Blue Text – To be added to existing ordinance
Red Text – To be removed from existing ordinance

Section 7.06 Well-Head Protection District (AMENDED 6-5-93)

Subsection 7.06.01 General - The purpose of this district is to establish a protection district for wells intended to serve potable water on a town or regional scale. The creation of the Wellhead District is intended to protect the quality and quantity of the present and future water resources of the communal potable water systems, by regulating activities and land use practices within the well recharge area. This protection is vital to preserving the health, safety, and general welfare of the households serviced by potable water systems and the other residents of the Town.

The Wellhead Protection district shall be an overlay zoning district and therefore compliance with all the requirements of the underlying zoning district(s) which the Wellhead Protection district covers shall be maintained.

In addition, those uses listed in s7.06.03 are prohibited in the Wellhead Protection overlay district.

The Wellhead Protection districts shall consist of all land delineated within that zone on the Town of Waterboro Wellhead Protection Zone Map, as amended.

Subsection 7.06.02 Permitted Uses and Structures - Any permitted uses and structures allowed within the underlying zoning district(s) (which the individual Wellhead Protection district overlays), and not specifically prohibited in subsection 7.06.03, shall be permitted uses and structures within the Wellhead Protection district.

Subsection 7.06.03 Prohibited Uses and Structures

1. Disposal or storage of combustible or non combustible waste is defined in the Town of Waterboro's Landfill Licensing Ordinance; hazardous or toxic materials as defined in the Town of Waterboro's Hazardous Waste Ordinance; leachable materials or road salt; used automobiles or related parts; and sludge.

2. Use or storage of fertilizer or manure, other than for home-agriculture.

3. Use or storage of herbicides, insecticides or pesticides other than for normal household or home agricultural use. Aerial spraying of herbicides, insecticides or pesticides.

4. Mining.

5. Metal plating,

6. Boat or motor vehicle service or repair; body shops.

Deleted: Notes based on meetings between Earth Tech and Waterboro's CEO¶

Deleted: Green Text – MRWA revisions based on 2/17 mtg. with Scott Davis and Patti Berry¶
¶

Deleted: ¶
Subsection 7.06.(NEW) Performance Guarantees – The Planning Board may require the applicant to provide performance guarantees for an amount adequate to cover the total construction costs of all required improvements. Performance guarantees maybe made by certified check, payable to the Town, or a savings account naming the Town as Owner, for the establishment of an escrow account; by an irrevocable letter of credit from a financial institution establishing funding for the construction of the project, from which letter the Town may draw if construction is inadequate; or by a performance bond, payable to the Town, issues by a surety company and acceptable to the Town. The form, time periods, conditions, and amount of performance guarantees shall be determined by the Planning Board. (Patti suggested that this section be deleted because "performance bonds" are covered in Section 12.04 of the existing Zoning Ordinance.)¶

Deleted: – (To be Replaced by NEW Subsection that follows)

7. Car washes.

8. Dry cleaning establishments.

9. Truck or trailer terminals.

10. Agricultural uses other than home agricultural uses.

11. Furniture stripping, painting or wood preserving other than for personal use.

12. Commercial animal husbandry.

13. Sand and gravel extraction.

14. Pipelines for the transmission of oil, fuel, or hazardous or toxic materials, other than home heating systems.

15. Spray irrigation of industrial sewage or

16. Sawmills or wood processing plants.

17. Subsurface waste disposal systems with a capacity greater than 1,000 gallons per day.

Deleted:

Subsection 7.06.04. Establishment of Zones

Deleted: x

The Wellhead Protection Area consists of two (2) zones that are shown on the official Town of Waterboro Zoning Map or official Wellhead Protection Area Map. The two zones are defined as:

Deleted: s

A. Zone 1: Immediate Recharge Area

Zone 1 includes the area immediately recharging the water supply, as shown on the official Town of Waterboro Zoning Map or official Wellhead Protection Area Map.

B. Zone 2: Primary Recharge Area

Zone 2 includes the primary recharge area shown on the official Town of Waterboro Zoning Map or official Wellhead Protection Area Map.

Deleted: (town)

Deleted: SECTION 2.

C. Land Use Table

Deleted: LAND USE TABLE

Any proposed land use listed below is subject to the requirements of this section and applicable performance standards. Any proposed uses not listed are prohibited.

Land Use	Zone 1	Zone 2	Applicable Performance Standards
Agricultural chemical spreading or spraying	N	PB	Chemical Storage Chemical Use Chemical Spreading/Spraying
Agricultural use of residuals	N	PB	Chemical Spreading/Spraying
Agriculture	N	PB	Chemical Storage Chemical Use Chemical Spreading/Spraying
Animal husbandry	N	PB	Chemical Storage Wastewater and Solid Waste
Auto parts/supply	N	PB	Chemical Storage
Auto repair/body shop	N	PB	Chemical Use Chemical Storage
Beauty parlor	N	PB	Chemical Use Wastewater and Solid Waste
Boat builders, refinisher, maintenance	N	PB	Chemical Storage Chemical Use
Bulk Fuel Oil Storage >275 gallons	N	PB	Chemical Storage
Car wash	N	PB	Chemical Use Wastewater and Solid Waste
Commercial vehicular storage or parking; maintenance and refueling of vehicles and equipment[1]	N	PB	Vehicular Use and Storage
Concrete, asphalt, tar, coal company	N	PB	Chemical Storage Chemical Use
Dry cleaner	N	PB	Chemical Storage Chemical Use
Essential operations of the Water District	Y	Y	
Furniture stripper	N	PB	Chemical Storage Chemical use
Golf course	N	PB	Chemical Storage Chemical Use Chemical Spreading/Spraying

Land Use	Zone 1	Zone 2	Applicable Performance Standards
Graveyard/cemetery	N	PB	Chemical Spreading/Spraying
Herbicide/Pesticide/Fertilizer application[2]	N	PB	Chemical Storage Chemical Use Chemical Spreading/Spraying
Herbicide/Pesticide/Fertilizer dealer	N	PB	Chemical Storage
Hoop houses and greenhouses	N	PB	Chemical Use Chemical Spreading/Spraying
Junk or salvage yard	N	PB	Wastewater and Solid Waste Chemical Storage
Laundromat	N	PB	Chemical Use Wastewater and Solid Waste
Machine shop	N	PB	Chemical Storage Chemical Use
Medical, dental, veterinarian office	N	PB	Wastewater and Solid Waste
Mining (Sand & Gravel, Rock)	N	PB	Mining
Mortuary/funeral parlor	N	PB	Chemical Storage Chemical Use
Multi-unit/family housing	N	PB	Wastewater and Solid Waste
Municipal wastewater treatment plant	N	PB	Wastewater and Solid Waste
Nursery or garden shop	N	PB	Chemical Use Chemical Spreading/Spraying
Oil pipeline	N	PB	Chemical Use Chemical Spreading /Spraying
Painters, finishers	N	N	Chemical Use
Parking lot	N	PB	Stormwater Road maintenance
Photo processor	N	PB	Chemical storage Chemical use
Printer	N	PB	Chemical storage Chemical use
Railroad yard or line	N	PB	Chemical storage Chemical use
Recycling or processing center (other than beverages)	N	PB	Chemical storage Chemical use Wastewater and Solid Waste

Land Use	Zone 1	Zone 2	Applicable Performance Standards
			Storm water Fill
Research laboratory	N	PB	Chemical storage Chemical use Wastewater and Solid Waste
Rust proofer	N	PB	Chemical storage Chemical use Wastewater and solid waste
Salt pile or sand and salt pile (uncovered)	N	PB	Chemical storage
Septic system – New ≥ 1,000 gallons – New < 1,000 gallons – Replacement < 1,000 gallons	 N N CEO[3]	 N CEO[3] CEO[3]	Wastewater and solid waste
Sewer lines	PB	PB	Waste water Solid waste
Small engine repair shop	N	PB	Chemical use
Storm water impoundment or run-off area	N	PB	Storm water Road maintenance
Utility Transmission Lines	PB	PB	Chemical Spreading/Spraying
Wastewater treatment plant, discharge	N	PB	Wastewater and solid waste
Notes	[1] – Short-term overnight parking may be allowed in connection with other activities receiving a CEO or PB permit. For example, short-term overnight parking of construction vehicles on new permitted construction projects. [2] – Unless a greater public health concern warrants pesticide application. For example, Browntail Moth control. [3] – With notification made to the appropriate public water supplier(s): the Waterboro Water District and/or the Lake Arrowhead Association Department of Public Works.		

Land use key
Y= permitted

Formatted: Font: 8 pt
Formatted: Font: 8 pt
Deleted: –
Formatted: Bullets and Numbering
Deleted: or Replacement <
Formatted: Superscript
Formatted: Left
Formatted: Left
Deleted: PB

Land use key (continued)
N= not permitted
PB= permitted subject to Planning Board Review and use of Best Management Practices that pertain to the application
CEO= permitted subject to CEO Review and use of Best Management Practices that pertain to the application

Subsection 7.06.05 Conditional Uses - Any conditional uses allowed within the underlying zoning district(s) (which the individual Wellhead Protection district overlays), and not specifically prohibited in subsection 7.06.03, shall be conditional uses in this district and subject to Planning Board review pursuant to Article 4 of this Ordinance.

Deleted: 04

Subsection 7.06.06 Conflict - If the provisions of this Article conflict with other requirements in this zoning ordinance, or with requirements found in other ordinances of the Town of Waterboro, the stricter requirements shall govern.

Deleted: 05

Subsection 7.06.07. Lot Specifications

Deleted: x

A. Minimum Lot Size

Areas not served by public sewer:

Zone	Land Area per Dwelling Unit
1	160,000 sq. ft.
2	80,000 sq. ft.

Deleted: 2

Areas served by public water have a minimum lot size of 40,000 square feet per dwelling unit.

B. Maximum Lot Coverage

For portions of lots within the Wellhead Protection Area, the maximum lot coverage that can be covered by impermeable surfaces including parking areas, shall be limited as follows:

Zone	Maximum lot Coverage
1	30%
2	50%

Notwithstanding other provisions of the ordinance, lot coverage that exists as of the date of adoption of this ordinance that equal or exceed the applicable percentage limitation may be continued and may be expanded with Planning Board approval. Expansions of lot coverage shall be limited to no more than ten percent (10%) of the portion of the lot located in the Wellhead Protection Area. However, the Planning Board shall not authorize expansion of impermeable surfaces of existing uses if the total coverage of all lot areas located in the Wellhead Protection Area is greater than fifty percent (50%) in Zone 1 or greater than sixty-five percent (65%) in Zone 2.

Subsection 7.06.08. Application Requirements

The Planning Board may modify or waive any of the following submission requirements if it determines that, because of the size or nature of the project or circumstances of the site such requirement(s) would not be applicable or would be an unnecessary burden upon the applicant and would not affect or conflict with the purposes of this ordinance.

A. All Applications

All applications shall follow submission criteria required for Site Plan Review.

B. Additional Application Requirements for Planning Board Review for Certain Activities within the Wellhead Protection Area

More than one of the categories listed below may apply to a particular use. Applicants should request assistance from the Town Planner should there be questions as to which categories apply.

1. Non-agricultural chemical use, storage and handling, (including petroleum products)

a. Type and volume of chemical compounds handled and/or stored.
b. Site plan showing all storage, handling and use areas for raw materials and wastes.
c. For outside areas, details to contain spills including:
   i. drainage and contour information to prevent the flow of runoff from entering the storage area and which keep leaks or spills from flowing off site;
   ii. provisions to collect chemicals should they enter the drainage system;
   iii. provisions to segregate underground systems to insure that there are no cross connections;
   iv. provisions to prevent accidental containment breach by collisions;
   v. statement of emergency measures which can be implemented for surface drainage systems;
d. For inside areas, details to contain spill including the:
   i. design of dikes around rooms;
   ii. the location of floor drains and floor drains outlets;
   iii. the location of separators, holding tanks and/or drain outlets;
   iv. the specific location and design of underground storage structures;
   v. the location and design of piping systems for wash are discharged and that wastes are discharged to appropriate sewers or treatment systems.
e. A spill prevention and control and countermeasure (SPCC) plan detailing:
   i. materials and equipment to be available;
   ii. a training plan and schedule;
   iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
   iv. an inspection schedule.
f. A report by an industrial engineer or other competent professional detailing:
   i. steps which have been taken to reduce the use of hazardous material;

Comment [SBK1]: Patti seconded the note to compare these criteria against the Site Plan Review requirements. She suggested deleting all of section A and putting in something like this instead: "Anything that triggers Planning Board review requires the same submission criteria as Site Plan Review."

Deleted: x

Deleted: – Compare Against Existing Site Plan Review Requirements

Deleted: contain the following information.

Deleted: 1. Written information:¶
a. Name of development; municipality; tax map and lot numbers.¶
b. Owner and applicant's names and addresses; name and addresses of person who prepared the application and/or plan.¶
c. Name and address to which correspondence should be sent.¶
d. If applicant is a corporation, state whether the corporation is licensed to do business in Maine and attach a copy of Secretary of State's Registration.¶
e. Copy of recorded deed for property; verification of ownership of legal interest.¶
f. Interest the applicant has in any property abutting the parcel to be developed.¶
g. State whether the development covers the entire or contiguous holdings of applicant.¶
h. On-site sewage disposal report from licensed site evaluator or information from local sewer district indicating capacity.¶
i. Special reports:¶
i. Necessary state and/or federal permits and date of application and approval (please list).¶
ii. List of construction items, cost estimates.¶
iii. Construction schedules.¶
iv. Proposed method of performance guarantee.¶
v. Restrictions, conditions, covenants and easements.¶
2. Plan information:¶
a. Existing and proposed streets.¶
b. Outline of development and remaining portion of property scale; written and graphic date; north point.¶
c. Perimeter survey (bearings and distances; surveyor's seal; number of acres; existing and proposed monuments; abutters names).¶
d. Lot lines, numbers and sizes; building setback lines.¶
e. Existing water bodies, watercourses, wetlands, and other significant natural features.¶
f. Public and private rights-of-way and easements.¶
g. Zoning boundaries.¶
h. Location of test pits keyed to site evaluator's or soil scientist's repor ... [1]

ii. actions which have been taken to control the amount of wastes generated;
iii. any reports to provide information on the design theory or methodology for the above features.

2. Agricultural chemical use, storage and handling

a. Type and volume of chemical compounds handled and/or stored.
b. Intended use.
c. An Integrated Pest management Plan.
d. An on-site soils evaluation to assess nutrient holding capacity and leachability of the soils.
e. Plans for control of surface water run-ff and erosion in areas where chemicals will be applied.
f. Detailed report on type of chemical applied and rate of application.
g. Site plan showing all storage, handling and use areas for raw materials and wastes.
h. For outside storage, details to contain spills including:
   i. drainage and contour information to prevent the flow of runoff from entering;
   ii. the storage area and which keep leaks or spills from flowing off site;
   iii. provisions to collect chemicals should they enter the drainage system;
   iv. provisions to segregate underground systems to insure that there are no cross connections;
   v. provisions to prevent accidental containment breach by collisions;
   vi. statement of emergency measures which can be implemented for surface drainage systems.
i. For inside storage, details to contain spill including the:
   i. design of dikes around rooms;
   ii. the location of floor drains and floor drains outlets;
   iii. the location of separators, holding tanks and/or drain outlets;
   iv. the specific location and design of underground storage structures;
   v. the location and design of piping systems for wash are discharged and that wastes are discharged to appropriate sewers or treatment systems.
j. A spill prevention and control and countermeasure (SPCC) plan detailing:
   i. materials and equipment to be available;
   ii. a training plan and schedule;
   iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
   iv. an inspection schedule.
k. A report by an industrial engineer or other competent professional detailing:
   i. steps which have been taken to reduce the use of hazardous material;
   ii. actions which have been taken to control the amount of wastes generated;
   iii. any reports to provide information on the design theory or methodology for the above features.

3. Vehicular use and storage

a. A site plan, drawn to scale, showing locations and designs of secondary containment for fuel and storage and refueling pads.

4. Mining (Sand, Gravel and Rock)

a. A location map and site plan, drawn to scale, showing property boundaries, stockpile areas, existing reclaimed and unreclaimed lands, proposed maximum acreage of all affected lands, erosion and sedimentation control all applicable private drinking water supplies or public drinking water sources and all existing or proposed solid waste disposal areas.
b. A detailed report by a Maine Certified Geologist with experience in hydrogeology attesting to the depth of the seasonal water table, and plan showing benchmarked elevations for depth of excavation.

5. Subsurface injection

a. Subsurface Wastewater Disposal
   i. Soil evaluator's report and septic system design.
   ii. For sites/uses producing >800 gallons of sewage, a hydrogeologic analysis of nitrate concentrations at the property line.
b. Sewage Disposal
   i. Evaluation of public/private sewer system capacity and integrity of sewer lines serving the development by a Registered Engineer or the sewer system superintendent.
c. Subsurface Injection
   i. Provisions and designs for all floor drains, grease traps, and holding tanks.

6. Stormwater Management

a. Narrative describing site layout, and on-site and off-site watershed hydrology, including all new and existing buildings and facilities, which may be affected by the site runoff. Provide total amount of impervious area created by the project.
b. Drainage plans showing all topographic features, such as buildings and other facilities, drainageways, cover types, roads, drainage easements and subcatchment boundaries for pre-construction and post-construction conditions must be shown on the plan. Show all hydrologic flow lines and hydrologic soil groups boundaries on a plan and identify each subcatchment, reach and pond consistent with the runoff model. For post construction conditions, show all new stormwater management structures and changed to the hydrologic condition.
c. Stormwater runoff calculations for measured designed to meet the standards listed in Section 5(G).
d. Designs, construction details and technical specifications for each stormwater management measure that will be constructed, installed or managed on the site.

7. Utility Corridors

a. Type and volume of chemical compounds applied, handled or stored.
b. Site plan showing all areas of use areas for chemical compounds.
c. A spill prevention and control and countermeasure (SPCC) plan detailing:
   i. materials and equipment to be available;
   ii. a training plan and schedule;
   iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
   v. an inspection schedule.
d. A report by an industrial engineer or other competent professional detailing:
   i. steps which have been taken to reduce the use of hazardous material;
   ii. actions which have been taken to control the amount of wastes generated;
   iii. any reports to provide information on the design theory or methodology for the above features.

Subsection 7.06.09 . Performance Standards

Deleted: x

A. General Provisions

All development located within the Wellhead Protection Area shall comply with the Performance Standards established in this section to protect the quality and quantity of the public water supply.

B. Performance Standards for Chemical Use

1. The use of chemicals or residuals shall not cause or contribute to the cumulative, calculated or actual levels of any contaminants in the groundwater at the Water District's property line to exceed 50% of the allowable Primary Public Drinking Water Standards as defined by the Federal Safe Drinking Water act, as amended.
2. Only fertilizers containing predominantly slow release nitrogen and manure are allowed. Fertilizers shall be applied at an agronomic rate based on annual soil test results. Permit applications must be on an annual basis. Permit applications shall include application materials and rates.
3. Only land application of pesticides with low leachability by Maine licensed applicators is allowed. Provisions shall be made for control of surface run-off and erosion in areas where pesticides are being applied. Permit applications shall be submitted on an annual basis and shall include copies of the pesticide labels and materials safety data sheets and the proposed rate of application. In addition to a comprehensive Integrated Pesticide Management Plan certified by a groundwater hydrologist as having no unreasonable adverse effects on groundwater. Annual reports detailing the type and amount of substance reports as well as date and specific location of application shall be submitted to the CEO annually.

C. Performance Standards for Chemical Storage

1. New installation of underground storage tanks are prohibited within the Wellhead Protection Area.
2. All chemicals must be stored under cover and on an impervious surface, without floor drains.
3. Secondary containment of liquid chemicals equaling 110% of the stored product must be provided.
4. Tanks for liquid chemical storage must be equipped with automatic shut-off valves and high level alarms.
5. Any above-ground piping must be designed to prevent line breakage due to collision.
6. All containers and piping must be constructed of corrosion resistant materials.
7. All containers must be clearly labeled with the chemical name and date of purchase.
8. A Spill Prevention, Control and Countermeasures Plan (SPCC) must be submitted to the CEO, Fire Department and the Water District.

D. Performance Standards Chemical Spreading/Spraying

1. Pesticide and herbicide application should be the option of last resort. Any activity requiring the use of herbicides or pesticides must develop an Integrated Pest Management Plan that details the conditions under which agricultural chemicals are to be used. All pesticides shall be applied in accordance with label directions and the regulations of the Maine Board of Pesticides Control.
2. Herbicides and pesticides must be applied only by certified applicators, who must be informed regarding the delineated area of wellhead protection.
3. A Nutrient Management Plan must be provided for all agricultural activities within the WHPA.
4. All agricultural fertilizers shall be applied in accordance with label directions, and must be applied in accordance with an approved Nutrient Management Plan
5. Fertilizer applications are to be tailored to the specific needs of the crop, as determined by soil suitability analyses. Use of slow-release fertilizers is preferred.
6. Irrigation schedules shall be coordinated with pesticide and nutrient application to minimize the possibility of leaching. Do not apply to frozen ground, or immediately before storm events.
7. Notice of intent to apply agricultural chemicals shall be given to the CEO and public water supplier prior to application.
8. Only Class "A" composted residuals may be used within WHPA. These residuals must have an approved Program License from the Maine Department of Environmental Protection, and must be used in strict accordance with all license provisions. Any non-composted residual or a residual not meeting the Class "A" pathogen reduction standard should not be spread within the WHPA.

9. Manures must be composted to Class "A" standards. Manure may be used within the WHPA, and must be applied in accordance with the nutrient management plan.
10. Residuals and manures shall not be applied over very shallow soils (less than 1 foot) or exposed bedrock.
11. Residuals and manure shall not be applied on frozen ground, or immediately before storm events.

E. Performance Standards for Non-Residential Vehicular Use and Storage

1. When draining oils or fluids from vehicles, precautionary measures such as portable drip pans, must be taken to ensure that no spills occur.
2. All fuel oil, waste oil, lubricants, antifreeze, or other potential contaminants must have permanently installed secondary containment equal to 110% of the liquid volume stored, be covered by a permanent roof and be on a surface with no floor drains.
3. No vehicle washing may occur.
4 Refueling vehicles must be equipped with a shovel, an impermeable container with a volume of no less than 35 gallons and a tight fitting lid, and at least two absorbent pads or pillows. An absorbent pad or portable drip catch must be in place beneath the fill tube at all times during the refueling operation.
5. Refueling must occur on a concrete pad or other impermeable surface.

F. Performance Standards for Residential Storage and Handling of Petroleum Products

1. All fuel oil, waste oil, lubricants, antifreeze, or other potential contaminants must have permanently installed secondary containment equal to 110% of the liquid volume stored, be covered by a permanent roof and be on a surface with no floor drains.
2. Refueling must occur on a concrete pad or other impermeable surface.

G. Performance Standards for Vehicular Parking and/or Storage

Any vehicle (both on- and off-road) with externally mounted fuel tanks in excess of 45-gallons must be on an impervious surface with no floor drains.

Formatted: Normal, Indent: Left: 0", First line: 0"

Formatted: Font color: Auto

H. Performance Standards for Mining (Sand, Gravel and Rock)

1. Separation must be maintained between any excavation and any public drinking water source as follows: (1) For systems serving a population of 500 persons or less, the minimum separation must be 300 feet; (2) For systems serving a population of 501 persons up to 1,000 persons, the separation must be 500 feet; (3) For systems serving a population of more than 1,000 persons, the separation must be 1,000 feet; and (4) For any system that holds a valid filtration waiver in accordance with the federal Safe Drinking Water Act, the separation must be 1,000 feet
2. Excavation may not extend below 5 feet above the seasonal high water table without the submission of detailed findings of the depth of the water table.

3. No equipment debris, junk, or other material is permitted on an extraction site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith must be removed within 30 days following completion of active extraction operations.
4. Within 6 months of the completion of extraction operations at any extraction site or any one or more locations within any extraction site, ground levels and grades must be established in accordance with the approved plans.
5. All debris, stumps, boulders, and similar materials must be removed or disposed of in an approved location or buried and covered with a minimum of two feet of soil.
6. The extent and type of fill must be appropriate to the use intended. The applicant must specify the type and amount of fill to be used.
7. At least 4 inches of topsoil or loam must be retained or obtained to cover all disturbed areas, which must be reseeded and property restored to a stable condition adequate to meet the provisions of the "Erosion and Sediment Control, Best Management Practices," published by the Maine Department of Environmental Protection.
8. Disused gravel pits within the Wellhead Protection District shall be reclaimed according to plans submitted to the Municipality.
9. Gravel mining activities in Wellhead Protection District must have emergency spill response plans.
10. Storage of fuels is prohibited within WHPA's.
11. Rock crushers are prohibited within WHPA's.
12. There shall be no overnight storage of vehicles within the WHPA's, unless parked over a secondary containment area.

Deleted: F

I. Performance Standards for Wastewater and Solid Waste

1. Municipal wastewater disposal facilities, chemical waste disposal sites of any kind, spreading of biosolids and incinerator ash except Class "A" residuals as described in Section C of this document, solid waste landfills, log storage yards and lumber yards, and other direct discharges shall be prohibited in WHPA's.
2. All new and replacement subsurface wastewater disposal systems shall submit evidence of site suitability prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Waste Water Disposal Rules and for systems producing > 800 gallons of sewage, a hydrogeologic analysis of nitrate/nitrite impact study, with nitrate/nitrite concentrations limited to 5mg/L at the property line.
3. Sewer pipes shall be internally lined when buried within WHPA's.

Deleted: G

J. Performance Standards for Stormwater Management

1. Stormwater management system must include treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater and mitigate potential temperature impacts. This shall be achieved by using one or more of the methods listed in this section to control

runoff from no less than 95% of the impervious area and no less than 80% of the developed area associated with a project that is impervious or landscaped. The Planning Board may, on a case-by-case basis, consider alternate treatment measures to those described in this section. An alternate treatment measure must provide at leas as much pollutant removal as the measures described in this section and, unless otherwise approved by the Planning Board, as much channel protection and temperature control.

a. *Wetpond with detention above the permanent pool.* A stormwater management system using detention to control runoff must detain, above a wetpond's permanent pool, a runoff volume equal to 1.0 inch times the subcatchment's impervious area plus 0.4 inch times the subcatchment's landscaped area. The detained runoff must be discharged solely through an underdrained vegetated gravel filter having a single outlet having a diameter no greater than eight inches. A wetpond must have a storage volume below the permanent pool elevation at least equal to 1.5 inches times the subcatchment's impervious area plus 0.6 inch times the subcatchment's non-impervious developed area, a mean depth of at least three feet, and a length to width ratio of 2:1 or greater.
b. *Filter.* A detention structure using filters to control runoff must detain a runoff volume equal to 1.0 inch times the subcatchment's impervious area plus 0.4 inch times the subcatchment's developed area that is landscaped and discharge it solely through an underlined vegetated soil filter having a single outlet with a diameter no greater than eight inches, or through a proprietary filter system approved by the Planning Board.
c. *Infiltration.* A stormwater management system using infiltration to control runoff must retain a runoff volume equal to 1.0 inch times the subcatchment's impervious area plus 0.4 inch times the subcatchment's developed area that is landscaped and infiltrate this volume into the ground. Pre-treatment of stormwater must occur prior to discharge to the infiltration area. The infiltration area must minimize discharge of soluble pollutants to groundwater, and must be maintained to assure that its capacity for infiltration and pollutant removal is unimpaired.
d. *Buffers.* A stormwater management system using buffers to control runoff must meet the design criteria listed in the Maine Department of Environmental Protection Stormwater Rules, 06-96 CMR 500, as amended.

K. Performance Standards for Road Maintenance

1. Cover all sand, salt or sand/salt piles with a roofed structure capable of preventing both contact with water and leaching of salt into groundwater. Tarps are not an acceptable means to cover a sand, salt or sand/salt pile.
2. Prohibit snow dumps and/or snow storage in all wellhead protection areas.

L. Performance Standards for Fill

1. Use only inert material (loam, sand, gravel, clay, rocks, bricks or concrete).

Deleted: H

Formatted: Bullets and Numbering

Deleted: and

Deleted: ¶
Minimize use of salt in all cases.

Comment [SBK2]: Patti suggested that the Town speak w/DOT RE minimization of road salt but thought it was a liability to have it as a performance standard.

Deleted: of contribution

Deleted: I

2. Use only clean fill (no non-natural odors, no staining, and not originating at a known spill site).
3. Implement erosion and sedimentation control measures.

Subsection 7.06.10. Control of Existing Threats

Deleted: x

Comment [SBK3]: Work in progress: is the CEO authorized to bring someone from the WD on-site for the inspection?

A. Inspection

The CEO shall also have the right to inspect any property located in a Wellhead Protection Area, except building interiors, at reasonable hours, without landowner permission, as provided in 30-A MRSA section 4452, for the purpose of determining compliance with this ordinance or any permit issued hereunder. The Code Enforcement Officer may be accompanied by a representative of the Water District. In the event the landowner denies or prevents access for this purpose, the CEO shall be authorized to apply for an administrative site inspection warrant pursuant to Rule 80E, Maine Rules of Civil Procedure.

B. Monitoring

Whenever the CEO finds that a use existing as of the date of adoption of this ordinance, including but not limited to uses of the types identified in Article III, Section 2 of this ordinance, is located within a Wellhead Protection Area designated by this ordinance and poses an actual or potential threat to the safety or quality of a public groundwater supply, the CEO may order the property owner to grant permission for installation, or to install, groundwater monitoring wells and to conduct testing as provided in subsection (1) above. Installation of monitoring wells and testing and monitoring of groundwater in such cases shall be at the sole cost of the municipality or the Water District, provided that if such testing indicates that the use is found to cause or contribute to reduction of eighty percent (80%) or more of the State Primary or Secondary Drinking Water standards at the Water District property line, the property owner shall reimburse the municipality or Water District for all expenses incurred for installation, testing and monitoring.

Comment [SBK4]: Patti noted that the PB has no enforcement authority.

Deleted: Planning Board

C. Enforcement

If any use causes or contributes to a reduction of eighty percent (80%) or more of the State Primary or Secondary Drinking Water standards at the Water District property line, the CEO may require the owner of the property on which the contaminating use occurs to cease activity, install or construct mechanisms, or enact appropriate procedures to reduce the contamination.

ARTICLE 12 FEES, VIOLATIONS, ENFORCEMENT

Section 12.01 Permit and Review Fees - All persons developing or requires the issuance of a permit and/or the review and approval of either the Planning Board, the Zoning Board of Appeals, or the Selectmen, shall pay a fee for such permit and/or review process to the Town Treasurer according to the following schedule. These fees shall be used to defray the costs of administering and enforcing the provisions of this ordinance and must accompany the application for the permit or approval being requested. In cases where more than one permit or approval is sought or required, fees are cumulative.

Building Permit	Fee shall not be less than $25.00 in any case except there shall be no fee if estimated cost does not exceed $1,000.00 (see Section 2.03) otherwise $4.00 per $1,000.00 estimated cost for residential building. New commercial buildings including multi family residential (3 or more units) including additions, but not alterations $6.00 per $1,000.00 per estimated cost. (AMENDED 3-12-88, 4/27/02)
Occupancy Permit	$10.00 (see Section 2.03)
Change of Use Permit	$10.00 (see Section 2.03)
Sign Permit	$25.00 (see Section 6.03)
Conditional use review	$100.00(see Article 4) (Amended 4/27/02)
Special structures	$50.00 (see Section 8.01)height modification request
Cluster development	$100.00 plus $25.00 for each review residential, commercial or industrial unit in the development. (see Section 8.03)
Planned unit	$100.00 plus $25.00 for each development review residential, commercial, or industrial unit in the development. (see Section 8.02
Variance Request	$100.00 (see Section 2.08 and 10.04) (AMENDED 3-9-91)

Temporary use review	$50.00 (see Section 2.07)
Permit to convert	$50.00 (Title 30 3223 Paragraph 3) from seasonal use to year round use
Review on Non-conforming lots	$25.00 (see Section 2.08)
Administrative Appeal	$100.00 (AMENDED 3/9/91)
Site Plan Review	$200.00 (Amended 4/27/02)
e-Inspection fee	$25.00 (Amended 9/30/03)

Request to undertake uses not presently permitted by this ordinance but similar to those which are permitted $50.00 (see Section 2.07) Fees received under this Article will be used by Code Enforcement Officer, Site Review Committee (if established) and the Planning Board towards operational funds. (AMENDED 3-11-89) All fees received from a Variance request of Administrative Appeal shall be used by the Zoning Board of Appeals towards operational costs. (AMENDED 3-9-91)

Privately sponsored request to amend this ordinance $100.00 (see Sections 2.07 and 13.04)

Section 12.02 Violations, Fines - Persons who have not adhered to the provisions of state law, this ordinance, other local land use ordinances or regulations, or the plans, specifications, or conditions upon which required permits and approvals were sought and obtained are in violation of this ordinance. Violations shall be noted initially by the Code Enforcement Officer's issuance of a code enforcement order (see Section 2.05). Such orders are to be complied with immediately. Violators are subject to fines which shall not exceed $50.00 for each day of violation.

A violation which consists of the commencement of development activity or the use of land, water, or structures without applying for or before obtaining all of the permits and approvals which this ordinance requires will also subject the violator to the payment of fees double in amount to those established in Section 12.01 violators who have not applied for required permits and approvals must do so.

Section 12.03 Selectmen Orders, Enforcement - The Selectmen acting upon the recommendation of the Code Enforcement Officer, Planning Board, or the Zoning Board of Appeals may protect the public interest and the reasonable expectations of private landowners by ordering violators to cease and/ to remove any violating activity, use or structure and. if necessary, they may order the restoration of conditions in existence prior to the violation.

If fees or double fees are not paid or if a Code Enforcement Order, or an order of the Selectmen is not complied with, the town may bring whatever legal, equitable, or injunctive action is necessary to compel the payment of established fees and to seek the imposition of appropriate fines as well as compliance with its orders. The costs of such proceedings shall also be imposed on the violator.

Section 12.04 Performance Bonds - The Planning Board may require any person undertaking development activity or the use of land, water, or structures in a manner which pursuant to this ordinance requires Planning Board review and approval to post a performance bond equal to twenty-five (25) percent of the estimated cost of the project to insure that all work will be undertaken in accordance with the plans, specifications, or conditions upon which the approval was sought and obtained. The bond shall be payable to the Town of Waterboro and shall be forfeit if the Code Enforcement Officer properly refuses to enforcement order (see Section 2.05) after finding that the plans, specifications or conditions upon which the approval was predicated were not complies with. A performance bond requirement will end upon the issuance by the Code Enforcement Officer of an occupancy permit indicating that work contemplated in a building permit has been completed satisfactorily.

ARTICLE 14 DEFINITIONS

Deleted: – To be updated to include additional definitions

Section 14.01 General - In reading and interpreting this ordinance the following definition rules apply:

- words used or defined in one tense or form shall include other tenses and derivative forms;
- words in the singular number shall include the plural number, and words in the plural number shall include the singular;
- the masculine gender shall include the feminine and the feminine gender shall include the masculine;
- the words "shall" and "must" are mandatory;
- the words "may" and "should" are permissive;
- the word "person" includes individuals, firms, corporations, associations, and other similar entitles;
- the words "town" or "municipality" mean the Town of Waterboro;
- the term "municipal officers" covers elected, appointed, and employed personnel acting as provided by law within the Town of Waterboro.

Section 14.02 Words and Terms Defined

ACCESSORY USE OR STRUCTURE: A use or structure necessary, customary, incidental, and subordinate to a permitted use or structure and located on the same lot or parcel as the permitted use or structure, often associated with repair, storage, parking, gardening, recreational activities, keeping of pets, etc.

ADULT BUSINESS:

i. Any business, 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 interests and which depict or describe specified sexual activities.

ii. Any business utilizing a "viewing booth" to display by audio or visual reproduction, projection or other means, any materials which depict or describe specified sexual activities.

iii. Any business which provides massage for consideration:

iv. Any business which presents as entertainment, or for the purpose of attracting customers, nude or semi-nude dancing or entertainment, meaning that the entertainers or other persons employed in the business expose any thereof in such a fashion that any of those parts of the body are not covered by a fully opaque cloth or textile.

As used in this definition of Adult Business, these terms have the following meaning:

SPECIFIED SEXUAL ACTIVITIES:

(1) Human genitals in the state of sexual stimulation or arousal;
(2) Acts of human masturbation, sexual intercourse or sodomy;
(3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

SUBSTANTIAL OR SIGNIFICANT PORTION:

Twenty-five percent (25%) or more of the floor area of the unit of occupancy in which the business is located is used to display, shelve or store such materials or devices. As applied to a business which exhibits or displays films, videos or similar visual reproductions for viewing by patrons on the premises, "substantial or significant portion" means that, in any single day, 50% or more of the total display or exhibition time is devoted to such materials.(AMENDED 6-5-93)

AGGRIEVED PERSON: A party to a proceeding or a person whose interests are damaged or adversely affected by a decision, an action, or the failure to act of another person or a governmental body.

AGRICULTURAL USES: Included the widest range of crop, grass, and grain production; poultry and egg raising; cattle, hog, sheep, horse, and goat production; agriculture; viticulture; and the utilization of land for pasturage purposes. The term shall also include greenhouse, orchards, nurseries, and versions thereof, but shall not include home gardens.

ALTERATION: Any change, addition, demolition, extension, or renovation of a structure. In the case of land it involves the clearing, filling, grading, replanting, and/or recontouring of the natural landscape.

AMENDMENT: The addition of new material to, or the correction or change of an enactment of the governing body of the town, which new material, correction, or change must be enacted by the governing body in the manner prescribed for the passage of the original enactment.

APARTMENT CONVERSIONS: The conversion of an existing dwelling and/or accessory building to the dwelling into a total of no more than three units per lot for lots existing prior to the adoption of this subsection (6/4/94), provided the density requirements of 4.05 is met. For the purposes of the section, the conversion of a structure shall mean the division of the existing structure into individual dwelling units.

Formatted: Small caps

APPEAL: In the context of this ordinance, it is a procedure whereby an aggrieved person may have the benefit of having the actions of the Code Enforcement Officer, Planning Board, or Selectmen reviewed to determine their validity under the law by the Zoning Board of Appeals. Actions of the latter body may then be reviewed by the Supreme Court.

AQUACULTURE: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.(AMENDED 6-4-94)

AQUIFER
A permeable geologic formation, either rock or sediment, that when saturated with groundwater is capable of transporting water through the formation.

BEST MANAGEMENT PRACTICE
Procedures designed to minimize the impact of certain activities or land uses on groundwater quality and quantity, and shall include best management practices relating to groundwater quality as developed by the State of Maine departments of Agriculture, Forestry, Transportation and Development pursuant to 38 M.R.S.A. Section 410-J.

BOARD
Refers to the Town of Waterboro Planning Board.

BOAT HOUSE: A non-residential, non-commercial structure designed for the purpose of protecting or storing boats and boating equipment. A type of accessory structure.

BUILDING: Any structure having a roof, partial roof, or canopy supported by poles, columns, or walls used or intended to be used for the shelter or enclosure of persons, animals, or things regardless of the material of which it is constructed.

BUILDING PERMIT: A certificate to be secured from the Code Enforcement Officer of the town by every person who, after the date of enactment of this ordinance, undertakes to erect or alter any building or structure or to change the present use of his land or of any building or structure on it, indicating that the person so acting, is in compliance with the provisions of all applicable state and local.

BULK OIL, GASOLINE STORAGE, CEMENT MIXING, & GENERAL CONSTRUCTION FACILITIES: Bulk Fuel Oil, Gasoline Storage, Cement Mixing General Construction Tanks, Trucks, Equipment and Facilities. Notwithstanding any provision of this ordinance to the contrary, all of the above uses must be on parcels not less than five (5) acres in size.(AMENDED 6-5-93)

CAMP: A structure equipped and used for seasonal and/or recreational living quarters and being complete with adequate sanitary facilities conforming to the State Plumbing Code.

CAMPGROUND: A public or private enterprise which for a fee provides overnight camping facilities in cottages or shelters or space for tents or recreational vehicles. It also provides restroom, washroom and shower facilities; and usually provides recreational areas and activities; camping supplies; outdoor campfire and cooking facilities; etc.

CHANGE IN USE: A switch to a different kind, type, or class of activity in the use of land or structures (for example, a retail store changing to a wholesale outlet--agricultural land put to use for residential structures) as opposed to a mere change in the size or intensity of given use or a change within a given type or class of activity (for example, a small store becoming a large store--a dairy farm which is now used for general farming or crop production).

CHEMICAL BULK STORAGE
Storage of a chemical or chemicals in a container or containers larger than those intended for normal homeowner or retailer purposes. Proper, non-commercial, homeowner use of chemicals is not included.

CLEAR CUTTING: The felling of all trees in a continuous area at one time.

CLEARING: The removal of naturally occurring objects, materials, trees or other vegetation for purposes of development.

CLUSTER DEVELOPMENT: In the context of this ordinance--a development controlled by a single developer on any size parcel of land which contemplates an imaginative more compact grouping of residential housing units. Cluster developments are usually undertaken in a manner that treats the developed area as an entirety to promote flexibility in design, architectural diversity, the efficient 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

CODE ENFORCEMENT ORDER: An order issued by the Code Enforcement of provisions of this ordinance and directing the violator to cease such action. Failure to comply may lead to an enforcement action.

CODE ENFORCEMENT OFFICER: A person acting on the direction of the Selectmen and pursuant to the provisions of this ordinance charged with issuing building and occupancy permits and enforcing the provisions of this ordinance by the issuance of code enforcement orders to any person violating the ordinance.

COMMERCIAL ANIMAL HUSBANDRY: The keeping of more than 5 animal units (1 animal unit equals 1,000 pounds of live animal weight).(AMENDED 3-11-89)

COMMERCIAL BREEDING: Breeding, raising, and care of dogs, cats, mink, rabbits, and other domesticated or fur bearing animals for Commercial purposes.(AMENDED 6-5-93)

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 or residential buildings and/or dwelling units. (Amended 5-13-04)

COMMON SPACE: An area within a planned unit development or cluster development intended for the use and enjoyment of subsequent owners of property within the development. It is created by the grouping of structures in one portion of the total area to be retained in its natural state or developed for wood lot, gardening, or outdoor recreational uses.

CONDITIONAL USE: A permitted use, but one which by its nature in a particular zoning district requires case by case determination to assure compliance with the provisions of this ordinance and avoidance of harm to public or private interests.

CONFORMING USE OR STRUCTURE: A use or structure which is in existence at the time a zoning ordinance is enacted or which is built or undertaken after enactment, which complies in all respects with the provisions of the enacted zoning ordinance.

CONTRACTOR BUSINESS: A Business engaged in the provision of services off premises, but which has an office and equipment / materials stored on the premises. (AMENDED 4/26/03)

CONSTRUCTION/DEMOLITION: Construction or demolition of facilities, buildings, etc. associated with the land uses or activities.

CONVENTIONAL DEVELOPMENT: A term used to connote traditional patterns of design, building style and subdividing activity as distinguished from planned unit developments or cluster developments.

CUL-DE-SAC: A type of non-through street; one that does not connect with other segments of a public and/or private road network but ends in a turn-around.

DAY CARE FACILITY: A house or other place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 3 or more children under 13 years of age. Day Care Facility does not include any facility operated as a nursery school, a home day care provider, a summer camp established solely for recreational and educational purposes, or a formal public or private school. (Amended 4/27/02)

DENSITY OF DEVELOPMENT: A way of expressing the relationship between people, their support facilities (houses, places of employment, municipal services) and land area. Density is often a function of land use choices--more intensive residential, commercial, or industrial land uses increase populations and the density of development in a given area. Less intensive agricultural, forestry, or open space uses tend to have the opposite effect.

DEVELOPER: Any person, including a governmental body undertaking to use or develop any land or water area.

DEVELOPMENT: The carrying out of any building or mineral extractive activity or the making of any material change in the use or appearance of any structure or land and the subdividing of land, including: The reconstruction, alteration of the size, or any other material change in the external appearance of a structure or land; a change in the intensity of use of land such as an increase in the number of dwellings units, offices, or businesses in a structure or on land; alteration of a shore, bank, or the bottom of any waterbody; commencement of drilling, mining, or excavation of materials; demolition of a structure; clearing of land in the context of site preparation; deposit of refuse, or fill material on a parcel of land.

DEVELOPED AREA: "Disturbed area" (see definition below) excluding areas that are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. An area is not considered developed if planting to restore the previous cover type and restoration of any altered drainage patterns occur within one calendar year of the disturbance.

DISTURBED AREA: All land areas that are stripped, graded, grubbed, filled or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. Disturbed area does not include routine maintenance, but does include re-development and new impervious area.

DRINKING WATER STANDARDS, PRIMARY AND SECONDARY: Standards for drinking water as stated in the State of Maine Rules Relating to Drinking Water, Maine Department of Human Services.

DRIVE-IN FACILITIES: A store, eating establishment, or business institution which by design and physical arrangement primarily serves its patrons in parked automobiles, but not including automobile service stations.

DWELLING: A structure or part thereof equipped and used for permanent (as opposed to temporary or transient) living quarters for one or more families.

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.(AMENDED 6-4-94)

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 associated with the furnishing of such services.(AMENDED 6-4-94)

ESTIMATED COST: As it applies to building permits, the reasonable value of all services, labor or materials, use of scaffolding or other appliances and devices entering into and necessary to the prosecution and completion of the work ready for occupancy; provided that the cost of excavation or grading, and of painting, decorating of other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure is not deemed a part of such estimated cost.

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.(AMENDED 6-4-94)

EXPANSION OF MANUFACTURED HOUSING PARKS: All Manufactured Housing Parks in existence or under Planning Board Review as of September 25, 1991 as permitted under Article 7 Section 7.02 of this Zoning Ordinance.(AMENDED 6-5-93)

FABRICATED, MANUFACTURED, LIGHT INDUSTRIAL: Activities and Facilities with less than five thousand (5,000) sq. ft. of work area.(AMENDED 6-5-93)

FAMILY: One or more persons occupying a dwelling and living as a single housekeeping unit. Such unit shall not exceed five persons not related by blood, adoption, or marriage.

FARMING: Farming, grazing, poultry and livestock raising including farm residences. Harvesting of wild crops, grasses, etc.(AMENDED 6-5-93)

FLEA MARKET: A shop or open market customarily involving table or space rented to vendors selling antiques, used and new household goods, curios, and the like. For the purpose of this ordinance, any Yard/Garage Sales conducted for more than 3 days during a weeks time period shall be defined as a Flea Market. "Flea Markets" as distinguished from Yard & Garage Sales, must require a Conditional Use Permit in all districts.(AMENDED 6-5-93)

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. (AMENDED 6-4-94)

FLOOR DRAIN: An opening in the floor that leads to the ground and/or is not permitted under other State, Federal, or local regulations. Work sinks which lead to such drains are included.

FOREST MANAGEMENT: Timber cruising and other forest evaluation activities, management planning activities, insect and disease control, pruning and other stand improvement, regeneration of forest stands, and other similar associated activities, but no the construction of roads or timber harvesting.(AMENDED 3-11-89)

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

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

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

FRONTAGE: That portion of a lot or parcel of land abutting a public or private right-of-way or a waterbody.

FRONT YARD SETBACK: The minimum horizontal distance from the edge of a public or private right-of-way to the nearest part of a structure. (AMENDED 6-4-94)

FUEL OIL DISTRIBUTOR, FUEL OIL STORAGE: The storage of fuel for distribution or sale. Storage of fuel oil not for domestic use, i.e., not in tanks directly connected to burners.

GAS STATION, SERVICE STATION: Any place of business at which gasoline, other motor fuels, motor oil or vehicle maintenance services are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

GENERAL BUSINESS OFFICES: Business Offices such as but not limited to Banks, Insurance Brokers, Real Estate, Stock Brokerage i.e. with less than one thousand (1,000) sq. ft. of customer service and office area.(AMENDED 6-5-93)

GOVERNMENT FACILITIES: Includes Municipal Office Buildings, Police Facilities, Fire Protection Facilities, Libraries and Rescue Facilities.(AMENDED 6-5-93)

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

GREENBELT: For the purpose of these regulations, a "greenbelt" is defined as a strip of land vegetated with grass or other plant life maintained as open green space. Removal of dead trees, mowing of grass and pruning of other vegetation, to the extent appropriate

for routine maintenance, are the only cutting permitted within a greenbelt area. The only construction permitted within a greenbelt is that necessarily related to the exercise or use of a utility easement and/or that necessarily related to a driveway. If another means of access to the property other than through the greenbelt is available, construction related to utility easements shall be the only permissible construction within the greenbelt boundaries. (Amended 4/27/02)

GROUNDWATER: The water contained within the interconnected pores, cracks or fractures located below the water table of a confined or unconfined aquifer.

HAMMERHEAD TURN: A gravel area built entirely outside of the right of way a minimum of 75' sq. for the purpose of vehicular maneuvering.

The area of the right of way adjacent to the hammerhead turn must consist of a 75' x 50' gravel area. The right of way must extend 75' beyond the hammerhead turn with a graveled area of 75' x 35'. The right of way with a hammerhead turn shall be built in compliance with the sketch to be provided by the Code Enforcement Office. (AMENDED 3/11/00)

HAZARDOUS MATERIAL: Any gaseous, liquid or solid materials or substances designated as hazardous by the Environmental Protection Agency and/or the Maine Department of Environmental Protection.

HAZARDOUS WASTE: Any substance identified under chapter 850, Identification of Hazardous Wastes, of the rules of the State of Maine, Department of Environmental Protection, effective date July 1, 1980, including revisions or amendments thereto, and any radioactive waste material which means any solid, liquid, or gas residue, including but not limited to spent fuel assemblies prior to processing, remaining after the primary usefulness of the radioactive material has been exhausted and containing nuclides that spontaneously disintegrate or exhibit ionizing radiations.

HOME AGRICULTURAL USES: Agricultural uses, as defined by this ordinance, carried on by the permanent residents of a dwelling unit for their own personal household use and not for resale. (AMENDED 3-11-89)

HOME DAY CARE PROVIDER: A person who receives some type of payment to provide child care in his or her own home on a regular basis, for 3 to 12 children under 13 years old, who are not the provider's own children. (Amended 4/27/02)

HOME OCCUPATION: A use that is clearly incidental and subordinate to the residential use of the property. A home occupation must conform to the standards set forth in Article 7.04 of this ordinance. (AMENDED 3-8-97)

HORTICULTURE ACTIVITIES: Activities including but not limited to Nurseries, Greenhouses, and Commercial Sale of such products.(AMENDED 6-5-93)

IMPERVIOUS AREA: The total area of a parcel that consist of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce permeability.

INDOOR RECREATION: Recreational Facilities including Bowling Alleys, Skating Rinks, Swimming Pools, etc.(AMENDED 6-5-93)

INDUSTRIAL – The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals. (Amended 5-13-04)

INDUSTRIAL WASTE: Wastes resulting from the processes employed in industrial manufacturing, trade, or business establishments.

INERT FILL: Material placed on or into the ground as fill that will not react chemically with soil, geologic material, or groundwater.

INFILTRATION: Any process specifically used to meet all or part of the stormwater standard of this chapter by actively directing all or part of the stormwater into the soil. Infiltration is the process by which runoff percolates through the unsaturated overburden and fractured bedrock to the water table. For the purposes of this ordinance, infiltration does not include:

1. Incidental wetting of soil in ditches, detention basins or the equivalent;
2. Wetting of underdrained basins, dry swales or similar filtration systems;
3. Wetting of buffers meeting the performance standards of this ordinance.

Discharge of runoff to areas of the site where the water will collect and percolate into the ground is considered infiltration if the volume, rate or quality of the discharge exceeds the runoff capacity of the area, such as a stormwater treatment buffer. Underdrained swales, underdrained ponds and similar practices that discharge to surface waters or to buffer strips meeting the requirements of this ordinance are not considered infiltration systems, although these may be used to treat runoff prior to discharge to an infiltration area.

INTEGRATED PEST MANAGEMENT PLAN (IPM): Integrated Pest Management (IPM) is the coordinated use of physical, biological and cultural controls and least-toxic pest control products and techniques to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard to people, property and the environment. Integrated Pest Management involves the monitoring of pest populations, establishment of injury levels, modification of habitats (to eliminate sources of food, water, harborage and entry), utilization of least-toxic controls, and keeping of records and evaluation of performance on an ongoing basis.

INSTITUTIONAL FACILITIES: Includes but not limited to Hospitals, Nursing Homes, and Sanitariums, etc.(AMENDED 6-5-93)

INTENSIVE OPEN SPACE USES: Uses of open space which have the potential, because of their duration, frequency, or nature, to significantly impact the environment, particularly the groundwater quality and quantity. Examples of intensive open space uses include: automobile or all-terrain vehicle race tracks or ranges, etc.

JUNKYARDS: A lot or parcel of land and/or a structure or a part of either, used for the purchase, collection, storage, recycling, or sale of wastewater, rags, scrap metal, or other discarded goods, materials, machinery, or vehicles. Said areas must not be located within five hundred (500) ft. of any residence, camp, or water body and must be appropriately screened.(AMENDED 6-5-93)

LANDFILL: An area used for the placement of solid waste, liquid waste or other discarded material on or in the ground.

LANDSCAPED AREA: An area of land that has been disturbed and re-planted or covered with one or more of the following: Lawn or other herbaceous plants, shrubs, trees or mulch; but including area that has reverted to natural, vegetated condition.

LOADING AREA: An obstructed area no part of which is located in or on any public or private right-of-way and the principal use of which is for the standing, loading, unloading, and maneuvering of vehicles.

LOT: A tract of land having frontage on a public or private right-of-way occupied or intended to be occupied by a permitted use or structure and accessory uses and structures together with such open spaces, yards, parking areas, etc. as are required.

MARINA: A boat basin that has docks, moorings, supplies, and other facilities for small boats, including the sale of boat, bait, and tackle supplies.(AMENDED 6-5-93)

MARSH: A periodically wet or continually flooded land area with the surface not deeply submerged, covered predominantly with sedges, cattails, rushes or other hydrophytic plants.

MASSAGE: Any method of rubbing, kneading, tapping, vibration, compression, percussion, application of friction or manipulation of external parts of the human body with the hands or other parts of the body or with the aid of any instrument or device performed by any person who is not a physician, surgeon, physician's assistant, nurse, chiropractor, physical therapist, barber, cosmetologist, beautician or other health or hygiene professional licensed by and practicing in accordance with the laws of the State of Maine. Massage does not include massage therapy as defined in 32 M.R.S.A. s14301(4).(AMENDED 6-5-93)

MANUFACTURED HOUSING UNIT: Structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the

plumbing, heating, air conditioning, and electrical systems contained therein. (AMENDED 9-25-90)

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.(AMENDED 6-4-94)

MINING OR MINERAL EXTRACTION: The removal of geologic materials such as soil, topsoil, loam, sand, gravel, clay, metallic, ores, rock, peat, or other like material from its natural location and transportation of the product removed away from the extraction site.

MOBILE HOME PARK: A parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units. (AMENDED 9-25-90)

MOBILE HOME PARK LOT: An area of land on which an individual manufactured housing unit is situated within a mobile home park and which is reserved for use by the occupants of that unit. The Planning Board shall require that all mobile home park lots are delineated on a mobile home park plan. (AMENDED 9-25-90)

MODIFICATIONS: Are permitted departures for cause from the general and otherwise applicable provisions of this ordinance.

MULTI-FAMILY DWELLING: A dwelling designed for occupancy by two or more families.

NONCONFORMING STRUCTURE OR USE : A legal structure or use including accessory uses or structures already in existence or begun before the date of enactment of a zoning ordinance or amendment, which structure or use does not comply with the existing provisions of the zoning ordinance or amendment.

NORMAL HOUSEHOLD USE: Use by the permanent residents of a dwelling unit incidental to and related to their residential use and occupation of that dwelling unit. (AMENDED 3-11-89)

NORMAL HIGH WATER MARK: That point or elevation on the shore or bank of a waterbody where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. A series of such points along a shoreline determines the normal high water line.

NUISANCE: Is defined by MRSA tit. 30 ss4962 (1) (F) as "any property or use existing in violation of any zoning ordinance." more generally, it is an action or the use of land or things by one person in a manner harmful or detrimental to the person, land, or things or another.

OCCUPANCY PERMIT: A certificate to be secured from the Code Enforcement Officer prior to commencing actual use of a land area or structure evidencing that permitted activities specified in a building permit have been completed in accordance with the provisions of this ordinance.

OFFICE/OFFICE COMPLEX: A building (new or existing) wherein services are performed involving predominantly administrative professional or clerical operations. Complex may consist of one or more professional offices. Examples of professional office include but are not limited to Banks, Insurance Brokers, Real Estate Brokers, Lawyers, Accountants, Doctors, and Dentists. (AMENDED 6-4-94)

OPEN SPACE: Land that is free of buildings and other permanent structures.

OUTDOOR RECREATION: Outdoor recreation activity operated by an entity other than a unit of government, whether operated for profit or not, including but not limited to golf courses, livery, and ski-tows, provided they fulfill State and Town public health requirements, but no including campgrounds, outdoor movies, and outdoor dine and dance facilities. In the Wellhead Protection District, outdoor recreation shall be limited to nonintensive recreational activities, that is, recreational activities that do not require structural components or substantial land alteration for participation, such as fishing, hiking and hunting. Recreational Facilities including Ball Fields, Parks, Picnic Areas, Tennis Courts, but not Golf Courses or Driving Ranges.
(AMENDED 3-11-89 & 6-5-93)

PARK: Land area set aside for public recreation, conservation, wildlife, or other similar purpose.

PARKING AREA: An unobstructed area consisting of one or more 200 sq. ft. parking spaces no part of which is located in or on any public or private right-of-way and the principal use of which is the temporary storing and maneuvering of vehicles.

PERFORMANCE STANDARDS: Legislatively determined minimum requirements for the undertaking of development activities usually predicted on objective medical, scientific, and engineering, criteria and designed to protect the public's health, safety, and general welfare.

PERMANENT FOUNDATION: Means the following:

(1) A full, poured concrete or masonry foundation;

(2) A poured concrete front wall or a mortared masonry wall, with or without a concrete floor;

(3) A reinforced, floating concrete pad, if the pad is to be placed in soil rated with high potential for frost action in the Soil Interpretation Records of the U.S. Solid Conservation Service, the Code Enforcement Officer shall require a certification of its adequacy from a professional engineer, registered in the State of Maine, prior to the issuance of a building permit; or

(4) Any permanent foundation which, pursuant to the building codes of the Town of Waterboro, is permitted for other types of single family dwellings. (AMENDED 9-25-90).

PERMITTED USES AND STRUCTURES: A general category consisting of primary and conditional uses and structures. A use or structure not permitted in any zoning district may not be undertaken unless the Planning Board or Selectmen agree that it is similar in character to a permitted use or structure or unless the ordinance is amended.

PESTICIDE, HERBICIDE BULK STORAGE: Storage of herbicides of pesticides intended for sale or intended for application on commercial premises or intended for application on cash crops. Homeowner storage or storage by non-commercial gardeners is not included.

PITCHED, SHINGLED ROOF: A roof with a pitch of 2 or more vertical units for every 12 horizontal units of measurement and which is covered with asphalt of fiberglass composition shingles or other materials, but specifically excludes corrugated metal and other metallic roofing materials.(AMENDED 9/25/90)

PLANNED UNIT DEVELOPMENT - In the context of this ordinance a development controlled by a single developer on a tract ten (10) acres or larger in size for residential, commercial, industrial (or any combination of the above) purposes. PUD's are undertaken in a manner that treats the developed area as an entirety to promote flexibility in design, architectural diversity the efficient 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. PUD's may not be used, however, to increase the overall density of development permitted in any zoning district. Residential PUD's may not exceed one family unit for the required density of the zoning district in the parcel being developed.

P.U.D.'s limited to industrial and/or commercial activities on parcels not within five hundred (500) feet of a water body and with direct access to a state or federal aid highway. PUD's providing resort and recreational facilities including overnight, year-round, or seasonal accommodations, bar and food service. Notwithstanding any provision in this ordinance to the contrary, principal or accessory structures in all such developments shall not be built within one hundred and twenty-five (125) of any side or rear lot line and must be set back one hundred and fifty (150) feet from the front lot line.(AMENDED 6-5-93)

PRIMARY USES AND STRUCTURES: Are permitted uses and structures which in each zoning district are recognized as most highly compatible with existing development, the capacity of the land area to support further development, and the objectives of the comprehensive plan and this ordinance. They require only the issuance of building and occupancy permits before they may be commenced.

PROCESSING FACILITIES RELATED TO FARMING I: Processing Facilities related to Orchard and Agricultural Products, including Poultry but excluding Livestock. (AMENDED 6-5-93)

PROCESSING FACILITIES RELATED TO FARMING II: Processing Facilities related to Orchard and Agricultural Products, including Poultry and Livestock.

PROFESSIONAL HOME OCCUPATION AND OFFICES: A professional activity (such as, but not limited to: doctor, dentist, lawyer, engineer, accountant, architect, real estate and stock broker) conducted for gain or support entirely within a residential building, or structure accessory thereto, which is carried on by a member of the family residing in the building, is incidental and secondary to the use of such building for dwelling purposes, and which does not change the essential residential character of such building. No more that twenty-five (25) percent of the floor space in any residential building (principal or accessory) may be given over to a professional home occupation or office.

PUBLIC BUILDING: A building owned, operated or funded in whole or in part by the Town of Waterboro which members of the general public have occasion to visit, either regularly or occasionally, such as, but not limited to, the Town Hall, the Public Library, the Police Station and Fire Stations.(AMENDED 6-5-93)

PUBLIC FACILITIES: Those activities, structures, and services usually provided by government such as, but not limited to, schools, police protection, fire protection, municipal offices, municipal dumps, etc...(AMENDED 6-5-93)

PUBLIC UTILITIES: Utility or Communications poles, towers, lines, and unmanned substations, etc.(AMENDED 6-5-93)

RECREATIONAL VEHICLE OR CAMPER: A vehicle type of structure designed to provide temporary (as opposed to permanent) living quarters for recreational, camping, or travel use which may have its own motive power or be mounted on or drawn by another vehicle, including any and all types of pick-up camper, travel trailer, tent trailer, or motorhome.

RESOURCE EXTRACTION: "Extraction of rock, sand and gravel, but not within 150 ft. from any property line or 100 ft. from any water body provided a suitable restoration and erosion/sediment control plan is prepared and approved by the Planning Board. If written permission of the abutter is obtained, a buffer strip of no less than 25 ft. may be allowed. These buffer requirements may be waived with the abutters permission if the abutting property is in use as an extraction operation.

RESTAURANTS, LOUNGES, & CAFES I: Restaurants, Lounges, Cafes with less than one thousand (1,000) sq. ft. of customer service area, except those requiring a daily water consumption in excess of one thousand (1,000) gallons.(AMENDED 6-5-93)

RESTAURANTS, LOUNGES, & CAFES II: Restaurants, Lounges, Cafes with more than one thousand (1,000) sq. ft. of customer service area or that requires more than one thousand (1,000) gallons of daily water consumption.(AMENDED 6-5-93)

RETAIL SHOPS: A store or shop engaged in the sale of commodities or goods to individual customers for personal use rather than for resale.

RETAIL & SERVICE STORES I: All types of Retail Shops and Stores with less than one thousand (1,000) sq. ft. of Store area, except shops or stores requiring daily water consumption in excess of one thousand (1,000) gallons.(AMENDED 6-5-93)

RETAIL & SERVICE STORES II: All types of retail and service stores (Repair Shops Barbers, Beauticians, Cleaners, etc.) with more than one thousand (1,000) sq. ft. of Store area or that requires one thousand (1,000) gallons of daily water consumption, including all Drive-in Facilities.(AMENDED 6-5-93)

RIVER: A free flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth. (AMENDED 6-4-94)

ROAD OR ROADWAY: A public or private right-of-way intended to be used for the passage of persons and vehicles.

SALT OR SAND/SALE PILES (UNCOVERED): Storage of any amount of salt or sand/salt mix, for any purpose, without a rood or other structure capable of preventing precipitation from reaching the salt or sand/salt.

SCHOOLS: Public and Private Schools including all accessory structures and facilities. Includes Day-Care and Nursery Schools.(AMENDED 6-5-93)

SEASONAL USE: A use which is undertaken and naturally associated with a given time of the year as opposed to a use capable of being and usually undertaken on a year-round basis.

SERVICE STORES: An office, shop, or store providing personal, financial, technical, or repair services, assistance or advice to individual customers.

SETBACK: The minimum horizontal distance from a lot line, the normal high water line or the side of a right-of-way easement or deeded right-of-way (see section 3.03) to the nearest point of a structure. (AMENDED 3/11/00)

SHORELAND: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within 250 feet of the upland edge of a coastal or freshwater wetland; or within one hundred (100) feet of the normal high-water line of a stream.

SIGNS: Any words, letters, figures, numerals, phrases, sentences, emblems, designs, names, trade names or marks, affixed to, painted, or carved directly or indirectly upon a building, structure, or other material for purposes of informing or attracting the attention of the public.

SLOPE: The mathematical ration of a change in elevation divided by the horizontal distance to produce that change, normally expressed as a percentage.

SLUDGE: Residual material produces by water or sewer treatment processes, industrial processes, or domestic septic tanks.

SLUDGE UTILIZATION: The spreading of sludge on the ground or other use of sludge which might expose surface or groundwater to the sludge.

SNOW DUMP: A location to which snow is transported and dumped by commercial, municipal, of State snow-plowing operations.

SOLID WASTE: Discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill materials and landscape refuse.

SPECIAL OR UNIQUE STRUCTURE: A structure (such as an electric transmission line tower) or part of a structure (such as a church spire) which is allowed to exceed the otherwise applicable height limitations of this ordinance in situations where the added height is necessary, reasonable, and will not harm the public. Increased structure height should be offset by requiring additional setback from all lot lines.

SPECIAL REQUIREMENTS: Are really added conditions which the Planning Board may attach to a conditional use approval in circumstances where the failure to do so would result in harm to the public interest even though the applicant for a conditional use approval has met all of the general and specific requirements for that approval.

SPCC PLAN: Spill Prevention Control and Countermeasure Plan as described in 40CFR, Part 112 of Federal Oil Pollution Prevention Regulations.

STABLES: A building for the shelter and feeding of domestic animals, especially horses and cattle.(AMENDED 6-5-93)

STANDARD SIZE ENTRY DECK: A standard size entry deck will consist of a 4' x 4' platform with a maximum of 6 steps. (AMENDED 3/11/00)

STORMWATER DRAINAGE: A sewer or other system for conveying surface runoff due to storm events and unpolluted ground or surface water, including that collected by cellar drains, but excluding sanitary sewage and industrial waste.

STORMWATER IMPOUNDMENT: Any structure designed and constructed to contain stormwater runoff.

STREAM: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.(AMENDED 6-4-94)

STRUCTURE: A man made construction or assemblage of materials having a more or less permanent location on ground or water such as, but not limited to, buildings, towers, masts, poles, booms, signs, sheds, carports, tents, equipment and machinery (including mobile homes and recreational vehicles when stationery). Above ground swimming pools should not be considered a structure therefore does not have to meet setback requirements. Tents intended for sleeping should not be considered a structure therefore does not have to meet setback requirements. (AMENDED 6/16/98)

PIERS, DOCKS, WHARFS, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BEYOND THE NORMAL HIGH-WATER LINE OR WITHIN A WETLAND -

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

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.(AMENDED 6-4-94)

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. (AMENDED 6-4-94)

STRUCTURAL ALTERATION: Involves changing, extending or relocating the bearing walls, columns, beams, or girders by which a structure is supported.

SUBDIVIDING: The process of converting relatively unintensively used for, agricultural, or open space land into smaller parcels or lots, suitable for more intensive uses involving residential, commercial, or industrial activities. Improvements, such as surveying, preparing a legal description, laying out of streets, and site preparation are often part of the process.

SUBDIVISION : A subdivision shall mean the division of a tract of parcel of land as defined in Title 30A, M.R.S.A., section 4401. The term subdivision shall also include such developments as mobile home parks, multiple-family dwelling(s), shopping centers, condominiums, and industrial parks where there are three or more units involved, and additional divisions and developments defined as subdivision in the Town of Waterboro Land Use Ordinance.

SUBSTANDARD SIZED LOT: As of the date of enactment of this ordinance it is a lot of record in any zoning district which does not meet the minimum lot size requirements for that district.

SUBSTANTIAL WORK: (actual construction) a term evidencing the point at which a nonconforming use status arises and/or that degree of reliance upon a building permit or variance sufficient to prevent its expiration for non-use. The point at which the planning and site preparation phrase of a project gives way to actual construction aimed at bringing the contemplated structure or use into being.

SUBSURFACE INJECTION (see subsurface wastewater disposal)

SUBSURFACE WASTEWATER DISPOSAL SYSTEM
A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s) surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA section 414, any surface wastewater disposal system licensed under 38 MRSA section 413, Subsection 1-A, or any public sewer, sewerage system, or wastewater treatment plant.

TEMPORARY USE OR STRUCTURE: A use or structure not permitted by this ordinance but allowed to be undertaken for brief periods of time upon application to, and approval (with conditions, if necessary) by the Planning Board.

TIMBER HARVESTING: The cutting, trimming, stacking and removal of trees from their growing site including the operation of cutting and skidding equipment.

TOPOGRAPHY: A term referring to the general characteristics of the ground surface--flat, hilly, rugged, etc. also refers to physiographic features--steepness of slope, degree of relief, etc.

TRANSFER STATION; RECYCLING FACILITY: Facility designed for temporary storage of discarded material intended for transfer to another location for disposal, re-use, and/or processing.

UPLAND EDGE: The boundary between upland and wetland. (AMENDED 6-4-94)

USES SIMILAR IN CHARACTER: As distinguished from an expressly permitted use these are uses which are nonetheless common in most towns and which in size, type of activity, number of employees, social utility, use of public facilities and services are in almost all respects identical with a permitted use.

UTILITIES: Include gas, electricity and water supply systems; radio, television, telephone and other communications systems; bus, truck and fuel distribution systems; solid and waste water disposal systems. Such systems include but not limited to lines, cables, poles, towers, pipes, drains, sewers, treatment plants, hydrants, signals, antennas, distribution facilities, substations, offices, buildings, vehicles, etc.

UTILITY CORRIDOR: Right-of-way, easement, or other corridor for transmission wires, pipes or other facilities, for conveying energy, communication signals, fuel, water, wastewater, etc.

UNDERGROUND STORAGE TANK: As defined by State of Maine regulations published by the Maine Department of Environmental Protection.

VARIANCE: A permitted minor departure from the literal or strict application of the dimensional requirements of this ordinance which may be granted in circumstances where undue hardship would otherwise result, but only if the requirements of state statue MRSA tit. 30 s4963 (3) and this ordinance (see section 10.04) are met.

WASTEWATER : Any combination of water-carried wastes from institutional, commercial and industrial establishments, and residences, together with any storm, surface or groundwater as may be present.

WASTEWATER TREATMENT PLANT: Any arrangement of devices and structures used for treating wastewater.

WATERBODY: Any great ponds, rivers, or streams. (AMENDED 6-3-96).

WATERSHED: The region drained by or contributing water to a stream, lake, or other waterbody. Land lying adjacent to water courses and surface water bodies which creates the catchment or drainage area of such water courses and bodies; the watershed boundary is determined by connecting topographic high points surrounding such catchment or drainage areas.

WATER TABLE: The upper surface of the free groundwater in a zone of saturation. It generally follows the topography of the land, but it will fluctuate in its depth below the surface in accordance with the quantity of ground water and soil characteristics.

WELLHEAD: The specific location of a well (a hole or shaft dug or drilled to obtain water) and/or any structure built over or extending from a well.

WELLHEAD PROTECTION AREA: A zone, consisting of 2 districts, delineated according to Article III, Section 1 of this Ordinance

WELL, ABANDONED: A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for the extraction or monitoring or groundwater that has not been used for a period to two consecutive years.

WELL, EXISTING OR NEW: A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for extraction or monitoring of groundwater.

WETLANDS ASSOCIATED WITH GREAT PONDS AND RIVERS: Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.(AMENDED 6-4-94)

WHOLESALE & WAREHOUSE FACILITIES: All types of Wholesale, Warehouse and Bulk Storage Facilities.(AMENDED 6-5-93)

WILDLIFE PRESERVE: An area maintained for the protection of wildlife or natural resources, including maintenance of nesting and breeding areas.(AMENDED 6-5-93)

YARD & GARAGE SALE: The occasional selling, offering for sale, trading, swapping, or otherwise bartering used or second-hand household goods from any residential premises.

There shall be no limit as to the number of Yard & Garage Sales a person has during the year. Yard & Garage sales can be conducted on a residential premise for no more than 3 days during a week time period.

At no time shall the proposed Yard & Garage Sale inhibit the flow of traffic. Persons holding a (sale) must provide sufficient parking so that all vehicles attracted to the sale are not parked within the right-of-way.(AMENDED 6-5-93)

YARD: A required open space on a lot between a lot line and any structure which is unoccupied from grade level upward and except for vegetation.

ZONE OF CONTRIBUTION: The area from which groundwater flows to a pumping well.

ZONING DISTRICT: An area geographically defined by a zoning ordinance in which a category of uses may be carried on and structures built if stated regulatory requirements are met. Uniformity of treatment within a district is required, but the category of uses and the regulatory requirements imposed may vary from district to district within a town.

ZONING MAP: An integral part of the zoning ordinance upon which all of the zoning districts are fully and carefully delineated. It is to be kept on file available for public inspection in the Town Clerk's Office.