



Town of Topsham, Maine
100 Main Street
Topsham, Maine 04086
www.topshammaine.com
Codes Enforcement Office
PH (207) 725-1723/ FX (207)725-1737

How Can I Use My Property?

The local Zoning regulates the type of activities that can be on the land, these activities are called “Land Uses”. To determine what land uses are permitted on your land, first you will need to know what zone the land is located in, next see the Table of Use Regulations and view the column associated with the zone the land is in, then check the definitions to see if the use is defined (a use not defined goes by its common meaning).

To find your Zone:

- Go to the Town website; <http://www.topshammaine.com/> , click tabs Department – Planning and Development – Maps. In the Topsham, ME Parcel Viewer, click the magnifying glass symbol in the upper left of the viewer, type in your address and select it. Next click the layers symbol in the very top left corner of the viewer, select zoning-general; this will show the zone the land is located in.
- Option #2: From the same Maps page, scroll down and click the “2015 Official Zoning Map” tab. Zoom in on your lot and note the map color, this represents the zone your lot is in; there is a color key on the map.

ZONING

225 Attachment 1

Town of Topsham

Table of Use Regulations

[Amended 11-17-1992 STM, Art. 2; 5-18-1994 STM, Art. 19; 5-15-1996 STM, Art. 31; 1-30-1997 STM, Art. 8; 5-21-1997 STM, Art. 31; 11-18-1997 STM, Art. 6; 11-18-1997 STM, Art. 8A; 5-19-1999 STM, Art. 13; 5-17-2000 STM, Art. 15; 5-20-2004 STM, Art. 17; 5-24-2006 STM, Art. 11; 5-24-2006 STM, Art. 14; 5-24-2006 STM, Art. 15; 12-13-2006 STM, Art. 9; 5-24-2007 STM, Art. 15; 1-23-2008 STM, Art. 3; 11-13-2008 STM, Art. 6; 11-13-2008 STM, Art. 8; 5-20-2009 STM, Art. 13; 5-20-2009 STM, Art. 15; 5-19-2010 STM, Art. 13; 11-2-2010 ATM, Art. 3; 2-16-2011 STM, Art. 3; 2-16-2011 STM, Art. 5; 5-15-2013 STM, Art. 14; 9-25-2013 STM, Art. 5; 5-14-2014 STM, Art. 10; 5-20-2015 STM, Art. 12; 5-18-2016 STM, Art. 12]

Land uses permitted in each zone, in conformance with the general performance standards in Article VII and, where appropriate, the specific performance standards of Article VIII, are shown in the following table:

P = Permitted use (may require site plan review)
 C = Conditional use (may require site plan review)
 X = Not permitted

Use	District																		
	R-1	R-2	R-3	CC	RCU	MUL	MUC	MUC-1	BP	CC196	I	BP2	R4	LI	VC	MV	LV	R2B	
Accessory use ⁴	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	P	P	P
Addiction treatment facility	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X	X	X
Adult entertainment establishment	X	X	X	C	X	X	C	X	X	X	X	X	X	X	X	X	X	X	X
Agriculture	X	P	P	P	P	C	P	C	C	C	C	X	X	C	X	X	X	X	X
Amusement facility	X	X	X	C	C	C	C	C ¹¹	X	X	X	C	X	C	X	X	X	X	X
Amusement park	X	X	X	C	C	C	C	C ¹¹	X	X	X	C	X	C	X	X	X	X	X
Animal husbandry	X	C	P	X	X	C	X	X	X	X	X	X	X	C	X	X	X	X	X
Aquaculture	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X
Auto sales	X	X	X	P	C	X	C	C ^{11,13}	X	C	C	X	X	C	C	X	X	X	X
Auto salvage	X	X	X	X	X	X	X	X	X	X	P	X	X	C	X	X	X	X	X
Batch plant	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X
Bed-and-breakfast	C	C	C	C	P	X	P	C ¹¹	X	C	X	X	C	C	X	X	X	X	X
Boardinghouse	C	C	C	C	P	P	P	C ¹¹	X	X	X	X	C	P	C	C	P	C	C
Boathouse	P	P	P	P	P	P	P	X	X	X	X	X	C	P	C	C	P	C	C
Bulk fuel storage	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X
Campground	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Cemetery	P	P	P	P	X	C	X	X	X	X	X	X	X	X	X	X	X	X	X
Church	P	P	P	P	P	P	P	C ¹¹	P	P	X	P ²¹							

¹ Editor's Note: This article also provides for a retroactive effective date of 4-1-2010 and states that any permit application pending before or issued by the Planning Board on or after date that does not conform to the amendments made by said Art. 3 shall be null and void.

TOPSHAM CODE

Use	R-1	R-2	R-3	CC	RCU	MUL	MUC	MUC-1	District BP	CC196	I	BP2	R4	LI	VC	MV	LV	R2B
Club	C	C	X	C	C	C	C	C ¹¹	X	X	X	C	X	P	C	X	C	C
Cogeneration of power as accessory use	X	X	X	X	X	X	X	X	X	X	P	X	X	C	X	X	X	X
Commercial composting	X	X	X	C	C	C	C	C ¹¹	C	C	X	C	X	C	C	X	C	X
Commercial recreational facility	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X
Commercial recycling, to include paper, plastic glass, metal, wood tires	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X
Concrete product manufacturing	C	C	P	P	P	P	P	C ¹¹	P	P	C	X	C	P	P	C ⁷	P	C
Day care/preschool	P	P	P	P ¹	P ⁶	P ⁵	P ¹	C ^{11,11}	X	P	X	X	P	P ²²	X ²²	P	P ²²	P
Dwelling, single-family	P	P	P	P ¹	P ⁶	P	P ¹	C ^{11,11}	X	P	X	X	P	P ²²	P ²²	P	P ²²	P
Dwelling, two-family	P	P	P	P ¹	P	P	P ¹	C ^{11,11}	X	X	X	X	P	P ²²	P ²²	P	P ²²	P
Dwelling, multifamily	P	P	P	P ¹	P	P	P ¹	C ^{11,11}	X	X	X	X	P	P ²²	P ²²	P	P ²²	P
Electrical power generation	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X
Elderly housing	P	P	P	P	P	P	P	C ¹¹	X	C	X	X	P	P	P	P	P	P
Extractive industry	X	X	C	X	X	C	X	X	X	X	P	X	X	X	X	X	X	X
Fairground	C	X	P	X	X	C	X	X	X	X	X	X	X	X	X	X	X	X
Food Processing	X	X	X	C	C	C	C	C	P	P	P	C	X	P	X	X	X	X
Forest management	P	P	P	P	P	P	P	C	P	P	C	X	X	P	P	P	P	P
Gasoline sale	X	X	X	P	P	X	C ¹⁰	X ^{11,15}	X	X	P	X	X	P	X	X	X	X
Gasoline sale	X	X	X	P	P	X	C ¹⁰	X ^{11,15}	X	X	P	X	X	P	X	X	X	X
Golf Course	X	X	P	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X
Heavy equipment repair	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Home occupation	P	P	P	P	P	P	P	P	X	P	P	X	P	P	P	P	P	P
Home occupation, major	X	C	C	P	P	P	X	X	X	C	P	X	X	P	X	X	C	C
Hospital/nursing home/congregate care	C	C	C	X	C	C	X	X ¹¹	X	X	P	C	X	P	X	X	C	C
Hotel/motel	X	X	X	C	C	C	C	C ¹¹	C	C	X	C	X	C	C	C	C	X
Inn	C	C	C	C	P	C	C	C ¹¹	X	C	X	P	X	C	C	C	C	C
Junkyard/automobile graveyard	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X
Kennel	X	X	P	X	P	C	X	X	X	X	X	X	X	X	X	X	X	X
Lab/research facility	X	X	X	C	C	C	C	C ¹¹	P	P	X	P	X	P	P	X	C	X
Manufacturing, heavy	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X
Manufacturing, light	X	X	X	C	C	C	C	C ¹¹	P	P	P	C ²⁴	X	P	X	X	C	X
Marina	X	X	C	P	P	X	P	X	X	X	P	X	X	X	X	X	P	X
Medical clinic	X	X	X	P	P	C	P	C ¹¹	P	P	X	P	X	P	P	C ⁷	P	X
Medical marijuana dispensary	X	X	X	X	X	X	C	X	C	X	X	X	X	X	X	X	X	X
Mixed-use building	p ²⁶	p ²⁶	p ²⁶	p ²⁶	p ²⁶	p ²⁶	p ^{22,26}	p ^{22,26}	p ²⁶	p ^{22,26}	p ²⁶							
Mobile food service	X	X	X	P	P	P	P	P	P	P	P	P	X	P	P	X	P	P
Museum	C	C	C	P	P	P	X	X	X	X	P	P	X	P	P	C	P	C

ZONING

Use	R-1	R-2	R-3	CC	RCU	MUL	MUC	MUC-1	District BP	CC196	I	BP2	R4	LI	VC	MV	LV	R2B
Motor vehicle services/repair	X	X	X	P	C	X	C	C ¹¹	X	C	P	X	X	C	C ¹⁹	X	X	X
Natural resource related business	X	C ⁸	C	C	P	X	P	X	X	C	P	P	X	P	C	X	X	C ⁶
Neighborhood grocery store	C	C	C	P	P	C	P	C ¹¹	X	X	P	P ²³	X	P	P ²³	X	P ²³	C
Office buildings as accessory uses	X	X	X	X	X	X	X	C ¹¹	P	P	P	P	X	P	P	X	P	X
Paper de-inking	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X
Piers, docks, wharves and uses projecting into waterbodies	P	P	P	X	X	X	X	X	X	X	P	X	X	X	X	X	X	P
Planned commercial development	X	X	X	P	P	P	P	X	P	X	P	P	X	C	P	X	P	X
Planned mixed use development	X	X	X	X	X	X	X	P	X	X	X	X	X	C	C ²²	X	X	X
Planned residential development	X	X	X	X	X	P	P	X	X	X	X	X	P	C	X	X	X	X
Printing	X	X	P	P	P	X	P	C ¹¹	C	C	P	P	X	P	P	C ⁷	P	X
Professional office	C	C	C	P	P	C	P	C ¹¹	P	P	X	P	C ⁷	P	P	C ⁷	P	X
Public facility	C	C	C	P	P	P	P	C ¹¹	P	P	C	P	P	P	P	C	P	C
Public utility facility	C	C	C	C	C	C	C	C ¹¹	C	C	C	P	P	P	P	C	P	C
Restaurant	X	X	X	P	P	P	P	C ¹¹	C	C	X	P	X	P	P	X	P	C
Restaurant, fast-food	X	X	X	P	X	X	C	X ^{11,12}	C	C	X	X	X	C	C	X	X	X
Retail business	X	X	X	P	C	C ³	C	C ^{11,12}	X ¹⁶	C ¹⁸	P	C	X	C	P	C ⁷	X	X
Reuse of an existing agricultural building for non-res. use	C	C	C	C	C	C	X	X	X	X	P	X	X	C	X	X	P	C ²⁵
Rural entrepreneurial use	X	C	C	X	X	X	X	X	X	C	P	X	X	C	X	X	X	C
Sawmill	X	X	C	X	X	X	X	X	X	C	P	X	X	C	X	X	X	C
Schools	P	P	C	P	C	C	X	C ¹¹	X	X	P	X	X	X	X	X	X	X
Seasonal retail sales	P	P	P	P	P	P	X	C ¹¹	C	C	X	X	P	P	C	C ⁷	P	X
Service business	X	X	X	P	P	P	X	X	X	X	X	P	P	P	P	P	P	C
Small wind energy conversion systems	P	P	P	P	P	P	P	C ¹¹	P	P	P	P	X	P ⁷	P	C ⁷	P	C ²⁵
Stable	X	X	P	P	C	C	X	X	X	X	P	X	X	C	X	X	X	P
Transmission tower ⁹	X	C	C	C	P	C	X	X	X	X	X	X	X	C	X	X	X	X
Trash-to-energy incinerator	X	X	X	X	X	X	X	X	C	C	P	X	X	X	X	X	X	C
Veterinary hospital	X	X	P	P	P	P	P	X	P	P	X	C	X	C	X	X	X	X
Wholesale business	X	X	X	P	C	X	P	C ^{11,14}	P	P ³	X	X	X	C	C	X	C	X
Warehousing, storage, distribution	X	X	X	C ⁶	C	X	C	C ^{11,14}	C ¹⁷	C ⁵	P	C	X	C	X	X	X	X

TOPSHAM CODE

Use	District																	
	R-1	R-2	R-3	CC	RCU	MUL	MUC	MUC-1	BP	CC-196	I	BP2	R4	LJ	VC	MV	LV	R2B
Yard sale	P	P	P	P	P	P	P	X	X	P	X	X	P	C	P	P	P	P

P = Permitted use (may require site plan review)
 C = Conditional use (may require site plan review)
 X = Not permitted

NOTES:

- 1 Permitted only on second story or above unless the use is part of a planned mixed-use development approved in accordance with § 225-60.7.
- 2 Use permitted only in conformance with cluster development provisions of § 225-43 of this chapter.
- 3 Maximum of 10,000 square feet of gross floor area per building.
- 4 An accessory use to a site plan review use shall also require a site plan review. An accessory use shall also require a conditional use permit.
- 5 Only as part of a planned residential development.
- 6 If developed in accordance with the cluster provisions of § 225-43 of this chapter, lots not fronting on Lewiston Road or Augusta Road shall be allowed with 100 feet of frontage and a front setback of 25 feet, side setback of 25 feet and a rear setback of 25 feet. Cluster development in RCU Zones shall maintain and protect the existing vegetation in all setbacks, except as otherwise provided for in this Code.
- 7 Maximum 1,250 square feet of commercial space within existing and new structures and no exterior storage and must have a facade of the scale to the majority of the residential buildings in the neighborhood. In the Middle Village and the Residential 4 Zones, shall be an accessory use to a residential use.
- 8 Maximum 5,000 square feet.
- 9 If the proposal is for collocating a tower, only CEO approval is necessary. No new towers are allowed in the R-1, BP2, R4, LJ, VC, MV and LV Zones. Collocation on existing towers or structures is allowed. The transmission towers listed in § 225-60.3B are exempt from this prohibition.
- 10 Allowed as conditional use when accessory to retail facility of at least 50,000 square feet and subject to the performance standards in § 225-44.
- 11 Notwithstanding its designation in the table, this use is a permitted use if it is part of an approved planned mixed-use development.
- 12 Retail businesses in the MUC-1 Zone are subject to the additional standards found in 225-60.8.
- 13 On lots of three (3) acres or more unless the use is part of a planned mixed-use development approved in accordance with 225-60.7.
- 14 Any individual use is limited to a maximum of 100,000 square feet of floor area.
- 15 Not more than two facilities involving the sale of gasoline may be permitted in the MUC-1 Zone.
- 16 Retail sales that are accessory to an allowed use are permitted provided that the floor area devoted to retail use including storage for the retail activity does not exceed more than ten (10) percent of the gross floor area of the building and all sales activity occurs entirely within the building.
- 17 Any individual use is limited to a maximum of 350,000 square feet of floor area.
- 18 Maximum of 6,500 square feet per use.
- 19 Permitted as an accessory use to auto sales.
- 20 Limited to 15,000 square feet per lot.
- 21 When feasible, parking must be a shared arrangement with nearby parking lots or utilize on-street parking where allowed.
- 22 Residential uses are not allowed on the first floor of buildings fronting Rt. 201 in the Lower Village, Village Center and Limited Industrial Zones. Freestanding single-family dwellings are not allowed in the Village Center Zone.
- 23 Gasoline sales are not allowed as an accessory use.
- 24 No outdoor storage of any raw materials, work product or finished products.
- 25 Limited to 3,000 square feet of total floor area.
- 26 Uses within a mixed use building are permitted when permitted in the underlying zoning district or conditional when conditional in the underlying zoning district.

ARTICLE II
Word Usage and Definitions

§ 225-5. Word usage.

- A. In the interpretation and enforcement of this chapter, all words other than those specifically defined in the chapter shall have the meaning implied by their context in the chapter or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this chapter and any map, illustration or table, the text shall control.
- B. The word "person" includes firm, association, organization, partnership, company or corporation, as well as an individual or any other legal entity.
- C. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- D. The words "shall" and "will" are mandatory, the word "may" is permissive.
- E. The word "lot" includes the words "plot" and "parcel."
- F. The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."
- G. The word "town" or "municipality" means the Town of Topsham, Maine.

§ 225-6. Definitions. [Amended 5-20-1992 ATM, Arts. 14, 18, 24; 6-1-1993 STM, Arts. 22, 24; 5-18-1994 STM, Art. 19; 5-21-1997 STM, Art. 30; 11-18-1997 STM, Art. 8A; 5-20-1998 STM, Art. 33; 5-19-1999 STM, Art. 13]

In this chapter, the following terms shall have the following meanings:

ACCESSORY USE OR STRUCTURE — A use or structure which is customarily both incidental and subordinate to the principal use or structure. The term "incidental" in reference to the principal use or structure shall mean subordinate and minor in significance to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot.

ADDICTION TREATMENT FACILITY — A facility for outpatient detoxification and treatment of narcotic dependent persons which administers or dispenses drugs used to alleviate adverse physiological or psychological effects incident to withdrawal from continuous or sustained use of a narcotic drug, including but not limited to clinics that dispense methadone in such a treatment regimen. **[Added 2-16-2011 STM, Art. 5]**

ADULT ENTERTAINMENT ESTABLISHMENT — Those businesses in any use category, a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying or otherwise dealing in materials or devices of any kind which appeal to prurient interest and which depict or describe specified sexual activities. "Specified sexual activities" include: the exposure of human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, vaginal area, pubic region, buttocks or female breasts; live nude exhibition.

AFFORDABLE HOUSING — Any housing unit/lot which is designed with the express intent of providing decent, safe, and sanitary living accommodations that are affordable to lower

income households and moderate income households, in accordance with the following definitions:[**Added 5-24-2006 STM, Art. 16**]

Very low income household is a household with a gross income less than or equal to 50% of the applicable Sagadahoc County median income.

Low income household is a household with a gross income over 50%, but less than or equal to 80%, of the applicable Sagadahoc County median income.

Moderate income household is a household with a gross income more than 80%, but less than or equal to 100%, of the applicable Sagadahoc County median income.

Sagadahoc County median income is the median family income most recently published by the U.S. Department of Housing and Urban Development for Sagadahoc County. Where appropriate to use this definition, median family income may be adjusted for family size.

Gross income includes the income of all household members from all sources.

Equity recapture. In order to maintain affordability of "affordable housing," developers/applicants are required to put in place some kind of equity recapture mechanism to discourage speculation, and encourage reasonable long term equity gains to the buyers.

AGGRIEVED PARTY — An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under: Chapter 225, Zoning; Chapter 85, Blasting; Chapter 175, Site Plan Review; Chapter 191, Subdivision Review; 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.[**Added 5-14-2014 STM, Art. 12**]

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 greenhouse products. Agriculture does not include forest management and timber harvesting activities.[**Amended 11-13-2008 STM, Art. 7**]

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

AMUSEMENT FACILITY — Any private, commercial premises which are maintained or operated primarily for the amusement, patronage or recreation of the public, containing four or more table sports, pinball machines, video games or similar mechanical or electronic games, whether activated by coins, tokens or discs, or whether activated through remote control by the management.

AMUSEMENT PARK — An outdoor commercial facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for conduct of games or sale of items and buildings for shows and entertainment.[**Added 5-20-2009 STM, Art. 15**]

ANIMAL HUSBANDRY — The keeping of any domesticated animals other than customary household pets.

APPROPRIATE — Shall refer to those changes in historic properties or landmarks or buildings, structures or sites within an historic overlay zone which are not incongruous with what is historically and architecturally significant as determined by the Commission.

APPROVED STAGE II VAPOR RECOVERY SYSTEM — A vapor recovery system that has demonstrated 95% by weight or greater Volatile Organic Compound (VOC) control efficiency by a) being a California Air Resources Board (CARB) certified system; b) being tested and approved using CARB's recognized testing method; c) meeting the requirements of equivalent testing procedures and methods approved by the Maine Department of Environmental Protection and the United States Environmental Protection Agency.

AQUACULTURE — The growing or propagation of harvestable freshwater, estuarine or marine plant or animal species.

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 insurance studies cited in § 225-25 of this chapter.

AUTOMOBILE GRAVEYARD — A yard, field or other area used as a place of storage, other than temporary storage by an establishment or place of business which is engaged primarily in doing auto body repair work for the purpose of making repairs to render a motor vehicle serviceable, for three or more unserviceable, discarded, worn out or junked motor vehicles.

AUTO SALES — The use of any building, land area or other premise for the display or sale of new or used automobiles, including but not limited to light trucks or vans, trailers or recreation vehicles, and boats. **[Added 5-17-2000 STM, Art. 15; amended 5-24-2007 STM, Art. 15]**

BACK LOT — A lot with no frontage on a public or private road, or a lot with twenty-five (25) feet of frontage on a public or private road, developed in accordance with § 225-17G.² **[Added 5-20-2004 STM, Art. 15]**

BASAL AREA — The area of cross section of a tree stem at 4 1/2 feet above ground level and inclusive of bark. **[Added 11-13-2008 STM, Art. 7]**

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year, alternately referred to as the one-hundred-year flood.

BASEMENT — The enclosed area underneath a structure, typically having a concrete floor, and the walls of which are usually part of the structure's foundation. The clear height up to the joists supporting the floor directly above is three feet or greater.

BATCH PLANT — A business engaged in the on-site preparation of ready-mix concrete and bituminous concrete conveyed for use off-site. **[Added 5-20-2009 STM, Art. 15]**

BED-AND-BREAKFAST — A single-family dwelling, built prior to 1940, in which lodging or lodging and breakfast are offered to the general public for compensation, offering no more than three bedrooms for lodging purposes.

BOARDINGHOUSE — Any residential structure where lodging and/or meals are provided for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There shall be no provisions for cooking in any individual guest room.

BOARD OF APPEALS — The Appeals Board established pursuant to § 225-68 of this Code. **[Added 5-14-2014 STM, Art. 12]**

BOATHOUSE — A nonresidential structure designed for the purpose of protecting or storing boats for noncommercial purposes.

2. Editor's Note: The former definition of "banner," which immediately followed this definition, was superseded 5-16-2012 STM, Art. 10. See now the definition of "sign, banner" in this section.

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.

BOTTLE CLUB — An establishment where no alcoholic beverages are sold, but where members, guests or customers provide their own alcoholic beverages, paying a fee or other consideration for admission or membership to the bottle club and/or for setups. Bottle clubs are amusement facilities.

BUILDING — Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or personal property.

BUILDING HEIGHT — That distance measured from the average grade at the front of the building to the highest point on the roof, excluding chimneys, spires, towers or similar accessory, uninhabited structures. **[Amended 5-21-2003 STM, Art. 12]**

BUREAU — State of Maine Department of Conservation's Bureau of Forestry. **[Added 11-13-2008 STM, Art. 7]**

CAMPGROUND — Any premises established for overnight use for the purpose of temporary camping and for which a fee is charged.

CANOPY — The more or less continuous cover formed by tree crowns in a wooded area. **[Added 11-13-2008 STM, Art. 7]**

CEMETERY — Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

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

CHURCH STRUCTURE — A structure used to conduct religious services of a legally established and recognized church and where persons regularly assemble for religious worship.

CLUB — Any voluntary association of persons organized for social, religious, benevolent, recreational, literary, scientific or political purposes, whose facilities, especially a clubhouse, are open to members and not the general public; and not generally engaged in activities customarily carried on by a business or for pecuniary gain. Such term shall include fraternities, sororities and social clubs generally.

CLUSTER DEVELOPMENT — A development by a single developer for residential, commercial, industrial (or any combination of the above) purposes, which is undertaken in a manner that treats the developed area as an entity to promote use of land, including the creation of common open space, a reduction in the size of road and utility systems and the retention of the natural characteristics of the land. Cluster development may not be used, however, to increase the overall density of development permitted in any zoning district. Cluster development shall include the term "planned unit development" and shall be laid out in accordance with the relevant provisions of this chapter and Chapter 191, Subdivision of Land.

COASTAL WETLANDS — All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables

published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.**[Amended 11-13-2008 STM, Art. 7]**

CODE ENFORCEMENT OFFICER — A person appointed by the municipal officers to administer and enforce this chapter. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector and the like, where applicable.

CO-GENERATION OF POWER AS ACCESSORY USE — A facility that has the capacity to generate more than one megawatt of electricity as part of or in conjunction with another principal use either for use on the premises or for sale. Facilities with a capacity of less than a megawatt are considered an accessory use to the principal use not the co-generation of power.**[Added 5-24-2007 STM, Art. 15]**

COMMERCIAL RECREATION — Any commercial enterprise, which receives a fee in return for the provision of some recreational activity, including but not limited to racquet clubs and health facilities, but not including amusement facilities and amusement parks, as defined herein.**[Added 5-20-2009 STM, Art. 15]**

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.

CONCRETE PRODUCT MANUFACTURING — A business engaged in the manufacturing of concrete products. Concrete preparation is an accessory use to the on-site primary use of concrete product manufacturing.**[Added 5-20-2009 STM, Art. 15]**

CONGREGATE CARE — A type of living accommodation, including multiple individual rooms or dwelling units, to be occupied by elderly persons as a residential living environment. Such a facility may include individual dwelling units and/or individual rooms combined with shared community space, dining facilities, housekeeping services, personal care and assistance, transportation and specialized services, such as medical support services and physical therapy.

CONDITIONAL USE — A use permitted only after review and approval by the Board of Appeals or Planning Board. A conditional use is a use that would not be appropriate without restriction, but which is permitted, provided that all performance standards and other requirements of this chapter are met.

CONDITIONAL USE PERMIT — A permit authorized by the Board of Appeals or Planning Board for a conditional use. A conditional use permit may be issued only after the applicant has followed the procedures of this chapter.

CONSTRUCTED — Includes built, erected, altered, reconstructed, moved upon or any physical operations on the premises which are required for construction. Excavation, fill, paving, drainage and the like shall be considered a part of construction.

CONTRIBUTING PROPERTY (HISTORIC) — A building or structure that contributes to the historic and/or architectural character of a designated Historic Overlay District or an area being considered for inclusion in an Historic Overlay District that was identified in the Topsham 2010 Historic Resource Survey as a contributing property or that is identified as a contributing property in a subsequent historic resource survey conducted by or on behalf of the Town of Topsham or Maine State Historic Preservation Commission.**[Added 5-16-2012 STM, Art. 9]**

CROSS-SECTIONAL AREA — The cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.**[Added 11-13-2008 STM, Art. 7]**

DAY CARE — A house or other place in which a person, or combinations of persons, maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for three or more children under the age of 16.

DBH — The diameter of a standing tree measured 4.5 feet from ground level.**[Added 11-13-2008 STM, Art. 7]**

DECORATIVE CHANGES — Repainting; removing or replacing trim, railings or other nonstructural architectural details; or the addition, removal or change of location of windows and doors.

DESIGNATED THIRD-PARTY CONSERVATION ORGANIZATION — A conservation organization which has a formal agreement with the Town of Topsham to carry out vernal pool conservation in accordance with the provisions of the Vernal Pool Overlay District and the Town of Topsham Vernal Pools Special Area Management Plan (SAMP) and the conservation priorities of the SAMP.**[Added 5-18-2016 STM, Art. 14]**

DEVELOPMENT — A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.**[Added 11-13-2008 STM, Art. 7]**

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

DISABILITY — Any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician, or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.**[Added 11-13-2008 STM, Art. 7]**

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.**[Added 11-13-2008 STM, Art. 7]**

DISTRICT — A specified portion of the municipality, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DRIVEWAY — A vehicular accessway less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.**[Amended 11-13-2008 STM, Art. 7]**

DWELLING — Any building or structure or portion thereof designed or used for residential purposes.

- A. SINGLE-FAMILY DWELLING — A building containing only one dwelling unit for occupation by not more than one family. **[Amended 5-18-2016 STM, Art. 10]**
- B. TWO-FAMILY DWELLING — A building containing only two dwelling units for occupation by not more than two families.
- C. MULTIFAMILY DWELLING — A building containing three or more dwelling units, such building being designed exclusively for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

DWELLING UNIT — A room or suite of rooms designed and equipped exclusively for use by one family as a habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured housing but not recreational vehicles.

ELDERLY HOUSING — Housing intended for, and restricted to, individuals 55 years of age or older, or couples where at least one member is 55 years of age or older. **[Added 5-24-2006 STM, Art. 14]**

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.

ESSENTIAL SERVICES — The construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or 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.

EXISTING AGRICULTURAL BUILDING — A nonresidential building that was used for an agricultural use or for animal husbandry or in conjunction with an agricultural activity prior to April 1, 2007. **[Added 1-23-2008 STM, Art. 3]**

EXPANSION OF A STRUCTURE — An increase in the floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses. **[Added 11-13-2008 STM, Art. 7³]**

EXPANSION OF USE — The addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use. **[Added 11-13-2008 STM, Art. 7]**

EXTERIOR — As pertains to historic properties or landmarks or to property located within an historic overlay zone, means any portion of the outside of such properties which can be seen from a public way.

3. Editor's Note: This article also repealed the former definition of "expansion."

EXTERIOR FEATURES — The architectural style, general design and general arrangement of the exterior of a building or structure, including the kind and texture of the building material and the type and style of all windows, doors and light fixtures. In the case of outdoor signs, "exterior features" shall be construed to mean the style, material, size, location and number of all such signs.

EXTRACTIVE INDUSTRY — Any operation engaged in the removal of more than 50 cubic yards, in a twelve-month period, of topsoil, sand, gravel, clay, rock, peat or other like material from its natural location and for transportation off a lot within any twelve-month period, except as may be exempted within the extractive industry performance standards in this chapter.

FAMILY — One or more persons occupying a premises and living as a single housekeeping unit.

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

FLOOD INSURANCE RATE MAP — The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town of Topsham.

FLOODPLAIN — The lands adjacent to a body of water which have been or may be covered by the regional floods.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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 a structure such as porches and decks.

FLOOR AREA RATIO — The maximum amount of total floor area within a building in proportion to the amount of lot area. A floor area ratio of 1.0 allows for one square foot of floor area for each square foot of lot area.

FOOD PROCESSING — An establishment in which food is processed or otherwise prepared for eventual consumption, but not intended to be consumed on the premises, other than on an incidental basis. **[Added 5-15-2013 STM, Art. 14]**

FORESTED WETLAND — A freshwater wetland dominated by woody vegetation that is six (6) meters tall [approximately twenty (20) feet] or taller. **[Added 11-13-2008 STM, Art. 7]**

FOREST MANAGEMENT — Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands and other similar associated activities, but not the construction or creation of roads other than necessary for forest management purposes and does not include the clearing of land for development.

FOREST STAND — A contiguous group of trees sufficiently uniform in age, class distribution, composition, and structure and growing on a site of sufficiently uniform quality to be a distinguishable unit. **[Added 11-13-2008 STM, Art. 7]**

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. **[Amended 11-13-2008 STM, Art. 7]**

FRESHWATER WETLANDS —

- A. Freshwater swamps, marshes, bogs and similar areas, excluding forested wetlands, which are: **[Amended 5-17-2000 STM, Art. 15]**
- (1) Of 10 or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
 - (2) Inundated or saturated by surface water or groundwater 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.
- B. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

FRONTAGE — The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the road right-of-way. Corner lots may include continuous frontage along adjoining streets. When located on a cul-de-sac, the frontage shall be the distance from sideline to sideline, measured at the front setback line. **[Added 5-20-2004 STM, Art. 18]**

FRONTAGE, SHORE — The horizontal distance, measured in a straight line, between the intersections of the lot lines with the shoreline at normal high-water elevation.

FUNCTIONALLY WATER-DEPENDENT USES — Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site and uses which primarily provide general public access to marine or tidal waters.

GASOLINE-DISPENSING FACILITY — Any site where gasoline is transferred from a stationary storage tank to a motor vehicle fuel tank used to provide fuel to the engine of that motor vehicle. **[Added 5-20-2004 STM, Art. 17]**

GASOLINE SALES — Any business establishment engaged in the retail sale of gasoline.

GOLF COURSE — A regulation or executive (par 3) size facility for the playing of golf, including accessory facilities, such as, but not limited to, maintenance and operational buildings, structures and facilities. A golf course may include a clubhouse, which shall be compatible with the rural character of the district and use, designed and intended for golfers.

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, for the purposes of this chapter, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

GREAT POND CLASSIFIED GPA — Any great pond classified GPA, pursuant to 38 M.R.S.A. § 465-A. This classification includes some, but not all, impoundments of rivers that are defined as great ponds.

GROUND COVER — Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor. **[Added 11-13-2008 STM, Art. 7]**

HARVEST AREA — The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest. **[Added 11-13-2008 STM, Art. 7]**

HEAVY COMMERCIAL VEHICLE — A truck or truck tractor-semi trailer combination with three or more axles. **[Added 1-23-2008 STM, Art. 3]**

HISTORIC EASEMENT — Any easement, restriction, covenant or condition which is designed to preserve, maintain or enhance all or part of the existing state of places of historical, architectural, archaeological or cultural significance.

HISTORIC OR HISTORICAL LANDMARK — Any site (including significant landscape features), building or structure of particular historic or aesthetic significance to the town, state or nation. Landmarks may include sites, buildings, structures or objects where cultural, political, spiritual, economic, social or artistic history of the town, state or nation is reflected or exemplified; or which are identified or associated with the lives of persons significant in our past; or important events in local, state or national history; or which embody the distinguishing characteristics of an architectural specimen inherently valuable for representation, or a notable work of construction or a notable work of a master designer or architect; or have yielded, or may be likely to yield, information important in prehistory or history.

HISTORIC OR HISTORICAL PROPERTY — Any building, structure, area or site that is significant in the history, architecture, archaeology or culture of the town, state or nation.

HOME OCCUPATION — An occupation or profession which is carried on in a dwelling unit or structure accessory to a dwelling unit and which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof. The term "home occupation" shall include both professional and personal services.

HOSPITAL — An institution providing, but not limited to, overnight health services, primarily for inpatients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

HOTEL/MOTEL — A building in which lodging or meals and lodging are offered to the general public for compensation and in which ingress and egress to and from the rooms are made primarily through an inside lobby or office or an interior courtyard. The hotel may contain such accessory services and facilities for the benefit of its guests, and only incidentally for the general public, as newsstands, personal grooming facilities and restaurants. **[Amended 5-24-2007 STM, Art. 15]**

INCREASE IN NONCONFORMITY OF A STRUCTURE — Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity, 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. **[Added 11-13-2008 STM, Art. 7]**

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 10 individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fireplaces or tent platforms.

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

INN — A building, which contains a dwelling unit occupied by an owner or resident manager, in which lodging or lodging and meals are offered to the general public for compensation, offering no more than 10 bedrooms for lodging purposes, in which the entrances and exits to or from these rooms are made through a lobby or other common room.

INSTITUTIONAL — A nonprofit 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. **[Added 11-13-2008 STM, Art. 7]**

JUNKYARD —

A. A yard, field or other area used as place of storage for:

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

KENNEL — Any place, building, tract of land, abode, enclosure or vehicle where three or more dogs or three or more cats, owned singly or jointly, are kept for commercial purposes, including but not limited to breeding, hunting, show, field trials or exhibition, or where one or more dogs or other pets are kept for their owners in return for a fee. This definition shall not apply to dogs or cats under the age of four months.

LAB RESEARCH FACILITY — A building or buildings and/or structure or structures and any accessory equipment or use in directing scientific or other forms of human inquiry into phenomena, including but not limited to nature, human nature, the physical environment, ecosystems, other systems and products and devices.

LAND MANAGEMENT ROAD — A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads. **[Added 11-13-2008 STM, Art. 7]**

LANDSCAPE/OPEN SPACE RATIO — See "floor area ratio," but this applies as a minimum requirement.

LICENSED FORESTER — A forester licensed under 32 M.R.S.A. Chapter 76.[**Added 11-13-2008 STM, Art. 7**]

LOT — A parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or uses customarily incidental to them, including such open spaces as are required by this chapter, and having frontage upon a public street, right-of-way or private way and otherwise meets all dimensional requirements of this chapter.

LOT AREA — The total horizontal area within the lot lines.

LOT, CORNER — A lot with at least two contiguous sides abutting upon a street or right-of-way.

LOT, COVERAGE — The percentage of the lot covered by all buildings.

LOT, INTERIOR — Any lot other than a corner lot.

LOT LINES — The lines bounding a lot as defined below:

A. FRONT LOT LINE:

- (1) On an interior lot, the line separating the lot from the street right-of-way.
- (2) On a corner or through lot, the line separating the lot from either street or right-of-way.

B. REAR LOT LINE — The lot line opposite the front lot line.

- (1) On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than 10 feet long, lying farthest from the front lot line.
- (2) On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

C. SIDE LOT LINES — Any lot line other than the front lot line or rear lot line.

LOT OF RECORD — A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file in the Sagadahoc County Registry of Deeds.

LOT, THROUGH — Any interior lot having frontages on two more or less parallel streets or rights-of-way or between a street and a body of water, or a right-of-way and a body of water, or between two bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights-of-way and bodies of water shall be considered frontage, and front yards shall be provided as required.

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.[**Amended 11-13-2008 STM, Art. 7**]

MANUFACTURED HOUSING — A structural unit or units designed for residential occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. This term includes both newer mobile homes and modular homes.[**Added 5-19-2010 STM, Art. 12**]

MANUFACTURED HOUSING UNIT — A newer mobile home or a modular home that when installed on a lot or mobile home park site contains one (1) dwelling unit.[**Amended 5-19-2010 STM, Art. 12**]

MANUFACTURING, HEAVY — A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of or large-scale manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. The following uses are not permitted: chemical manufacturing, commercial tannery, explosive manufacturing, military installation rendering, petroleum refinery, slaughterhouse, storage of hazardous and biomedical waste and nuclear power. **[Amended 5-17-2000 STM, Art. 15]**

MANUFACTURING, LIGHT — A use engaged in the production of products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of products, including, but not limited to, biotechnology, medical technology, composite materials, precision manufacturing, and other similar businesses, which must operate within the minimum performance standards of this chapter and is compatible in scale to other uses in the zone. **[Amended 9-25-2013 STM, Art. 5]**

MARINA — A shorefront commercial facility with provisions for one or more of the following: boat storage, boat launching or the sale of supplies and services for watercraft and their equipment and accessories.

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.

MEDICAL CLINIC — A building designed and/or used for the diagnosis and treatment of human patients that does not include overnight care facilities.

MEDICAL MARIJUANA DISPENSARY — A not-for-profit entity registered under M.R.S.A. Title 22, Section 2428 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and education materials to cardholders. **[Added 2-16-2011 STM, Art. 3]**

MINERAL EXPLORATION — Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition. **[Added 11-13-2008 STM, Art. 7]**

MINIMUM LOT AREA — The lot area, less the area of any land which is part of a right-of-way for a thoroughfare or easement, such as, but not limited to, surface drainage easements or traveled rights-of-way (but not including utility easement servicing that lot), which is subject to tidal action or which is covered with water for at least three months per year.

MIXED USE BUILDING — A single structure with residential and professional/commercial uses. **[Added 5-20-2009 STM, Art. 15]**

MOBILE FOOD SERVICE — Food service establishments in mobile units, either towed or self-propelled registered vehicles, preparing and serving food products on a particular site, open to the general public. **[Added 5-14-2014 STM, Art. 10]**

MOBILE HOME — A manufactured housing unit constructed prior to June 15, 1976.

MOBILE HOME PARK — A plot of land under unified ownership approved by the Town for the placement of three or more manufactured housing units. **[Amended 5-19-2010 STM, Art. 12]**

MOBILE HOME PARK LOT — An area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home and which is designated on a mobile home park plan approved by the town.

MODULAR HOME — Manufactured housing that the manufacturer certifies is constructed in compliance with Title 10 M.R.S.A. Chapter 951, and rules adopted under that chapter, meaning a structure, transportable in one or more sections, that is not constructed on a permanent chassis and is designed to be used as a dwelling on a permanent foundation when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.**[Added 5-19-2010 STM, Art. 12]**

MOTOR VEHICLE SERVICE/REPAIR — Any business establishment engaged in general repair, engine rebuilding or parts replacement. This use does not include the sales of gasoline.

NATIVE TREES — Indigenous to the local forests.**[Added 11-13-2008 STM, Art. 7]**

NATURAL RESOURCE RELATED BUSINESS — A retail, service, or wholesale business that provides goods or services that are primarily used by agricultural, animal husbandry, forestry, or other natural resource activities but not including extractive industries.**[Added 1-23-2008 STM, Art. 3]**

NEAR-FIELD BUILDING — A building placed in front of a larger building or land use to screen the larger building and land use and create a pedestrian-scaled street environment.**[Added 5-20-2009 STM, Art. 15]**

NEIGHBORHOOD GROCERY STORE — A store with less than 3,000 square feet of retail floor space, not including storage, food preparation, or service areas, and not exceeding 4,000 square feet of total floor space, that is primarily intended to serve the convenience of a residential neighborhood or area of the community with such items as, but not limited to, basic foods, prepared foods, newspapers, fuel for motor vehicles, emergency home repair articles and other household items. A neighborhood grocery store does not include State Agency liquor sales. The sale of motor fuels accessory to a neighborhood grocery store does not constitute gasoline sales as a use, provided that the performance standards of § 225-60.16 are met.**[Amended 5-19-2010 STM, Art. 15]**

NET RESIDENTIAL ACREAGE — The gross acreage available for development, excluding the areas which are unsuitable for development including:**[Amended 5-16-2012 STM, Art. 11]**

- A. The area within mapped floodways as identified on the Flood Insurance Rate Map (FIRM).
- B. The area within a coastal wetland or freshwater wetland as defined in 38 MRSA § 480-B and significant vernal pools subject to the state Natural Resources Protection Act.
- C. Contiguous areas of two acres or more with continuous slopes in excess of thirty-five percent (35%).
- D. Areas that are zoned "resource protection."

In determining the net residential acreage of a parcel, each physical area of the site shall be deducted only once even if it is more than one type of area (i.e., an area that is a freshwater wetland, is within a floodway, and is zoned "resource protection" is deducted from the gross area only one time).

NET RESIDENTIAL DENSITY — The maximum number of dwelling units that can be developed on a lot or parcel of land as determined by dividing the net residential acreage of the

lot or parcel by the minimum lot size requirement for the district in which it is located.**[Amended 5-16-2012 STM, Art. 11]**

NEWER MOBILE HOME — Manufactured housing constructed after July 15, 1976, that the manufacturer certifies is constructed in compliance with the United States Department of Housing and Urban Development Standards, meaning a structure transportable in one or more sections, that in traveling mode is fourteen (14) body feet or more in width and has seven hundred fifty (750) or more square feet of floor area, and that is built on a permanent chassis and designed to be used as a dwelling with or without being placed on a permanent foundation when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit. The term "newer mobile home" includes manufactured housing that meets these requirements except for the size requirements for which the manufacturer has voluntarily filed a certification with the Secretary of the United States Department of Housing and Urban Development and that complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 401, et seq.**[Added 5-19-2010 STM, Art. 12]**

NONCONFORMING CONDITION — Nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this ordinance or subsequent amendment took effect.**[Added 11-13-2008 STM, Art. 7]**

NONCONFORMING LOT OF RECORD — A lot shown on a recorded plan or deed which does not meet the area, frontage, width or depth requirements of the zone in which it is located.

NONCONFORMING STRUCTURE — A structure that does not meet any one or more of the following dimensional requirements: setbacks, height and lot coverage. It is allowed solely because it was in lawful existence at the time this chapter or subsequent amendments took effect.**[Amended 5-18-2016 STM, Art. 10]**

NONCONFORMING USE — Use of land or structures that is not otherwise permitted, but which is allowed to remain solely because it was in lawful existence at the time this chapter or subsequent amendments took effect.

NONCONTRIBUTING PROPERTY (HISTORIC) — A building or structure that is located in a designated Historic Overlay District or an area being considered for inclusion in an Historic Overlay District that is not identified as a contributing property. (See definition of "contributing property.")**[Added 5-16-2012 STM, Art. 9]**

NORMAL HIGH-WATER LINE (NONTIDAL WATERS) — 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 nonforested 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.**[Added 11-13-2008 STM, Art. 7]**

NORMAL HIGH-WATER MARK OF COASTAL WATERS — Along coastal or tidal waters, the elevations at which vegetation changes from predominantly aquatic to predominantly terrestrial. By way of illustration, coastal or tidal vegetation includes, but is not limited to, salt marsh grass, salt meadow hay, black arrowgrass, seaside lavender, silverweed, salt marsh bulrush, seaside plantain, orach, salt marsh sedge, salt marsh aster. In places where vegetation is not present, the high-water mark shall be the identifiable debris or water line left by nonstorm tidal action.

NORMAL HIGH-WATER MARK OF INLAND WATERS — That line on the shores and banks of nontidal waters which is apparent because of the contiguous different character of the soil of the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes, but is not limited to, the following plants and plant groups: water lily, pond grasses; and terrestrial vegetation includes, but is not limited to, the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms and maples). In places where the shore or bank is of such character that the high-water mark cannot be easily determined (rockslides, ledges, rapidly eroding or slumping banks), the normal high-water mark shall be estimated from places where it can be determined by the above method.

NURSING HOME — An institution that provides nursing or convalescent care to chronic or convalescent patients, but does not provide hospital services such as an operating room or X-ray facility unless incidental to the delivery of nursing or convalescent care.⁴

ON-STREET PARKING — Parking for vehicles within public rights-of-way where allowed in accordance with § 210-34 and § 210-39 or as amended. **[Added 5-20-2009 STM, Art. 15]**

PARKING SPACE — An area, exclusive of drives or aisles, for the parking of vehicles.

PARKS AND RECREATION — Noncommercially operated recreation facilities open to the general public, including, but not limited to, playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms and bathhouses, and the maintenance of such land and facilities, but not including campgrounds, commercial recreation and amusement centers as defined elsewhere in this chapter.

PERMITTEE-RESPONSIBLE CONSERVATION ACTIVITIES — Vernal pool conservation carried out by an applicant for a development approval or permit in accordance with the provisions of the Vernal Pools Overlay District as an alternative to complying with the normal state and federal requirements with respect to the conservation of vernal pools. **[Added 5-18-2016 STM, Art. 14]**

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.

PIERS, DOCKS, WHARVES AND USES PROJECTING INTO WATER BODIES —

- A. **TEMPORARY** — Structures which remain in the water for less than seven months in any period of 12 consecutive months.
- B. **PERMANENT** — Structures which remain in the water for seven months or more in any period of 12 months.

PLANNED COMMERCIAL DEVELOPMENT — Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases, including shopping centers, industrial parks and office/business parks. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned

4. Editor's Note: The former definition of "official business directional sign," which immediately followed this definition, was superseded 5-16-2012 STM, Art. 10. See now the definition of "sign, official business directional" in this section.

development is built according to general and detailed plans that include not only streets, utilities, lots and building location and the like, but also site plans for all buildings as are intended to be located, constructed, used and related to each other and plans for other uses and improvements on the land as related to the buildings. **[Added 5-17-2000 STM, Art. 15]**

PLANNED MIXED-USE DEVELOPMENT — Land under unified control to be planned and developed as a coordinated, integrated mixed-use project in accordance with § 225-60.7. **[Amended 5-24-2007 STM, Art. 15]**

PLANNED RESIDENTIAL DEVELOPMENT — Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases for housing developments, including retirement communities, with all uses integrated and related to each other. The nonrelated housing uses shall be related to the proposed planned residential development. The planned residential development must consist of at least 50 units of housing and at least 25 acres of land that is operated as a single community. A planned residential development includes principal and accessory structures and uses substantially related to the character and purposes of the planned residential development. A planned residential development is built according to general and detailed plans that include not only streets, utilities, lots and building location and the like, but also site plans for all buildings as are intended to be located, constructed, used and related to each other and plans for other uses and improvements on the land as related to the buildings. **[Amended 5-17-2000 STM, Art. 15]**

POND — See "body of water."

PRESCHOOL — A school for children up to the age of six years.

PRINCIPAL STRUCTURE — The structure in which the principal use is conducted.

PRINCIPAL USE — The primary use to which the structure is devoted and the main purpose for which the structure exists. Such structure may contain more than one use, only one of which shall be the principal use.

PRIVATE ROAD (PRIVATE WAY) — A private way meeting the Town's road construction standards for preparation, subbase and base (as specified in Chapter 191, Subdivision of Land). In order to be considered a road, for purposes of this chapter, the traveled surface need not be paved. To be considered a private road or way, it must serve two or more hopes or lots, and be located within a right of way 50' in width throughout its length. **[Added 5-20-2004 STM, Art. 18]**

PROFESSIONAL OFFICE — The place of business for doctors, lawyers, accountants, architects, surveyors, real estate or insurance agents, psychiatrists, psychologists, counselors and the like, but not including financial institutions or personal services (such as hair dressers, beauticians, masseuses, etc.).

PUBLIC DIRECTIONAL SIGN — Any sign which indicates direction to locations of hospitals or similar emergency facilities.

PUBLIC FACILITY — Any facility, including, but not limited to, buildings, property, recreation areas and roads, which are owned, leased or otherwise operated or funded by a governmental body or public entity.

PUBLIC WAY (HISTORIC) — A way in which the public has a right of access and includes public streets and sidewalks. **[Added 5-16-2012 STM, Art. 9]**

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

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

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.

RECREATION VEHICLE — A vehicle or vehicular attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pickup 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.

RENDERING — An operation that processes animal parts and/or by-products to create an end product.

REPLACEMENT SYSTEM — A system intended to replace:

- A. An existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure; or
- B. Any existing overboard wastewater discharge.

RESIDENTIAL DWELLING UNIT — A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time period rented. Recreational vehicles are not residential dwelling units.**[Added 11-13-2008 STM, Art. 7]**

RESIDUAL BASAL AREA — The average of the basal area of trees remaining on a harvested site.**[Added 11-13-2008 STM, Art. 7]**

RESIDUAL STAND — A stand of trees remaining in the forest following timber harvesting and related activities.**[Added 11-13-2008 STM, Art. 7]**

RESTAURANT — An establishment where meals are prepared and served to the public for consumption on the premises entirely within a completely enclosed building; and where no food or beverages are served directly to occupants of motor vehicles or directly to pedestrian traffic from an exterior service opening or counter, or any combination of the foregoing; and where customers are not permitted or encouraged by the design of the physical facilities, by advertising or by the servicing or packaging procedures to take out food or beverage for consumption outside the enclosed building.

RESTAURANT, FAST-FOOD — An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service or prepared, fried or griddled quickly or heated in a device such as a microwave. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

RETAIL BUSINESS — Any business engaged in sales and related services to the ultimate consumer for direct consumption and/or use, and not for resale. For purposes of this chapter, eating and drinking places, auto sales, motor vehicle service/repair and gasoline sales are not considered as a retail business and are defined separately. **[Amended 5-17-2000 STM, Art. 15]**

RIPRAP — Rocks, irregularly shaped and at least six inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two units horizontal to one unit vertical or less.

RIVER — A free-flowing body of water, including its associated floodplain wetlands from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

RURAL AREAS — The portion of the Town designated as “Rural” in the adopted Comprehensive Plan. **[Added 5-18-2016 STM, Art. 14]**

RURAL ENTREPRENEURIAL ACTIVITY — A low-impact nonresidential activity such as, but not limited to, lab/research facilities, light manufacturing, professional offices, service businesses, wholesale businesses, and warehousing, storage, and distribution that conforms to the performance standards of § 225-60.11. **[Added 1-23-2008 STM, Art. 3]**

SAWMILL — An operation that includes, but is not limited to, a mill or machine for sawing or resawing logs or lumber with or without a storage area or building for the raw materials, final product and any by-product from the milling process.

SCHOOLS —

- A. PUBLIC AND PRIVATE SCHOOLS (including parochial schools) — Institutions where education or instruction of any branch or branches of knowledge is imparted and which satisfies either of the following requirements:
- (1) The school is not operated for a profit or a gainful business; or
 - (2) The school teaches courses of study which are sufficient to qualify attendance there as compliance with state compulsory education requirements.
- B. COMMERCIAL SCHOOLS — Schools or institutions which are commercial or profit-oriented. Examples thereof are dancing, music, riding, correspondence, aquatic schools, driving or business.

SEASONAL RETAIL SALES — The sale of agricultural and horticultural products, excluding animals, manure, equipment, bulk products and chemicals. **[Added 5-24-2006 STM, Art. 11]**

SERVICE BUSINESS — A business that provides services to the public for compensation, either on or off the premises. Uses include, but are not limited to, beauty salons, building, electrical, plumbing and landscape contracting, business and educational services, financial services, catering, cleaning services, locksmith, photocopying, repair and restoration services, bicycle repair shop, tailoring, typing and word processing. Motor vehicle service and repair is not included and is defined separately. **[Amended 5-17-2000 STM, Art. 15]**

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

- A. In the case of electric service:
- (1) 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

- (2) The total length of the extension is less than 1,000 feet.

B. In the case of telephone service:

- (1) The extension, regardless of length, will be made by the installation of telephone wires to existing utility poles; or
- (2) The extension requiring the installation of new utility poles or placement underground is less than 1,000 feet in length.

SETBACK — That portion of a lot which runs parallel to the lot boundaries, the width of which is established by this chapter, and in which no regulated improvements, including, but not limited to, building, structures and parking shall be placed unless otherwise permitted by this chapter. To determine if the improvements are in compliance with the above, the distance at which any improvement is located from a property line shall be measured as a horizontal distance from the property line to the nearest part of the improvement.

SETBACK FROM WATER — The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area. **[Amended 11-13-2008 STM, Art. 7]**

SHOPPING CENTER — Any concentration of two or more retail stores or service establishments under one ownership or management containing 10,000 square feet or more of gross floor space.

SHORE FRONTAGE — The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline. **[Added 11-13-2008 STM, Art. 7]**

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 or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream. **[Amended 11-13-2008 STM, Art. 7]**

SHORELINE — The normal high-water line, or upland edge of a freshwater or coastal wetland. **[Added 11-13-2008 STM, Art. 7]**

SIGN — An object, device or structure, visible from a public way, or functionally visible from a neighboring property (visible and legible from the property line at any point up to 6 feet above finished grade), with a name, identification, description, display, notification or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises. **[Amended 5-16-2012 STM, Art. 10]**

SIGNABLE AREA — The wall area exclusive of openings and architectural details. **[Added 5-16-2012 STM, Art. 10]**

SIGN, ARCADE — An on-premises sign attached to the underside of the soffit or ceiling of an arcade or covered walkway. **[Added 5-16-2012 STM, Art. 10]**

SIGN AREA — The space within a continuous perimeter of a geometric configuration, which encloses the limits of the advertising message, illustration, insignia, surface or a space of a similar nature, together with any frame, color or other material which is an integral component of the display and is used to differentiate such sign from a wall or other background, and including

supporting posts or brackets, unless the supporting posts or brackets are less than 8 inches in width, or are less than 20% of the area of the sign. Any area greater than 20% of the sign area will be counted as sign area. The total area of a canopy sign shall be the sum of the areas of the geometric configuration surrounding the sign wording or message. **[Amended 5-16-2012 STM, Art. 10]**

SIGN, BANNER — Any sign of lightweight fabric or similar material having no permanent frame and which is mounted to a pole, building or other object. **[Amended 5-16-2012 STM, Art. 10]**

SIGN, BUILDING DIRECTORY — A wall sign indicating the tenants in a building. **[Added 5-16-2012 STM, Art. 10]**

SIGN, CANOPY — Any sign that is part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, window, entrance or outdoor service area. **[Amended 5-16-2012 STM, Art. 10]**

SIGN, DEVELOPMENT — An on-premises permanent sign which identifies an office complex, industrial park, retail mall, multifamily dwelling or subdivision development. **[Amended 5-16-2012 STM, Art. 10]**

SIGN, DIRECTORY — A sign at the major entrance to a commercial, business, retail, multi-tenant or industrial park that identifies the occupants of the park. **[Added 5-16-2012 STM, Art. 10]**

SIGN, ELECTRONIC MESSAGE CENTER — An on-premises sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally, or mechanically altered by the complete substitution or replacement of one display by another on each side, as further defined and regulated under 23 M.R.S.A. § 1914 (11-A). **[Added 5-16-2012 STM, Art. 10]**

SIGN, FLAG — Any fabric or flexible material attached or designed to be flown from a flagpole or similar structure. **[Added 5-16-2012 STM, Art. 10]**

SIGN, GAS STATION PRICING — A sign used to display the per-gallon price of gasoline. **[Added 5-16-2012 STM, Art. 10]**

SIGN, HOME OCCUPATION — A sign containing only the name and occupation of a permitted home occupation. **[Added 5-16-2012 STM, Art. 10]**

SIGNIFICANT RIVER SEGMENTS — See 38 M.R.S.A. § 437.

SIGNIFICANT SITE FEATURE (HISTORIC) — Any landscape structure that is substantially above grade, to include but not be limited to walls 3 feet or higher, retaining walls, fences, and light poles. **[Added 5-16-2012 STM, Art. 9]**

SIGN, INFORMATION — An on-premises sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property, including pedestrians and vehicles, marking entrances and exits, parking areas, circulation direction, restrooms, entrances, exits, pickup and delivery areas, or other similar site feature. **[Added 5-16-2012 STM, Art. 10]**

SIGN, INTERIOR — Any sign placed within a building, but not including window signs as defined herein. **[Added 5-16-2012 STM, Art. 10]**

SIGN, INTERNALLY ILLUMINATED — A sign that is illuminated from a light source that is within the sign. **[Added 5-16-2012 STM, Art. 10]**

SIGN, MARQUEE — A permanent roof-like structure designed and constructed to serve as a sign, utilizing manually changeable copy for the purpose of advertising at a movie or other type of theater.**[Amended 5-16-2012 STM, Art. 10]**

SIGN MATERIAL — Permanent signs shall be constructed of durable material of one-half-inch minimum thickness that will not deform (warp, bend, etc.) under normal weather conditions. Materials under 1/2 inch in thickness may be approved when supported by a fixed ridged frame designed to prevent deformation of the sign panel.**[Added 5-16-2012 STM, Art. 10]**

SIGN, MEMORIAL TABLET — A sign, tablet or plaque memorializing a person, event, structure, or site.**[Added 5-16-2012 STM, Art. 10]**

SIGN, MONUMENT — A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole.**[Added 5-16-2012 STM, Art. 10]**

SIGN, MOVABLE — Any sign, or part of a sign, that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation, including any sign mounted on a vehicle the sole purpose of which is to advertise a product or business, or any sign held, worn or used by an individual which is designed to attract the attention of the public to a particular place of business or a specific product.**[Added 5-16-2012 STM, Art. 10]**

SIGN, OFFICIAL BUSINESS DIRECTIONAL — A sign erected in accordance with Title 23, M.R.S.A. Chapter 21, Maine Traveler Information Services.**[Amended 5-16-2012 STM, Art. 10]**

SIGN, PERMANENT — All stationary signs or advertising devices with a fixed location on or in the ground, or attached to something having a fixed location on the ground, identifying goods or services offered on the lot where the sign is located.**[Added 5-16-2012 STM, Art. 10]**

SIGN, POLITICAL/POLITICAL CAMPAIGN — A sign bearing political messages relating to an election, primary or referendum.**[Amended 5-16-2012 STM, Art. 10]**

SIGN, PORTABLE — A sign that is not permanent, affixed to a building, structure or the ground.**[Amended 5-20-2009 STM, Art. 15; 5-16-2012 STM, Art. 10]**

SIGN, POST — A freestanding sign supported by one or more upright poles, columns or braces permanently affixed in or on the ground and not attached to any building or structure.**[Amended 5-16-2012 STM, Art. 10]**

SIGN, PROJECT/CONTRACTOR — A temporary sign located on a project site which advertises the project name, owner or contractor, such as architect, engineer, builder, plumber, electrician, building material supplier, etc., associated with the building project or development.**[Added 5-16-2012 STM, Art. 10]**

SIGN, PROJECTING — A permanent sign mounted on a building projecting perpendicular to the face of the building.**[Added 5-20-2009 STM, Art. 15; 5-16-2012 STM, Art. 10]**

SIGN, PUBLIC NOTICE — An official notice posted by public employees in performance of their duties.**[Added 5-16-2012 STM, Art. 10]**

SIGN, PUBLIC SAFETY — A sign for the control of traffic and other regulatory purposes, street signs, warning signs and signs of public service companies indicating danger or warnings.**[Added 5-16-2012 STM, Art. 10]**

SIGN, REAL ESTATE — A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.**[Added 5-16-2012 STM, Art. 10]**

SIGN, ROOF — A sign that is displayed above the eaves and under the peak of a building. **[Added 5-16-2012 STM, Art. 10]**

SIGN, SANDWICH BOARD — A two-sided sign, typically shaped like an "A" and hinged at the top, that is made of wood or materials that appear to be wood and is not attached to the ground. **[Amended 5-16-2012 STM, Art. 10]**

SIGN, SEASONAL OCCUPATION — A temporary sign advertising the business conducted on the premises which is dependent on seasonal services or products, and is displayed during specified periods as determined by the applicant and as permitted by a seasonal retail license. **[Amended 5-16-2012 STM, Art. 10]**

SIGN, SERVICE CLUB — A permanent sign showing the place and time of services or meetings of religious and civic organizations in Topsham. **[Added 5-16-2012 STM, Art. 10]**

SIGN, SYMBOL or INSIGNIA — A religious symbol or historical plaque, provided that such plaques do not exceed four square feet in area. **[Added 5-16-2012 STM, Art. 10]**

SIGN, TEMPORARY — A sign intended to display either commercial or noncommercial messages of a transitory nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs. **[Amended 5-16-2012 STM, Art. 10]**

SIGN, WALL — A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and does not project more than twelve (12) inches from such building or structure. No wall sign may cover any window, door or architectural detail. **[Added 5-16-2012 STM, Art. 10]**

SIGN, WINDOW — A sign affixed to the surface of a window with its message intended to be visible to the exterior environment. **[Added 5-16-2012 STM, Art. 10]**

SIMILAR VISUAL APPEARANCE (HISTORIC) — Where alteration occurs to a building or structure within the Historic District, the change of material or any architectural detail cannot be clearly deduced from the public way. **[Added 5-16-2012 STM, Art. 9]**

SKID ROAD or SKID TRAIL — A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation. **[Added 11-13-2008 STM, Art. 7]**

SLASH — The residue, e.g., treetops and branches, left on the ground after a timber harvest. **[Added 11-13-2008 STM, Art. 7]**

STACKED PARKING — Parking arrangements where cars are arranged in a manner that one or more cars are parked behind each other and not all cars can directly access a travel lane or driveway. **[Added 5-20-2009 STM, Art. 15]**

STREAM — A channel between defined banks created by the action of surface water and that has two (2) or more of the following characteristics. **[Amended 11-13-2008 STM, Art. 7]**

- A. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year under normal seasonal rainfall conditions.
- B. The channel bed is primarily composed of mineral material, such as sand, scoured silt, gravel, clay, or other parent material that has been deposited or scoured by water.
- C. The channel contains aquatic animals, such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.

D. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

This definition is based on physical characteristics that in case of development need to be field verified. The Town has attempted to map streams throughout the community to serve as an initial guide for land owners and developers. This information is available in the Town Planning and Codes Enforcement Offices, but should not be considered a substitute for field verification.

Bordering freshwater wetlands that are not separated from the stream channel by a distinct change in elevation (such as hillside groundwater seeps) or barrier, and wetlands that are subject to periodic flooding or soil saturation as a result of high stream flows are considered part of the stream. Where these wetlands are present, the normal high water line of the stream is measured from the upland/wetland transition of bordering wetlands subject to periodic stream water flooding or saturation, or where changes in wetland vegetation, soil characteristics, or topography clearly demonstrate wetland hydrology not associated with associated with periodic flood flows.

Natural and artificial impoundments at the source and along the course of the stream are considered to be part of the stream.

Stream does not mean a ditch or other drainageway constructed, or constructed and maintained, solely for the purpose of draining stormwater or a grassy swale.

STREET — All new and existing streets as defined in Chapter 185, § 185-3. **[Amended 5-20-2015 STM, Art. 10]**

STREETSCAPE — An overall coordinated and designed exterior public space with zones delineated for pedestrians, landscaping/street trees, vehicles and bicyclists. In general, streetscapes are located within the public right-of-way in front of a building, but may be on the adjacent fronting parcel or within both the public right-of-way and the parcel. **[Added 5-20-2009 STM, Art. 15]**

Streetscape elements include but are not limited to street trees, benches, bollards, public trash receptacles, movable tables and chairs, light posts, planters, bicycle racks and on-street parking. These components are intended to create a pedestrian-friendly zone parallel to the street. The width of the streetscape zone varies depending on the nature of the development and available space between the building and the edge of the travel way.

Streetscapes should reinforce an integrated plan including architecture, signage, on-street parking and traffic-calming measures such as curb bump outs and raised or reflective sidewalks. In all cases, a minimum six foot-wide pedestrianway shall be maintained clear of obstacles.

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. **[Amended 11-13-2008 STM, Art. 7]**

STRUCTURE HEIGHT — The vertical distance measured between the average finished grade of the ground at the base of a structure to the high point of a structure.

SUBDIVISION — See Chapter 191, Subdivision of Land.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either

before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, substantial improvement is considered to occur when the first alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or for any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historical Places.

SUBSURFACE SEWAGE DISPOSAL SYSTEM — Any system designed to dispose of waste or wastewater 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. § 414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or waste water treatment system. **[Added 11-13-2008 STM, Art. 7]**

SUSTAINED SLOPE — A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area. **[Added 11-13-2008 STM, Art. 7]**

TIDAL AREA — Any land or water area upon which tidal action occurs (Merrymeeting Bay and tributaries).

TIDAL WATERS — All waters affected by tidal action during the maximum spring tide. **[Added 11-13-2008 STM, Art. 7]**

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. Such cutting or removal of trees shall be regulated pursuant to § 225-19, Subsection 15P, "Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting." **[Amended 11-13-2008 STM, Art. 7]**

TIMBER HARVESTING AND RELATED ACTIVITIES — Timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting. **[Added 11-13-2008 STM, Art. 7]**

TOWN PLANNER — The department head of the Topsham Planning Department, or his/her designee. **[Added 5-14-2014 STM, Art. 12]**

TRANSMISSION TOWER — A structure that is intended for transmitting or receiving television, radio or telephone communications.

TRIBUTARY STREAM — A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" as defined elsewhere in this chapter, and only applies to that portion of the tributary stream located within the Shoreland Zone of the receiving water body or wetland. **[Amended 11-13-2008 STM, Art. 7]**

UNDUE HARDSHIP: —

- A. The land in question cannot yield a reasonable return unless a variance is granted;

- B. The need for a variance is due to the unique circumstances of a property and not to the general conditions in the neighborhood;
- C. The granting of a variance will not alter the essential character of the locality; and
- D. The hardship is not the result of action taken by the applicant or a prior owner.

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) feet] tall or taller. **[Amended 11-13-2008 STM, Art. 7]**

USED MERCHANDISE SALE — The indoor or outdoor sale of used articles, conducted for more than five consecutive days or for more than two weekends during the period May 1 through September 30. This term shall include extended yard sales, but shall not include flea markets or shops for secondhand clothing or secondhand books. Used merchandise sales shall require a permit from the Code Enforcement Officer, which shall be conditional upon the provision of adequate off-street parking.

VARIANCE — A relaxation of the terms of this chapter where such relaxation will not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the chapter would result in undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variances are undue hardship and unique circumstances applying to property.

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

VERNAL POOL CONSERVATION PLAN — A plan developed by the Town that assesses the known vernal pools in the community's Rural Area and establishes a list of target conservation pools and conservation actions in accordance with the Vernal Pool Conservation Criteria in the Town of Topsham Vernal Pools Special Area Management Plan (SAMP). **[Added 5-18-2016 STM, Art. 14]**

VERNAL POOL MITIGATION FEE — A fee paid by an applicant for a development approval or permit in accordance with the provisions of the Vernal Pools Overlay District as an alternative to complying with the normal state and federal requirements with respect to the conservation of vernal pools. **[Added 5-18-2016 STM, Art. 14]**

VOLUME OF A STRUCTURE — 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.

WAREHOUSING; STORAGE, DISTRIBUTION — A use engaged in storage, wholesale and distribution of manufactured products, supplies and equipment, but excluding bulk fuel storage.

WATER BODY — Any great pond, river or stream. **[Amended 11-13-2008 STM, Art. 7]**

WATER CROSSING — Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, waterlines, sewer lines,

and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.⁵[Amended 11-13-2008 STM, Art. 7]

WETLAND — A freshwater or coastal wetland.[Added 11-13-2008 STM, Art. 7]

WHOLESALE BUSINESS — An establishment selling goods intended for resale.

WINDFIRM — The ability of a forest stand to withstand strong winds and resist wind throw, wind rocking, and major breakage.[Added 11-13-2008 STM, Art. 7]

WOODY VEGETATION — Live trees or woody, nonherbaceous shrubs.[Added 11-13-2008 STM, Art. 7]

YARD SALE — Includes so-called garage sales, porch sales, tag sales and the like. Unless they occur on more than five consecutive days or for more than two weekends during the period May 1 through September 30, they shall not be considered to be used merchandise sales as defined in this chapter and shall not require a permit from the Code Enforcement Officer.

5. Editor's Note: The definition of "wetlands associated with great ponds and rivers," which immediately followed, was repealed 11-13-2008 STM, Art. 7.