

## GLOSSARY [09-2020] [11-21] [XX-XX]

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Throughout these Ordinances of the Town of Wiscasset:

The word "person" includes a firm, association, organization, partnership, trust, company, corporation, or any other legal entity, as well as an individual; the present tense includes the future tense; the singular includes the plural; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", "arranged to be used", and "occupied"; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; and the word "lot" includes the words "plot" or "parcel". Terms not defined in the GLOSSARY shall have their customary dictionary meanings.

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ABBATTOIR: Slaughterhouse [6-12]

**ACCESSORY DWELLING UNIT:** A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land as the single-family dwelling unit. An accessory dwelling unit shall comply with the standards set forth in Article VI, Section 9. [XX-XX]

**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. [6-88, 3-91]

**ACO:** Animal Control Officer appointed by the Selectmen and supervised by the Police Chief. The ACO shall be appointed by the Selectmen in accordance with 7 MRSA Section 3947 as may be amended from time to time. [3-97]

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

**ADJACENT GRADE:** The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**AFFORDABLE HOUSING DEVELOPMENT:** [XX-XX]

1. For rental housing: A development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the *United States Housing Act of 1937*, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

2. For owned housing: A development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the *United States Housing Act of 1937*, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford 51% or more of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.
3. For purposes of this definition, "housing costs" include, but are not limited to:
  - a) For a rental unit, the cost of rent and any utilities (electricity, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
  - b) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

**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. [3-91]

**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. [3-91]

**ANIMAL AT LARGE:** Any animal off the premises of the owner and not under the control of any person by means of personal presence or physical restraint which will reasonably control the conduct of said animal. [3-97]

**AQUACULTURE:** The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species. [6-12]

**ANIMAL SHELTER:** Any duly licensed facility for the care of animals where impounded animals are held pending legal disposition. [3-97]

**AREA MEDIAN INCOME:** The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development. [xx-xx]

**AREA OF A SHALLOW FLOODING:** A designated AO and AH zone on community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist,

where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. [3-91]

**AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Hazard Boundary Map cited in Article I of the Flood Plain Management Ordinance.

**ATTACHED DWELLING UNIT:** Connected by a shared wall to a principal structure or having physically connected finished spaces. [XX-XX]

**AUTOMOBILE GRAVEYARD/JUNKYARD:** a field, yard or other area used to store 3 or more unserviceable, discarded, worn-out or junked motor vehicles or parts of such vehicles. [9-2000]

**AUTOMOBILE RECYCLING BUSINESS:** the business premises of a person who purchases or acquires salvage 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. [9-2000]

**BASAL AREA:** the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark. [6-12]

**BASE DENSITY:** The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in this ordinance. [XX-XX]

**BASE FLOOD:** 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. [6-12]

**BOAT:** Anything that floats capable of transporting a person on the water and of any size and shape and propelled by any means including drifting in the tide or wind. [3-86]

**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. [6-12]

**BREAKAWAY WALL:** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. [3-91]

**BUFFER STRIP:** A visual and sound barrier consisting of evergreen trees and shrubs and may include a fence. This barrier is to divide different types of land use or different districts. [3-97, 3-98]

**BUILDABLE LAND:** That land in a parcel which is left over after all deductions made under the Net Residential area or acreage calculations have been made. [11-12]

**BUILDING:** A structure having a roof supported by columns or walls used for the support, shelter housing or enclosure of persons, animals, goods or property of any kind. [3-70, 3-83]

**BUILDING INSPECTOR:** The legally designated building inspection authority of the Town of Wiscasset.

**BUSINESS DIRECTIONAL SIGN:** A sign which is located off the premises of the business and whose function is to direct the public to the specific location of the business.

**BYLAWS:** The phrase "Town Bylaws" is interpreted as "Town Ordinances".

**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. [3-91]

**CAMPGROUND OR RECREATIONAL VEHICLE PARK:** Any premises established for overnight use for the purpose of temporary camping, and for which a fee is charged.

**CENTRALLY MANAGED WATER SYSTEM:** A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, *Rules Relating to Drinking Water*. This water system may be privately owned. [XX-XX]

**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 Flood Plain Management Ordinance.

**CHANNEL:** a clear area for navigation of a width and location to be determined by the Harbormaster. [3-94]

**CLUSTER HOUSING:** An alternative form of residential land development which permits single dwelling units in a subdivision to be grouped or clustered on smaller sites so that the residual land area shall be available for recreation and other outdoor living purposes.

**COASTAL WETLANDS:** All tidal and sub tidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water or

estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during maximum spring tide level by the Maine Department of Environmental Protection. Coastal wetlands may include portions of coastal sand dunes. [12-89, 6-12]

CODE ENFORCEMENT OFFICER - CEO: A person appointed by the Selectmen to administer and enforce the regulations of the Town of Wiscasset. [3-02]

COMMERCIAL FISHING ACTIVITIES: Activities directly related to commercial fishing and those commercial activities commonly associated with or supportive of commercial fishing such as the manufacture or sale of ice, bait and nets and the sale, manufacture, installation or repair of boats, engines and other equipment commonly used on boats. [12-89]

COMMERCIAL USE: The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units. [6-12]

COMMERCIAL VESSEL: any vessel from which the owner obtains a substantial portion of his income, or which is operated as part of a business enterprise whether owned or not owned by an individual. [3-94]

COMMUNITY LIVING ARRANGEMENT: A housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement may include a group home, foster home or intermediate care facility. [6-12]

COMPARABLE SEWER SYSTEM: Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*. [XX-XX]

COMPREHENSIVE PLAN: Any part or element of the overall plan and policy for development of the Town of Wiscasset, Maine, as defined in the Maine Revised Statutes Amended, Title 30-A, § 4314 and all amendments and revisions thereto. [11-12]

CONDITIONAL USE: A use permitted on a lot in a zoning district by a municipal legislative body, subject to certain conditions not generally applicable to other lots located in that zoning district. [XX-XX]

CONFINED FEEDING OPERATION: specialized livestock production enterprises with confined beef cattle or confined hog feeding or poultry or egg farms and accessory structures; and where pasture, crops, or other vegetation are not normally managed or

sustained for grazing during the normal growing season. These operations have large animal populations restricted to small areas. [6-12]

**CONGREGATE HOUSING:** A building or group of buildings on a single lot which provides dwelling units with shared community space and supportive uses. Supportive uses include, but are not limited to, day care and elder facilities, recreational and athletic facilities, health and well-being facilities, medical and dental facilities, common areas, recreational and/or open spaces, gardens, maintenance facilities, and similar uses supportive of the housing and community at large, operation of the complex or the provision of services to the residents, and may include residential accommodations for the staff that provides services or activities to the residents. Any congregate housing project shall include at least two supportive uses. Congregate housing shall provide at least two off-street parking spaces for each dwelling unit and sufficient parking space for any and all supportive uses. [6-20]

**DANGEROUS DOG:** A dog which has bitten a person who was not a trespasser on the owner's premises at the time of the incident, or a dog which causes a reasonable person, acting in a peaceable manner outside the owner's premises, to be put in apprehension of imminent bodily harm. [3-97]

**DAY CARE:** Homes and centers licensed as such by the Maine Department of Health and Human Services for children or adults. [6-12]

**DENSELY DEVELOPED AREA:** Any commercial, industrial or compact residential area of 10 or more acres with a density of at least one principal structure per 2 acres. [12-89]

**DENSITY REQUIREMENTS:** The maximum number of dwelling units allowed on a lot, subject to dimensional requirements. [xx-xx]

**DESIGNATED GROWTH AREA:** An area that is designated in the current Town of Wiscasset Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most projected development is directed. [XX-XX]

**DEVELOPMENT:** Any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; 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, shore frontage and height.~~ Requirements which govern the size and placement of structures, including but not limited to, the

following requirements: building height, lot area, minimum frontage, setbacks, and lot depth. [3-91] [XX-XX]

**DISABILITY:** Any infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; including 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. [6-12]

**DISCONTINUE:** To stop or cease the use of a property.

**DISPLAY ADVERTISING SIGN:** Any painted, printed or stenciled advertising device whether erected on a frame structure or mounted or painted on a building conveying a message promoting a business enterprise of any kind.

**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. [6-12]

**DOG DAYCARE:** See KENNEL. [6-12]

**DOMESTICATED ANIMAL:** A mammal accustomed to home life, or tamed for man's use, such as dogs, cats, ferrets, livestock, and wildlife hybrids. [3-97]

**DRIVE-THRU FACILITY:** A facility that allows customers to purchase products or conduct business transactions without leaving their vehicles. [6-12]

**DRIVEWAY:** Access route or right-of-way to any single family dwelling or to a duplex building. [11-12]

**DRIVEWAY:** (This definition applies only in Shoreland Districts A, B, &C.) A vehicular access-way less than five hundred (500) feet in length serving two lots or less. [3- 91]

**DWELLING:** A structure, whether or not affixed to the earth, containing one or more dwelling units. [3-69, 3-83, 3-97]

**DWELLING UNIT:** Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, designed and equipped for use as living quarters ~~for only one family~~, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles. [3-69, 3-83, 6-89] [XX-XX]



- ~~1. Single family dwelling—any structure containing only one (1) dwelling unit for occupation by not more than one (1) family.~~
- ~~2. Two family dwelling—A building containing only two (2) dwelling units, for occupation by not more than two (2) families.~~
- ~~3. Multi family dwelling—A building containing three (3) or more dwelling units, such buildings designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units. [6-12]~~

EASEMENT: The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his/her property.

ELDERLY CONGREGATE HOUSING: a building or group of buildings on a single lot which provides housing for elderly households with shared community space and supportive facilities. Supportive facilities may include but are not limited to shared dining facilities, administrative facilities, care facilities, common areas, recreational spaces, maintenance facilities, and similar facilities necessary for the operation of the complex or the provision of services to the to the residents and may include residential accommodations for the staff that provides services or activities for the residents. An elderly congregate housing development shall include either or both dwelling units and residential care units. [3-01]

ELDERLY HOUSEHOLD: a household which includes at least one person who is 55 years old or older, and no occupant less than 55 years of age unless such occupant is the spouse or companion of the elderly person. [3-01][6-20]

ELEVATED BUILDING: A non-basement building (1) built, in the case of a building in Zones A, AE, or X (see Flood Plain Management Ordinance) 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 A, AE, or X "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with openings sufficient to facilitate the unimpeded movement of flood waters. [3-91]

ELEVATION CERTIFICATE: An official form (FEMA Form 81-31, May 90 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. [3-91]

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. [6-12]

ENGINEER: A person licensed by the State of Maine as an Engineer. [11-12]

ENTERTAINMENT: Any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by a full-time or part-time employee of the licensed premises whose incidental duties include activities with an entertainment value.

ERECT: Build, construct, assemble, affix, attach, create, paint or draw.

ESSENTIAL SERVICES: Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal 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. [3-91, 11-08]

EXISTING DWELLING UNIT: A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot. [XX-XX]

EXPANSION OF A STRUCTURE: (This definition applies only in Shoreland Districts A, B, & C.) 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. [3-91]

EXPANSION OF USE: The addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use. [3-91]

FEMA: Federal Emergency Management Agency

FLOOD, FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source. 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 the preceding paragraph.[6-87]

**FLOOD ELEVATION STUDY:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. [3-91]

**FLOOD HAZARD BOUNDARY MAP (FHBM):** An official map of a community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community. [6-87, 3-91]

**FLOOD INSURANCE STUDY:** See "Flood Elevation Study". [3-91]

**FLOODPLAIN, FLOOD-PRONE AREA:** Any land area susceptible to being inundated by water from any source. (See FLOODING). [6-87]

**FLOODPLAIN MANAGEMENT:** 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: [6-87]

**FLOODPLAIN MANAGEMENT REGULATIONS:** 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. [6-87]

**FLOOD PROOFING:** 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 their contents. [6-87]

**FLOODWAY:** The channel of a river or other water course and the adjacent land areas that must be reserved to allow for the discharge of a 100-year flood without cumulatively increasing the water surface elevation of the 100-year flood by more than one foot. In Zone A and AE (See Floodplain Management Ordinance) the channel of a river or other water course and the adjacent land area to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limits of the floodplain. [6-87, 12-89, 3-91]

**FLOODWAY ENCROACHMENT LINES:** The lines marking the limits of floodways on federal, state, and local floodplain maps. [6-87]

**FLOOR AREA:** (This definition applies only in Shoreland Districts A, B, & C.) The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks. [3-91] Also see TOTAL FLOOR AREA [6-12]

**FINAL SUBDIVISION PLAN:** The final drawings, on which the subdivider's plan of the

subdivision is presented to the Planning Board for approval and which, if approved, shall be filed for record with the Town and the Lincoln County Registry of Deeds. [11-12]

**FORESTED WETLANDS:** Wetlands dominated by woody vegetation that is 6 meters (approximately 19.7 feet) tall or taller. [3-92]

**FORMULA RESTAURANT:** An eating place that is one of a chain or group of three (3) or more establishments and which satisfies at least two of the following three descriptions:

- a. It has the same or similar name, tradename, or trademark as others in the chain or group;
- b. It offers characteristics in a style which is distinctive to and standardized among the chain or group in exterior design or architecture;
- c. It offers characteristics in a style which is distinctive to and standardized among the chain or group in uniforms, except that a personal identification or simple logo will not render the clothing a uniform; [6-12]

**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. [6-12]

**FRANCHISE SIGNAGE:** Signage employing a distinct style, colors and/or other elements, including trademarked logos, commonly employed by a retail or other licensed franchise that serve to promote brand identity. [6-12]

**FREEBOARD:** 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 condition: [6-87]

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

1. Of ten or more contiguous areas; 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. This definition of a wetland does not include a Forested Wetland. [3-91, 3-92]

**FUNCTIONALLY WATER DEPENDENT USE:** Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that cannot 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 cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. [6-12]

**GARBAGE:** All food wastes.

**GRAVEL SURFACE:** The layer of gravel which lies above the sub-grade and forms the traveled way.

**GREAT POND:** Any inland body of water which in a natural state has a surface area in excess of 10 acres and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres except where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner. [12-89]

**GREAT POND CLASSIFIED GPA:** Any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds. [3-91]

**GROUND COVER:** Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor. [6-12]

**GROUND SIGN:** An outdoor sign which is directly and permanently supported and physically separated from any other structure.

**GROUP HOME:** A boarding care facility for more than eight (8) individuals wherein children under eighteen (18) years of age or adults over sixteen (16) years of age and not legally related to the operator are provided personal care, supervision and social or rehabilitative services. Uses within the meaning of this definition must be licensed by the State of Maine and may include, but are not limited to residential treatment homes but do

not include foster family homes. Similar uses with eight (8) or fewer individuals shall be subject to 30-A- MRSA §4357-A: Community living arrangements. [6-12]

HARBOR: In the Port and Harbor Ordinance harbor shall include all tidal waters unless the context indicates otherwise. [3-94]

HAULER: Any person who collects, transports, or disposes of garbage, rubbish or waste material for a fee.

HAZARDOUS MATERIAL: Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, designated as hazardous by the Maine Department of Environmental Protection. [6-12]

HEIGHT OF A HABITABLE STRUCTURE: Habitable structures include, but are not limited to, such structures as home, offices, barns, warehouses and similar structures designed to accommodate people living or working in them. The height of a habitable structure is the vertical distance between the average finished grade of the ground at the exterior base of the structure and the highest part of the structure, excluding any portion of the structure, which is measured pursuant to the definition of "height of a non-habitable structure". [12-03]

HEIGHT OF A STRUCTURE: The vertical distance between the mean original 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. [3-91]

HEIGHT OF NON-HABITABLE STRUCTURE: Non-habitable structures include, but are not limited to, such structures as chimneys, spires, towers, antennas and similar projects not designed for human occupancy, work, or storage of materials. The height of a non-habitable structure is the vertical distance between the average finished grade of the ground at the exterior base of the structure and the highest part of the structure. When a non-habitable structure is situated on a habitable structure, the base of the non-habitable structures shall be deemed to be the base of the habitable structure. [12-03]

HIGH-WATER ELEVATION, NORMAL: Along non-tidal waters, the elevation where vegetation changes from predominantly aquatic to predominantly terrestrial. Along tidal waters, the mean high-water elevation as established by U.S.C.G. Survey.

HIGH-WATER LINE: See Normal High Water Line.

HIGH-WATER MARK: See Normal High Water Line.

HISTORIC STRUCTURE: Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of are registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as are registered historic district. [3-91]

HOME OCCUPATION: An occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than three (3) persons other than family members residing in the home. A retail sales outlet does not qualify as a home occupation unless the item sold is a product of the owner's labor, e.g. manufactured, created, produced, grown or caught. [6-12, 06-21]

HOSPICE: A facility that provides special care, including relieving symptoms and providing quality of life and support, for people with a life expectancy of six months and for their families. [6-12]

HOTEL OR MOTEL: Any business which rents more than seven rooms on the premises whether or not the owner of the hotel or motel is dwelling on the premises.

IMPOUNDMENT: To seize and hold in legal custody, such as impoundment of an animal. [3-97]

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 standard 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 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. [6-12]

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. [3-91]

**INDUSTRIAL:** The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals. [6-12]

**INDUSTRIAL USE:** The use of land, buildings or structures for assembling, fabricating, finishing, manufacturing, packing, shipping or processing goods or products. [12-03]

**INSTITUTIONAL:** 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. [6-12]

**KENNEL:** An establishment, in which more than four (4) dogs or four (4) cats are sold, housed, bred, boarded, or trained for a fee. [6-12]

**LEGISLATIVE BODY:** Town Meeting, Municipality, Town of Wiscasset, Maine. [11-12]

**LICENSED FORESTER:** A forester licensed under 32 M.R.S.A. Chapter 76. [6-12]

**LICENSEE:** The holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation or other legal entity, or any agent or employee of any such licensee and any person, individual, partnership, firm, association, corporation or other legal entity, or any agent of the same, who charges admission or fees to patrons or customers in or around the licensed premises.

**LICENSED PREMISES:** The building and/or land in or on which the licensee provides entertainment.

**LIGHT INDUSTRIAL:** Facilities and/or industrial activity involving the manufacturing, packaging, assembly or distribution of products from previously prepared materials including, but not limited to, the following: bakeries, breweries, bottling, printing and publishing, machine shops, assembly of electronic components, tool and die shops and the packaging of foods; and/or, the manufacturing of: precision instruments, watches, musical instruments, toys and sporting goods, pottery and ceramics using only previously pulverized clay, wood products, jewelry. Light industrial uses do not include salvaging operations. [6-12]

**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 data is too far from a specific site to be practically used. (See Floodplain Management Ordinance) [6-87]



LOT: These Ordinances rely in general on the definition of LOT found in 30-A MRSA 4401.

LOT AREA: (This definition applies only in Shoreland Districts A, B, & C.) 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. [3-91]

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 slowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements in Article VI of the Floodplain Management Ordinance. [6-87]

MANUFACTURED HOME: 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. [6-87]

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. [6-87]

MARINAS: 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, boat and tackle shops and marine fuel service facilities. [3-91]

MARINE ACTIVITIES: The construction, repair, storage, loading and unloading of boats, chandlery and other commercial activities designed and intended to facilitate maritime trade. [12-89]

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. [3-91]

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929. [6-87]

MINERAL EXPLORATION: (This definition applies only in Shoreland Districts A, B, & C.) 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. [3-91]

**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. [3-91]

**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. [6-12]

**MINOR STREET:** A street which is used primarily for access to the abutting properties (in a subdivision).

**MINOR SUBDIVISION:** A subdivision of not more than 4 dwelling units each on its own lot. If subsequent minor subdivisions are situated relative to other(s) so that in combination they equal a regular subdivision in terms of dwelling units or lots within an area, then the requirements for a regular subdivision apply to the subsequent one(s). [6-89]

**MOBILE HOME:** A structure designed as a dwelling unit for location on a permanent foundation, and containing sleeping accommodations, a toilet, a tub or shower bath and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels. A mobile home shall contain not less than 450 square feet of gross floor area. [3-69, 3-83] (See Title 30-A MRSA Section 4358).

**MOBILE HOME PARK:** A plot of land laid out to accommodate at least three mobile homes. (See Title 30-A MRSA Section 4358).

**MOBILE SIGN:** A sign mounted on a movable chassis with or without wheels. [3-93]

**MOORING:** Any equipment used by a craft for anchoring purposes and which equipment is not carried aboard such craft when underway. [3-94]

**MRSA:** Maine Revised Statutes, as Amended

**MULTI-FAMILY RESIDENTIAL:** A residential structure containing three (3) or more residential dwelling units. [6-12]

**NATIVE:** Indigenous to the local environment. [6-12]

**NET RESIDENTIAL AREA OR ACREAGE:** The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the land area that cannot be counted

toward the minimum lot size under a conventional subdivision which includes steep slopes (35% or more), hydric soils, wetlands, surface water, rights of ways and easements, Resource Protection District, flood ways and coastal high hazard zones and portions used for storm water management facilities. [11-12]

**NET RESIDENTIAL DENSITY:** Net Residential Density shall mean the number of units per net residential acre.

**NEW STRUCTURE OR STRUCTURES:** Any structure for which construction begins on or after September 23, 1988, or in the floodplain area on or after June 29, 1987 structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by the community. The area included in the expansion of an existing structure is deemed to be a new structure. [3-91]

**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. [6-12]

**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. [3-91]

**NON-CONFORMING STRUCTURE:** (This definition applies only in Shoreland Districts A, B, & C.) 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. See Article VI. [3-91, 6-12]

**NON-CONFORMING USE:** (This definition applies only in Shoreland Districts A, B, & C.) Use of buildings, structures, premises, land or parts 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. [3-91]

**NORMAL HIGH-WATER LINE (NON--TIDAL):** 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 period of normal high-water are considered part of the river or great pond. [6-12]

**NORMAL HIGH WATER OF COASTAL WATERS:** See Coastal Wetland [6-88, 6-12]

**ONE HUNDRED YEAR FLOOD:** See BASE FLOOD. [6-87]

**OPEN SPACE:** Land set aside for passive and/or active use, including recreation purposes, preservation of environmentally sensitive areas, undevelopable land and buffers. [11-12]

**OPEN SPACE USE:** A use not involving: a structure; earth moving activity; or the removal or destruction of vegetative cover, spawning grounds of fish, aquatic life, bird and other wildlife habitat.

**OUTDOOR SIGN:** Any letter, symbol, number or combination of these which is visible from the traveled portion of the public way. A double faced sign shall be considered a single sign. [6-85]

**OUTSTANDING RIVER SEGMENT:** The Sheepscot River from the railroad bridge in Wiscasset northerly to the town line. [12-89]

**PARKS:** Non-commercially operated recreation facilities open to the general public including, but not limited to playgrounds, monuments, green strips, open space. The term shall not include campgrounds, or commercial recreation and amusement centers. [6-12]

**PARKING SPACE:** A minimum area of two hundred (200) square feet exclusive of drives, aisles or entrances, fully accessible for the storage or parking of vehicles.

**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. [3-91]

**PERSON:** (Article V, Public Dumps only) Any individual, corporation, partnership, association, municipality, state agency or any other group or legal entity.

**PIERS:** Docks, wharfs, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland:

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

**Permanent:** Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months. [3-91]

**PLANNED RESIDENTIAL DEVELOPMENT:** A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development often includes a mixture of uses and may include streets, buildings, open spaces and other site features. [6-12]

PLAYGROUND: See PARKS. [6-12]

POND: Any inland body of water which has a surface area at normal high water of 10 acres.

POTABLE: Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, *Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants*. [XX-XX]

PRELIMINARY SUBDIVISION PLAN: The preliminary drawing indicating the proposed layout of the subdivisions to be submitted to the Board for its consideration. [11-12]

PREMISES: One or more parcels of land which are in the same ownership or are contiguous or separated only by a road or water body, including all buildings, structures and improvements.

PRINCIPAL USE: A use other than one which is wholly incidental or accessory to another use on the same premises. [3-91]

PRINCIPAL STRUCTURE: ~~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. A structure in which the main or primary use of the structure is conducted.~~ [6-88, 12-89, 3-91] [XX-XX]

PRIVATE CONSULTING FORESTER: Someone who holds a degree in Forestry from an accredited School of Forestry.

PROFESSIONAL BUILDING: A building maintained by an individual or firm for the practice of a profession such as physician, dentist, lawyer, engineer, architect, teacher, accountant, realtor, insurance broker and other professional occupations.

PROJECTING SIGN: An outdoor sign which is attached to a wall and extends more than 18 inches at a 90 degree angle from the wall and clears the ground or sidewalk by at least eight feet.

PUBLIC SEWER: Either a sanitary sewer or a storm sewer system. [3-98]

PUBLIC UTILITY: Any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public. [6-12]

PUBLIC WAY: Any way designed for vehicular use and maintained with public funds.

QUARANTINE NOTICE: A legal order issued by the Police Department requiring the owner of an animal to comply with certain confinement, isolation, and observation procedures, or risk seizure of the animal. [3-97]

RECENT FLOOD PLAIN SOILS: The following soil series as described and identified by the National Cooperative Soil Survey. [3-91] [6-12]

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

RECREATIONAL FACILITY: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities. [6-12]

RECREATIONAL VEHICLE: A vehicle or 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, and must be registered with the State Division of Motor Vehicles. [3-83, 3-91]

RECYCLING: Separating, collecting and/or reprocessing of manufactured materials or residues for reuse either in the same form or as part of a different product. [6-11]

REGULATORY FLOODWAY: See FLOODWAY.

REPLACEMENT SYSTEM: A system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge. [6-12]

RESIDENTIAL CARE UNITS: rooms in Elderly Congregate Housing designed with sleeping and sanitary facilities, but which do not include kitchen facilities. [3-01]

RESIDENTIAL STRUCTURE: (See Dwelling Unit)

RESTRICTIVE COVENANT: A provision in a deed, or other covenant conveying real property, restricting the use of the land. [XX-XX]

RESUBDIVISION: The division or alteration of an existing subdivision. [11-12]

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. [3-91]

RIVER: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth. [12-89, 3-91]

RIVERINE: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. [6-87]

ROAD: A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles. [3-91]

ROOF SIGN: An outdoor sign which is displayed above the eaves of a building.

RUBBISH: All non-food wastes.

SALT MARSH: Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed. [6-12]

SALT MEADOW: Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common three-square occurs in fresher areas. [6-12]

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 or cable service



- a. the extension, regardless of length, will be made by the installation of 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. [6-12]

**SANITARY SEWER:** A sewer intended to only carry wastewater from homes, businesses and industries. [3-98]

**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 property line, to the nearest part of a structure, road, parking space, or other regulated object or area **as defined in this ordinance.** [6-12] [XX-XX]

**SHARED COMMUNITY SPACE:** Space designed to be used in common for the enjoyment and leisure of residents of congregate housing facilities. [3-01][6-20]

**SHARED DINING FACILITIES:** a room or rooms designed for the serving of meals to residents sitting together, plus the kitchen and ancillary facilities required for meal preparation in conjunction with Elderly Congregate Housing. [3-01]

**SHORE FRONTAGE:** The length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation. [3-91]

**SHORELAND AREA:** Land within 250 feet, horizontal distance, of the normal high-water mark of any pond, river or salt-water body.

**SHORELAND ZONE:** The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within 250 feet of the upland edge of a coastal or freshwater wetland, including all areas affected by tidal action; or within seventy-five (75) feet of the normal high-water line of a stream.[3-91] [6-12]

**SHORELINE:** The normal high-water line, or upland edge of a freshwater or coastal wetland. [6-12]

**SHORT-TERM RENTAL:** The use, control, management or operation of a legally-existing dwelling unit, in whole or in part, for dwelling, sleeping, or lodging purposes for fewer than twenty-nine (29) consecutive days and for compensation, directly or indirectly. Short-term rentals do not include motels, hotels, and bed and breakfast inns. A short-term rental does not include legally existing dwelling units that are rented no more than twice per calendar year and for less than a total of 14 days in a calendar year. [XX-XX]

SIDEWALK: A paved way for pedestrian traffic, which is constructed parallel to a road. [11-12]

SIGN: A name, identification, description, display or illustration which is affixed to, or painted or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, place, activity, person, institution, organization, or business. An outdoor sign. Markings on commercial vending machines shall not be deemed signs under this ordinance. [3-93]

SIGN AREA: The area of the smallest square, rectangle, triangle, circle or combination thereof which encompasses the lettering, numbering, picture, insignia, background, or border. The structural supports of a sign are to be excluded in determining the signable area. [3-93]

SINGLE-FAMILY DWELLING UNIT: A structure containing one (1) dwelling unit. [XX-XX]

SOLAR ENERGY-Electromagnetic Energy transmitted from the sun (solar radiation) [11-21]

SOLAR ENERGY CONVERSION SYSTEM: A solar-based energy conversion system that converts solar energy to electric or thermal energy. Facility size is measured by calculating the square footage of solar panels at maximum tilt on the ground below. [11-21]

SOLID WASTE FACILITY: Area of town owned land used for the collection and disposal of town resident solid waste. This can mean any facility authorized and approved by State laws for solid waste.

START OF CONSTRUCTION: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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. [6-87]

STORM SEWER: A sewer separate from the sanitary sewer that carries unpolluted drainage from storms, surface drains, cellar drains, foundation drains, industrial cooling water, roof leaders, sump pumps and street wash; but does not include any sanitary waste. [3-98]

**STREAM:** A free-flowing body of water from the outlet of a great pond or the point of confluence of 2 perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or joins another water body or wetland within a shoreland zone. [12-89, 3-92]

**STREET:** The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way intended for vehicular traffic. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc. [11-12]

**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 decks, patios, and satellite dishes. [6-12]

**SUBDIVISION:** The division of a tract or parcel of land as defined in Title 30-A § 4401 et. seq., as amended, including the division of a structure for commercial or industrial use.[11-12]

**SUBDIVISION PLANS - FINAL:** The final plan presented in proper form for signature by the Planning Board and for recording in the Lincoln County Registry of Deeds, as described in Section 3 (of Article VII, Subdivision Regulations).

**SUBDIVISION, MAJOR:** A subdivision containing six (6) or more lots or dwelling units, or units in a commercial development. [11-12]

**SUBDIVISION, MINOR:** A subdivision other than a major subdivision. [11-12]

**SUB-GRADE:** The shaped and compacted foundation of a road lying beneath the traveled way.

**SUBSTANTIAL DAMAGE:** 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. [3-91]

**SUBSTANTIAL IMPROVEMENT:** Any reconstruction, addition, or other improvement of a structure, the cost of which equals or exceeds 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 official 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." [3-91, 6-91]

**SUBSTANTIAL START:** Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost. [3-91]

**SUBSURFACE SEWAGE 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 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system. [6-12]

**SUSTAINED SLOPE:** A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area. [3-91]

**TAXICAB:** Any motor vehicle used or to be used for the conveyance of persons for hire from place to place within Wiscasset, or from anyplace in Wiscasset to and across the town line of any adjoining town, except a motor vehicle subject to regulation by the Maine Public Utilities Commission, and motor vehicles collecting fares by tickets or coupons sold for interstate transportation.

**TEMPORARY OR SEASONAL BUSINESSES:** Those for profit and not for profit activities in Wiscasset which operate and set up less than six months out of the year. [3-95]

**TIDAL WATERS:** All waters affected by tidal action during the maximum spring tide. [6-12]

**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 zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. [6-12]

**TINY HOME:** A living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

1. Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles;
2. Does not exceed 400 square feet in size;
3. Does not exceed any dimension allowed for operation on a public way; and

4. Is a vehicle without motor power.

A tiny home does not include a trailer, semitrailer, camp trailer, recreational vehicle, or manufactured housing. [XX-XX]

**TOTAL FLOOR AREA:** The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls plus the horizontal area of any unenclosed portions of the structure such as porches and decks but not including unfinished attics or cellars or areas where the ceiling height is less than six (6) feet. [6-12]

**TRACT OR PARCEL OF LAND:** All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel unless the road was established by the owner of land on both sides of the road. [12-89]

**TRANSPORTATION FACILITY:** The use of land, buildings or structure for uses such as but not limited to aircraft landing fields, airports and related uses, heliports, railroad yards, train stations, bus stations and terminals, intermodal facilities, truck terminals and port facilities. [6-12]

**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" 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. [3-91]

**TWO-FAMILY DWELLING:** A detached building where not more than two dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common basement. [XX-XX]

**UNDOMESTICATED ANIMAL:** A mammal considered to be wild by the Department of Inland Fisheries and Wildlife. [3-97]

**UNDUE HARDSHIP** is defined (in Article I, Section 5.3.2.c.) by the following criteria:

- \* That the land in question cannot yield a reasonable return unless a variance is granted; and,
- \* That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
- \* That the granting of a variance will not alter the essential character of the locality; and

\*That the hardship is not the result of action taken by the applicant or a prior owner.

UNDUE WATER POLLUTION is defined by the State of Maine Primary Drinking Water Standards in groundwater and surface water at any existing or planned well sites within the subdivision; or at waterbodies and wetlands wholly, or partially within the subdivision as defined appropriately in the Subsurface Wastewater Disposal Rules (Chapter 241, State Plumbing Code), in the State Protection of Natural Resources Act (Section 480-B), and in the permit requirements of the Army Corps of Engineers pursuant to Section 404 of the Federal Clean Water Act; or at any point on the boundary of the subdivision. Whether or not pollution will occur shall be determined by hydrogeologic studies utilizing site-specific hydrogeologic, soils, and test data including background nitrate-nitrogen levels, and performed by professionals certified by the State to make such studies; [3-89]

UPLAND EDGE OF A WETLAND: The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. 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. [6-12]

URBAN AREA: The Compact Area indicated on the compact area map of Wiscasset published by the Maine Department of Transportation and dated 1976, a copy of which is made a part of this ordinance. [6-83]

VARIANCE: A grant of relief by a community from the terms of a floodplain management regulation. [6-87]

VEGETATION: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 above ground level. [3-91]

VELOCITY ZONE: An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. [6-12]

VIOLATION: The failure of a structure or other development to fully comply with a community's floodplain management regulations or ordinance. [6-87]

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

**VOLUME OF A STRUCTURE:** (This definition applies only in Shoreland Districts A, B, & C.). The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof. [3-91]

**WALL SIGN:** an outdoor sign which is attached flat to, painted on or pinned away from the wall and does not project more than 18 inches from the wall.

**WALL SIGN AREA:** the area of the facade of a building up to the roof line, excluding windows, doors, and major architectural features.

**WAREHOUSING:** The storage, deposit or stocking of merchandise or commodities in a structure or room. [6-12]

**WASTE MATERIALS:** Garbage and rubbish.

**WATER BODY:** any great pond, river, stream or tidal area. [3-91]

**WATERCRAFT:** any type of vessel, boat, barge, float or craft used or capable of being used as a means of transportation other than a seaplane. [3-94]

**WATER CROSSING:** Any project extending from one bank to the opposite bank of a river or stream, whether under, through or over the water course. Such projects include but 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. [3-91, 6-12]

**WETLAND:** A freshwater or coastal wetland. [3-91]

**WETLANDS ASSOCIATED WITH GREAT PONDS AND RIVERS:** Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river. [3-91]

**WOODY VEGETATION:** Live trees or woody, non-herbaceous shrubs. [6-12]



## ARTICLE II - BUILDING LAWS [6-2021]

## 1. BUILDING PERMITS

## 1.1 PERMITS ARE REQUIRED

1.1.1 Whoever intends to erect a building or structure, or locate a mobile home, or change the outside dimensions of a building or structure, make structural changes or repairs or do other work to a building or structure that requires compliance with specific state or federal codes or town ordinances, shall not begin until the Code Enforcement Officer has issued a building permit. The Code Enforcement Officer shall issue a building permit only if he has received a building permit application form stating the exact location, dimensions, height and other sufficiently detailed plans and specifications to enable him to determine that the proposed work will comply with applicable town ordinances, the Maine Universal Building and Energy Code (MUBEC) and other state and federal laws and building codes. Copies of all Building permits shall be on file at the Town Office in the Town Clerk's files and shall be available to the public during the clerk's working hours. [3-02, 6-12, 06-21]

1.1.2 No building permit is required for repairs, and/or maintenance, on existing buildings or structures such as, but not limited to: painting; replacement of rotten or weak wood or stonework, brickwork or masonry; replacement of doors or windows; replacement of siding or fire-resistant roofing; replacement of gutters, storm windows or blinds, so long as plumbing is not involved and no building permit is required pursuant to the immediately preceding paragraph. [6-86]

## 1.2 PERMIT FEES [3-99] [06-22]

1.2.1 The fees for building permits shall be set by the Town of Wiscasset Fee Schedule.

## 1.3 ADDITIONAL REGULATIONS

1.3.1 Advance notice of construction, land modification, waste disposal, underground tank installation or removal, or any other activities regulated by the State under the statutes and regulations listed below shall be made to the Code Enforcement Officer, who shall approve such activities on receipt of a copy of the State required permits, registrations, or licenses if Town Ordinances do not apply. If Town Ordinances do apply, necessary Town procedures and approvals shall also be required. [3-90, 3-02]

- \* Site Location Development Act (Title 38, MRSA Sections 481-490).
- \* Natural Resources Protection Act (Title 38, MRSA Sections 480 A-S).
- \* Underground Oil Storage Facilities and Groundwater Protection (Title 38, MRSA Sections 561-570G).
- \* Solid Waste Management Regulations (06-96 CMR Chapters 400-409).

Note: The above statutes and regulations include the latest rules adopted in due course by the appropriate agencies. Especially important are the rules and regulations pertaining to underground tanks, Maine Department of Protection regulation 006-096 Chapter 691 of 16 September 1991 and subsequent revisions as authorized by Title 38, MRSA Section 561 and following. [6-92, 3-02]

1.3.3 All building permits shall be void unless work thereunder is commenced within one year from the date of issue. A building permit is valid for one year and must be renewed by the Code Enforcement Officer at the end of one year at no additional cost to the applicant. [3-69, 6-86]

1.3.4 All building permits shall be displayed in a conspicuous place on the premises, and shall not be removed until all work covered by the permit has been approved. [3-69]

## 2. LOT SIZE AND SETBACK REQUIREMENTS

Throughout this section, whenever "mobile home" or "mobile home park" is referred to, also see 30-A MRSA 4358.

2.1 The minimum lot size requirement shall be met for each dwelling unit located on a parcel of land with the following exceptions:

2.1.1 Two family homes shall be subject to the same minimum lot size requirement as a single-family dwelling;

2.1.2 Elderly Congregate Housing shall conform to section 2.8 of this ordinance. [3-69, 3-70, 7-73, 6-83, 3-85, 3-86, 12-89, 3-90, 3-01, 3-02, 6-12][6-20]

2.1.3 Congregate Housing shall conform to section 2.8 of this ordinance.[6-20]

2.1.4 An affordable housing development approved on or after July 1, 2024 shall conform to Section 2.9 of this ordinance [XX-XX]

- 2.2 No structure situated on a lot will be within ten feet of the adjoining property lines except in the Village 1 District and the Village Waterfront District. [6-83, 3-98, 6-12]
  
- 2.3 Except in the Village 1 District and the Village Waterfront District, **where no parking minimum exists**, each lot shall provide **adequate** off-street parking as required in §2.3.1 and meet the size requirements described in §2.3.2. [6-83, 3-90, 3-02, 6-12, X-XX]

2.3.1 Off-Street Parking Schedule

Use	Number of Required Spaces
<b>Residential Uses</b>	
Dwelling Unit*	2 per dwelling unit
<b>Institutional Uses</b>	
Assembly	1 per 300 square feet of total floor area
School	1 per 3.5 seats in assembly rooms plus 1 per faculty member
<b>Commercial Uses</b>	
Health Club	1 per 100 square feet of total floor area
Hotel/Motel	1 per sleeping unit plus 1 per 500 square feet of common area
Medical Office	1 per 200 square feet of total floor area
Office	1 per 300 square feet of total floor area
Restaurant	1 per 100 square feet of total floor area
Retail	1 per 200 square feet of total floor area
<b>Industrial Uses</b>	
Manufacturing/Warehouse	1 per 500 square feet of total floor area
Other Uses	Sufficient spaces to accommodate the normal parking demand as determined by the Planning Board
*No additional parking space is required for an accessory dwelling unit (ADU) located on a lot that contains a single-family dwelling.	

2.3.2 The minimum size of parking spaces shall conform to the requirements of Section 9.C.3 of Article VIII, *Site Plan Review*, except that at least twenty (20) percent of the spaces shall be a minimum of ten (10) feet wide and twenty (20) feet long unless the Planning Board finds that it is clearly demonstrated that smaller parking spaces are appropriate. The larger spaces shall be identified by appropriate signage or pavement markings.

2.4 UNDERSIZED LOTS

2.4.1 See Article VI, Sections 5 & 6, Non-conformance. [6-12]

2.5 Schedule of Dimensional Requirements

	<i>Village 1</i>	<i>Village 2</i>	<i>Residential</i>	<i>Route 1 Commercial</i>	<i>Nequasset Watershed</i>	<i>Rural</i>
Minimum Lot Size	<i>None</i>	<i>1 Acre<sup>1</sup></i>	<i>1 Acre</i>	<i>1 Acre</i>	<i>1 Acre</i>	<i>1 Acre<sup>2</sup></i>
Road Setback	<i>None</i>	<i>10 ft.</i>	<i>10 ft.</i>	<i>75 ft<sup>3</sup></i>	<i>10 ft.</i>	<i>10 ft.</i>
Side, Rear Setbacks	<i>None</i>	<i>10 ft.</i>	<i>10 ft.</i>	<i>10 ft.</i>	<i>10 ft.</i>	<i>10 ft.</i>

1. 20,000 square feet with public water and sewer;
2. In the Rural Districts no business shall be built, placed or maintained upon a lot unless there is a ratio of at least 2 acres per business, except that if every business on the lot is served by Town water and Town sewer, the minimum ratio shall be one acre per business. For purposes of this section, each separate business tenant within a single structure shall constitute a separate business. When two or more uses are made of a particular lot, the lot size requirement for that lot shall equal the sum of the lot size requirements for each use treated individually; for example, the lot size requirement for a business and a single family dwelling unit on a single lot in the Rural District shall be a minimum of 3 acres of land.
3. Stairs, ramps, decks and enclosed porches not greater than 64 square feet in area may be located within said road setback zone as long as they are more than 60 feet from the centerline and meet all other sideline setback requirements. Those buildings and structures (established as of the effective date of this ordinance) which are closer to the road and which meet all other sideline setback requirements can be extended along but not closer to the road.

2.6 For the purpose of determining how many units may be placed on any parcel the lot size shall include the total area less any area which encompasses wetlands, 100 year floodplains, State designated wildlife protection areas, access roads, and paved parking areas for public use. [3-90]

2.7 In the Village 1 District, the lot owner is required to provide at least 1.5 on-site off-street parking spaces for each residential unit, unless approved otherwise by the Planning Board. However, this requirement shall not apply to residential units

located inside buildings existing as of March 10, 1990, if provision of the required amount of on-site off-street parking is not feasible; in that case, the owner is required to provide as much on-site off-street parking as feasible. [3-90, 3-98, 6-12]

- 2.8 The net residential density for Elderly Congregate Housing and for Congregate Housing shall be no more than one housing unit per three thousand (3000) square feet of acreage with a minimum of five acres. The property on which any congregare housing is to be developed must be served by the Town's water and sewer districts. The total area of open space shall equal or exceed the area used for the total footprint of all buildings associated with Elderly Congregate Housing. Congregate Housing is not allowed in the Shoreland districts.[3-01][6-20]

2.9 AFFORDABLE HOUSING DEVELOPMENT DENSITY BONUS

2.9.1 In accordance with 30-A MRSA §4364, an automatic density bonus for certain affordable housing developments approved on or after July 1, 2024, shall apply to lots in zoning districts that have adopted density requirements, as described herein. For purposes of this section, the Planning Board shall verify that the development:

2.9.1.1 Is an affordable housing development as defined in this ordinance and by 30-A M.R.S. §4364(1);

2.9.1.2 Is in a designated growth area pursuant to 30-A MRSA §4349-A(1)(A) or (B) or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system;

2.9.1.3 Is located in an area in which multifamily dwellings are allowed per this ordinance;

2.9.1.4 Complies with minimum lot size requirements; and

2.9.1.5 Owner provides written verification that each unit of the housing development is proposed to be connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:

2.9.1.5.1 If a housing unit is connected to public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

2.9.1.5.2 If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

2.9.1.5.3 If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit.

2.9.1.5.4 If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

2.9.2 Long-Term Affordability: Prior to granting a certificate of occupancy or other final approval of an affordable housing development, the owner of the affordable housing development shall execute a restrictive covenant that is enforceable by a party acceptable to the municipality; and record the restrictive covenant in the appropriate registry of deeds to ensure that for at least thirty (30) years after completion of construction.

2.9.2.1 For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy.

2.9.2.2 For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

2.9.3 Density Bonus: If the requirements of Section 2.9.1 and 2.9.2 are met, the affordable housing development shall be granted:

2.9.3.1 A dwelling unit density of 2.5 times the base density that is otherwise allowed in that District. If fractional results occur when calculating the density bonus in this subsection, the number of units is rounded down to the nearest whole number.

2.9.3.2 A reduction in parking requirements to no more than two (2) off-street parking spaces for every three (3) dwelling units of the affordable housing development. If fractional results occur when calculating the density bonus in this subsection, the number of parking spaces is rounded up to the nearest whole number.

~~2.9~~ 2.10 HOOK-UP REQUIREMENT IN THE COMMERCIAL DISTRICT

~~2.9.1~~ 2.10.1 All Structures built or placed in the Commercial District after August 19, 2003 shall be hooked up to town water if they require water service and shall be hooked up to town sewer if they require sewer service, except that these requirements shall not apply to residential structures which are setback more than 250 feet from the northwesterly sideline of US Route #1.[9-03]

~~2.10~~ 2.11 HOTELS AND MOTELS [3-95]

2.11.1 Owners of all hotels and motels shall provide at least one on-premises, off-street parking space per rental unit. Such parking shall conform to the requirements of Article VIII Section 6.8 and shall be approved by the Wiscasset Planning Board. [3-95, 9-03]

~~2.11~~ 2.12 HOME OCCUPATIONS [3-95]

~~2.11.1~~ 2.12.1 A "home occupation" is a business or profession, which is carried on, in a dwelling unit, or other structure accessory to a dwelling unit, by a person residing in the dwelling unit. Home occupations shall not be considered in determining the minimum lot size requirements for the use or uses made of any lot.

~~2.11.2~~ 2.12.2 Any person may carry on one or more home occupations in any zoning district, provided:

- a. Such use or uses does not involve any modification of the dwelling unit, which will alter its outward appearance as a dwelling unit discernible from a public way;
- b. There is no outside storage of materials used in, or products resulting from, the home occupation discernible from a public way;
- c. The occupation does not generate noise, noxious odors, glare, vibrations, nor electrical interference beyond levels noted before the occupation existed and as discerned from abutting properties or from a public way;



- d. If the home occupation consists of renting rooms, whether as a bed and breakfast or otherwise, the owner must provide at least one off-street parking space on private property per rental unit. If more than seven rooms are rented, the business owner must comply with the requirements for Hotels and Motels.
- e. The occupation is registered with the Town Clerk in accordance with Article X Section 7.

### ~~2.12~~ 2.13 CERTIFICATE OF OCCUPANCY

~~2.12.1~~ 2.13.1 The Code Enforcement Officer must issue a certificate of occupancy before any residential or non-residential structures, buildings, accessory outbuildings or lands which required Planning Board or Appeals Board approval are occupied for that use for which the approval was given. The Code Enforcement Officer shall issue the certificate when the Code Enforcement Officer determines that the structure, building, accessory outbuilding or land, and the occupancy thereof, comply with the provisions of Wiscasset's Ordinances and with all provisions of any order by the Planning Board or Appeals Board. [3-95, 06-21]

~~2.12.2~~ 2.13.2 The Code Enforcement Officer may issue a temporary certificate of occupancy for all or part of a residential or non-residential building or structure, or for one or more nonresidential buildings or structures which are part of a larger development, provided the Code Enforcement Officer determines that such temporary occupancy would not jeopardize life or property. Any temporary certificate of occupancy shall state on its face the date on which the temporary certificate expires. The temporary certificate shall be issued for no longer than twelve months. The temporary certificate may not be renewed. After a temporary certificate expires, the non-residential building or structure for which the temporary certificate was issued shall not be occupied until The Code Enforcement Officer issues a certificate of occupancy. [3-95, 3-97, 06-21]

~~2.12.3~~ 2.13.3 The Code Enforcement Officer shall maintain a public record of all certificates of occupancy which the Code Enforcement Officer issues. [3-95]

~~2.12.4~~ 2.13.4 Failure to obtain a Certificate of Occupancy shall constitute a violation of Wiscasset's Ordinances and shall subject the appropriate persons or entities to all of the provisions of 30-A MRSA 4452 as the same maybe amended from time to time. [3-95]

~~2.12.5~~ 2.13.5 This provision is in addition to the Certificate of Compliance for special flood hazard areas found in Miscellaneous Ordinances (Article X). [3-95]

**FOR 12/19/2023 TOWN OF WISCASSET SELECT BOARD MEETING**

\*Except that franchise signage existing as of the date of enactment of this section may be replaced by other franchise signage as long as the area of franchise signage is not increased.

- 8.4 Buffering for Village 2.  
The following shall apply to Village 2 only:

Non-residential buildings in Village 2 that are developed on lots adjacent to lots in residential use shall be adequately buffered and screened. The buffering and screening required under this section is such buffering or screening as the Code Enforcement Officer or Planning Board, as the case may be, deems necessary to protect all adjacent residential uses from adverse impacts from noise, odor, glare, dust, vibration, or visual impacts materially impairing the quiet and beneficial use and enjoyment of the residential uses. These measures can include, but are not limited to, a landscaped buffer strip provided to create a visual screen between the uses. Where no natural vegetation can be maintained or due to varying site conditions, the landscaping screen may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffering and screening shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking and waste collection areas. Where a potential safety hazard to small children would exist, physical screening or barriers shall be used to deter entry to such premises. The buffer areas and screens shall be maintained and vegetation replaced to insure continuous year-round screening. All exterior lighting fixtures shall be of such a design to shield the affixed light bulb from sight beyond the property boundaries, and so designed to minimize light emissions visible from neighboring properties except illumination generated from sources directly associated with emergency operations on the site.

9. **DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS [XX-XX]**

9.1 One (1) accessory dwelling unit may be located in any District on any lot where a single-family dwelling unit is the principal unit.

9.2 Accessory dwelling units shall comply with the setbacks described in Article II, section 2.5.

9.3 An accessory dwelling unit shall be exempt from density and minimum lot area requirements.

9.4 An accessory dwelling unit shall be constructed only:

9.4.1 Within an existing dwelling unit on the lot;

9.4.2 Attached to a single-family dwelling unit; or

9.4.3 As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

**FOR 12/19/2023 TOWN OF WISCASSET SELECT BOARD MEETING**

9.5 An accessory dwelling unit shall not be subject to any additional off-street parking requirements beyond the off-street parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

9.6 An accessory dwelling unit shall be a minimum of 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.

9.7 In the Village I, Village II, and Village Waterfront Districts an accessory dwelling unit shall be no larger than 40% of the finished and heated portion of the single-family dwelling on the parcel, up to 1,000 square feet, whichever is less. No maximum size for an accessory dwelling unit is required in all other Districts, so long as the unit is smaller than the finished and heated portion of the single-family dwelling unit on the parcel.

9.8 Prior to obtaining a building permit from the Code Enforcement Officer, the owner of the accessory dwelling unit shall provide written verification that the proposed unit is to be connected to adequate water and wastewater services. Written verification shall include the following:

9.8.1 If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to supply any additional flow created by the unit and proof of payment for the connection to the sewer system;

9.8.2 If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;

9.8.3 If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

9.8.4 If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well shall indicate that the water supply is potable and acceptable for domestic use.

9.9 Accessory dwelling units must comply with shoreland zoning and subdivision laws. This ordinance should also not be construed to interfere with, abrogate or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction,

**FOR 12/19/2023 TOWN OF WISCASSET SELECT BOARD MEETING**

or other agreement or instrument between private parties that imposes greater restrictions than those provided in this ordinance, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

9.10 A property owner may construct an accessory dwelling unit under this Section or utilize the dwelling unit allowance under Article VI, Section 10. They shall not be allowed to take advantage of the allowances of both Section 9 and Section 10.

10. DWELLING UNIT ALLOWANCE [XX-XX]

Beginning July 1, 2024, multiple dwelling units may be constructed on lots where housing is allowed, subject to the following requirements.

10.1 If a lot does not contain an existing dwelling unit, up to four (4) units shall be allowed per lot if the lot is located in an area in which housing is allowed and is located within a designated growth area identified in the current Wiscasset Comprehensive Plan. The four (4) dwelling units may be either within on structure or separate structures.

10.2 If a lot does not contain an existing dwelling unit and does not meet 10.1 above, up to two (2) dwelling units per lot located in an area in which housing is allowed. The two (2) dwelling units may be either within one structure or separate structures.

10.3 If a lot contains an existing dwelling unit, up to two (2) additional dwelling units may be allowed in the following configurations:

10.3.1 One within the existing structure or attached to the existing structure;

10.3.2 One detached from the existing structure; or

10.3.3 One of each.

10.4 If a lot contains two existing dwelling units, no additional dwelling units may be built on the lot.

10.5 If more than one dwelling unit has been constructed on a lot as are result of this Section, the lot is not eligible for any additional units or increases in density using this provision or the provisions established under Article VI, Section 9.

10.6 If a lot with a dwelling unit in existence prior to July 1, 2024 is torn down and an empty lot results, for the purposes of this Section, the lot shall still be considered developed and Section 10.3 would be applicable.

10.7 Dimensional, lot area, and setback requirements established under Article II of this ordinance shall apply to each dwelling unit on the lot.

**FOR 12/19/2023 TOWN OF WISCASSET SELECT BOARD MEETING**

- 10.8 Prior to obtaining a building permit from the Code Enforcement Officer, the owner of the dwelling unit(s) shall provide written verification that the proposed unit is to be connected to adequate water and wastewater services. Written verification shall include the following:
- 10.8.1 If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
  - 10.8.2 If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.
  - 10.8.3 If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
  - 10.8.4 If a housing structure is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
- 10.9 Regulations established in Article VI, Section 10 shall not supersede private, state or local standards which may be more restrictive, including but not limited to, homeowners' association regulations, deed restrictions, septic requirements, shoreland zoning, and subdivision law.
- 10.10 Housing structures developed under this Section 10 must comply with shoreland zoning and subdivision laws. This ordinance should also not be construed to interface with, abrogate or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction, or other agreement or instrument between private parties that imposes greater restrictions than those provided in this ordinance, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

**FOR 12/19/2023 TOWN OF WISCASSET SELECT BOARD MEETING**

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**SUMMARY OF PERMITTED USES**

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Schedule of Uses- Land Use Matrix

1. Activity categories. The various land uses contained in the matrix are organized into the following activity classifications: Open Space; Residential; Institutional; Commercial; Industrial; and Other.

2. Symbols used in schedule of uses. The following symbols contained in the Schedule of Uses have the following meanings:

- Yes - No permit required (must comply with land use standards)
- CEO - Permitted uses which require a building permit or other type of permit from the Code Enforcement Officer
- PB - Uses requiring approval from the Planning Board in accordance with the requirements of Article VIII, Site Plan Review.
- 1,2, etc. - Numbers adjacent to letter symbols refer to notes at the end of the Schedule of Uses which contain additional requirements.
- Blank - Not permitted

3. Matrix

Use	Districts					
	Village 1 <sup>1</sup>	Village 2 <sup>1</sup>	Residential	Commercial	Rural	Nequasset Watershed <sup>5</sup>
<b>Open Space Uses</b>						
Community garden, greenhouse, nursery or similar agricultural use		CEO	CEO	CEO	CEO	CEO
Agriculture		PB	PB	PB	PB	PB
Park, playground	Yes	Yes	PB	PB	PB	PB
Parking lot	Yes <sup>3</sup>	Yes <sup>3</sup>		PB <sup>3</sup>	PB <sup>3</sup>	PB <sup>3</sup>
Public park	Yes	Yes	PB	PB	PB	PB
Campgrounds, commercial					PB	PB
Cemeteries					PB	PB
Confined feeding operations					PB	PB
Storage of fishing, clamming and similar gear			Yes	Yes	Yes	Yes
Golf course/driving range				PB	PB	PB
Commercial outdoor recreation				PB	PB	PB
Aquaculture					PB	PB

## FOR 12/19/2023 TOWN OF WISCASSET SELECT BOARD MEETING

Use	Districts					
	Village 1 <sup>1</sup>	Village 2 <sup>1</sup>	Residential	Commercial	Rural	Nequasset Watershed <sup>5</sup>
<b>Residential Uses</b>						
Single-family dwelling	CEO	CEO	CEO	CEO	CEO	CEO
Accessory dwelling unit <sup>9,10</sup>	CEO	CEO	CEO	CEO	CEO	CEO
Two-family dwelling	CEO	CEO	CEO	CEO	CEO	CEO
Multi-family dwelling for 3 or more families	PB	PB	PB <sup>4</sup>	PB	PB	PB
Affordable housing development <sup>11</sup>	PB	PB	PB <sup>4</sup>	PB	PB	PB
Renting of rooms in a private dwelling		Yes <sup>2</sup>	Yes	Yes	Yes	Yes
Home occupation	CEO	CEO	CEO	CEO	CEO	CEO
Planned residential development			PB	PB	PB	PB
Open space (cluster) subdivision			PB	PB	PB	PB
Mobile home park					PB	PB
Congregate Housing	PB <sup>7</sup>	PB <sup>7</sup>	PB <sup>7</sup>	PB <sup>7</sup>	PB <sup>7</sup>	No
<b>Institutional Uses</b>						
Charitable or educational institution	PB	PB	PB <sup>4</sup>	PB	PB	PB
Church, parish house	PB	PB	PB	PB	PB	PB
Clinic, medical or dental	PB	PB <sup>2</sup>	PB <sup>4</sup>	PB	PB	PB
Convalescent or rest home, nursing home or elderly congregate housing	PB	PB <sup>2</sup>	PB <sup>4</sup>	PB	PB	PB
Day nursery		PB <sup>2</sup>	PB <sup>4</sup>	PB	PB	PB
Day care facility		PB <sup>2</sup>	PB <sup>4</sup>	PB	PB	PB
Municipal use	PB	PB	PB <sup>4</sup>	PB	PB	PB
Public Utility Installation	PB	PB	PB	PB	PB	
Group home with more than 8 residents			PB <sup>4</sup>	PB	PB	PB
Hospice	PB	PB <sup>2</sup>	PB <sup>4</sup>	PB	PB	PB
Library	PB	PB	PB <sup>4</sup>	PB	PB	PB
Museum	PB	PB	PB <sup>4</sup>	PB	PB	PB
Civic service facilities, clubhouses, social and fraternal organizations	PB	PB <sup>2</sup>	PB <sup>4</sup>	PB	PB	PB
Municipal solid waste facility					PB	PB
Social and fraternal organizations			PB <sup>4</sup>	PB	PB	PB
<b>Commercial Uses</b>						



**FOR 12/19/2023 TOWN OF WISCASSET SELECT BOARD MEETING**

Antique shop	<b>PB</b>	<b>PB<sup>2</sup></b>		<b>PB</b>	<b>PB</b>	<b>PB</b>
Convenience store	<b>PB</b>	<b>PB<sup>2</sup></b>		<b>PB</b>	<b>PB</b>	<b>PB</b>
Convenience store with fuel sales				<b>PB</b>	<b>PB</b>	<b>PB</b>
Restaurant	<b>PB</b>	<b>PB<sup>2</sup></b>		<b>PB</b>	<b>PB</b>	<b>PB</b>
<b>Use</b>	<b>Districts</b>					
	<b>Village 1<sup>1</sup></b>	<b>Village 2<sup>1</sup></b>	<b>Residential</b>	<b>Commercial</b>	<b>Rural</b>	<b>Nequasset Watershed<sup>5</sup></b>
Restaurant with drive-thru				<b>PB</b>	<b>PB</b>	<b>PB</b>
Drinking establishment	<b>PB</b>			<b>PB</b>	<b>PB</b>	<b>PB</b>
Funeral home		<b>PB<sup>2</sup></b>		<b>PB</b>	<b>PB</b>	<b>PB</b>
Hotels, motel	<b>PB</b>			<b>PB</b>	<b>PB</b>	<b>PB</b>
Marina, boatyard					<b>PB</b>	<b>PB</b>
Marine research facility	<b>PB</b>				<b>PB</b>	<b>PB</b>
Offices	<b>PB</b>	<b>PB<sup>2</sup></b>	<b>PB<sup>4</sup></b>	<b>PB</b>	<b>PB</b>	<b>PB</b>
Professional building	<b>PB</b>	<b>PB<sup>2</sup></b>	<b>PB<sup>4</sup></b>	<b>PB</b>	<b>PB</b>	<b>PB</b>
Recreational use such as a bowling alley, theater, dance hall	<b>PB</b>			<b>PB</b>	<b>PB</b>	<b>PB</b>
Retail business unless otherwise listed	<b>PB</b>	<b>PB<sup>2</sup></b>		<b>PB</b>	<b>PB</b>	<b>PB</b>
Retail and wholesale outlet				<b>PB</b>	<b>PB</b>	<b>PB</b>
Service establishment such as a bank, barbershop, tailor, Laundromat	<b>PB</b>	<b>PB<sup>2</sup></b>		<b>PB</b>	<b>PB</b>	<b>PB</b>
Adult bookstore/adult video store				<b>PB</b>	<b>PB</b>	<b>PB</b>
Adult entertainment facility				<b>PB</b>	<b>PB</b>	<b>PB</b>
Airports					<b>PB</b>	<b>PB</b>
Bed and breakfast	<b>PB</b>	<b>PB</b>		<b>PB</b>	<b>PB</b>	<b>PB</b>
Race track					<b>PB</b>	<b>PB</b>
Farm market/farm stand	<b>PB</b>	<b>PB</b>		<b>PB</b>	<b>PB</b>	<b>PB</b>
Grocery store	<b>PB</b>	<b>PB<sup>2</sup></b>		<b>PB</b>	<b>PB</b>	<b>PB</b>
Kennel/Dog daycare				<b>PB</b>	<b>PB</b>	<b>PB</b>
Small engine repairs	<b>PB</b>	<b>PB<sup>2</sup></b>		<b>PB</b>	<b>PB</b>	<b>PB</b>
Vehicle body shops				<b>PB</b>	<b>PB</b>	<b>PB</b>
Vehicles sales and/or service	<b>PB</b>			<b>PB</b>	<b>PB</b>	<b>PB</b>
Auction barn				<b>PB</b>	<b>PB</b>	<b>PB</b>
Boat building and repair				<b>PB</b>	<b>PB</b>	<b>PB</b>
Veterinary clinic	<b>PB</b>	<b>PB<sup>2</sup></b>		<b>PB</b>	<b>PB</b>	<b>PB</b>
Shopping center				<b>PB</b>	<b>PB</b>	<b>PB</b>
Redemption center				<b>PB</b>	<b>PB</b>	<b>PB</b>

## FOR 12/19/2023 TOWN OF WISCASSET SELECT BOARD MEETING

Recycling facility					PB	PB
Transportation facilities	PB				PB	PB
Spas, health clubs	PB	PB <sup>2</sup>			PB	PB
Indoor/outdoor boat storage					PB	PB
<b>Use</b>	<b>Districts</b>					
	<b>Village 1<sup>1</sup></b>	<b>Village 2<sup>1</sup></b>	<b>Residential</b>	<b>Commercial</b>	<b>Rural</b>	<b>Nequasset Watershed<sup>5</sup></b>
Agricultural/lawn equipment sales and service	PB			PB	PB	PB
Lumber yard				PB	PB	PB
Solar Energy Systems <b>greater than 4,200 sq. ft.</b>					PB	
<b>Roof-mounted solar systems serving a single-family residence and ground mounted solar systems less than 4,200 sq. ft.</b>	<b>CEO</b>	<b>CEO</b>	<b>CEO</b>	<b>CEO</b>	<b>CEO</b>	<b>CEO</b>
Adult/Medical Use Cannabis Stores				PB <sup>8</sup>	PB <sup>8</sup>	
Adult/Medical Cannabis Cultivation, Manufacturing, Testing Facilities					PB	
<b>Industrial Uses</b>						
Gravel pits					PB	PB <sup>6</sup>
On-site manufacturing				PB	PB	PB
Trucking/distribution terminal					PB	PB
Industrial					PB	PB
Light industrial					PB	PB
Abattoir					PB	PB
Auto graveyards/junkyards					PB	PB
Bottling facility					PB	PB
Breweries and distilleries				PB	PB	PB
Microbreweries and brew pubs	PB			PB	PB	PB
Hazardous materials manufacturing/storage/distribution				PB	PB	PB
Sawmills				PB	PB	PB
Research laboratories				PB	PB	PB
Warehousing				PB	PB	PB
<b>Other Uses</b>						
Essential services	<b>CEO</b>	<b>CEO</b>	<b>CEO</b>	<b>CEO</b>	<b>CEO</b>	<b>CEO</b>

**FOR 12/19/2023 TOWN OF WISCASSET SELECT BOARD MEETING**

Essential service buildings	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>
Uses similar to use requiring permit from the CEO	<b>CEO</b>	<b>CEO</b>	<b>CEO</b>	<b>CEO</b>	<b>CEO</b>	<b>CEO</b>
Uses similar to use requiring Planning Board approval	<b>PB</b>	<b>PB</b>	<b>PB<sup>4</sup></b>	<b>PB</b>	<b>PB</b>	<b>PB</b>

- (1) See Article VI Section 8 for Development Standards related to new construction requirements for Village 1, Village 2, and Village Waterfront District.
- (2) Uses must be located entirely within 500 feet of the centerline of Routes 1 or 27 and on lots that directly abut or have direct legal access to Routes 1 or 27. Said access to Routes 1 or 27 must serve as the only access for the use except the Planning Board, pursuant to Site Plan Review, may allow access to be located on a less traveled road. New buildings shall not exceed 6,500 square feet in total floor area.
- (3) Proposals to pave, strip, grade, or remove earth materials from areas of more than 10,000 square feet within a five-year period shall receive site plan review.
- (4) Permitted uses provided buildings are not more than 3 stories in height, and are of the same general architectural appearance as existing buildings in the immediate neighborhood, and provided there are adequate off-street parking areas for the normal amount of vehicles expected to be used by inhabitants, clients and employees.
- (5) All streams in the Nequasset Lake watershed shall be protected by state shoreland regulations extended to the uppermost source of each stream. Public sewer lines, public waterlines, and municipal sewage treatment plants are not permitted.
- (6) Permitted per State Regulations.
- (7) Not allowed in Shoreland districts. [6-20]
- (8) All cannabis stores shall be limited to the Commercial District from Route 1 from Birch Point Road to the Woolwich town line and I the rural zone on Gardiner Road between Foye Road and the Dresden town line [6-23, 11-23]
- (9) Refer to Article VI, Section 9 for Development Standards for Accessory Dwelling Units.
- (10) A property owner may construct an accessory dwelling unit under Article VI, Section 9 or utilize the dwelling unit allowance under Article VI, Section 10. They shall not be allowed to take advance of the allowances of both Section 9 and Section 10.
- (11) In accordance with Article II, Section 2.9