or undue hardship.

**Vegetation** - All live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

**Visual Barrier** -The following items meet the requirement of a "visual barrier" where referenced.

(1) At least two rows of evergreen trees, which shall be approved as to type by the board of adjustment, which at the time of planting shall be at least five feet in height, and which at maturity shall be at least ten feet in height. In each row the trees shall be spaced no more than eight feet apart (from base of tree to base of tree) at time of planting, with trees in adjacent rows offset (staggered) four feet. The rows shall be no more than eight feet apart in a 20-foot buffer strip and seven feet apart in a 15-foot buffer strip and centered within the buffer strip.

(2) A solid visual barrier fence eight feet in height may be accepted as an alternative buffer by the board of adjustment or zoning administrator.

(3) Earth mounding may be used in conjunction with planting or fencing to satisfy height requirements, but slopes shall not exceed one foot in height to two feet horizontal. In the event that the height requirements provided herein do not provide a visual screen from the adjoining property, the board of adjustment or zoning administrator may require additional earth mounding, or other type of buffering, to attain the desired screening effect.

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

**Warehouse** - A structure for the storage of merchandise or commodities.

## DEFINITIONS



**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.

**Water-Related Structure** - Includes piers, docks, wharves, floats, cribs, pilings, boathouses, breakwaters, causeways and similar structures projecting into water bodies.

**Wetland** - A freshwater wetland.

**Wind Energy System** - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of less than 100 kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility power.

**Wind Energy Facility** means a facility generating 100 kilowatts or greater and includes all of the land, equipment and support facilities; such as the wind turbine, tower, access roads, control facilities, meteorological towers, maintenance and all power collection and transmission systems.

(i) **WEF-ON** - For the purpose of this ordinance means that all wind turbines in a WEF are generating power concurrent with their maximum sound output.

(ii) **WEF-OFF** - For the purpose of this ordinance means that all wind turbines in a WEF are shut down.

**Wind Energy Facility Operational Permit** means a permit to operate a Wind Energy Facility issued by the Planning Board in accordance with this Ordinance

**Wind Turbine** means a mechanical device which captures the energy of the wind and converts it into electricity. The primary components of a wind turbine are the blade assembly, electrical generator and tower.

**Windfirm** – The ability of a forest stand to withstand strong winds and resist wind throw, wind rocking, and major breakage.

**Wildlife Management Practices** - Activities engaged in for the exclusive purpose of management of wildlife populations by manipulation of their environment for the benefit of one or more species. Such practices may include, but not be limited to, harvesting or removal of vegetation; controlled burning; planting; impounding water; controlled hunting and trapping; relocation of wildlife; predator and disease control; and installation of artificial nesting sites, provided that such activities are specifically controlled and designed for the purpose of managing such species.

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

**Yard** - The area of land on a lot not occupied by buildings.

(i) **Front Yard** - The open, unoccupied space on the same lot with the principal building between the front lot line and the nearest part of any building on the lot, and extending the entire width of the lot.

(ii) **Rear Yard** - The open, unoccupied space on the same lot with the principal building between the rear lot line and the nearest part of any building on the lot, and extending the entire width of the lot.

## DEFINITIONS

(iii) **Side Yard** - The open, unoccupied space on the same lot with the principal building between a side lot line and the nearest part of any building on the lot, extending from the front yard to the rear line.