

## STONEHAM BUILDING ORDINANCE

### SECTION 1. PURPOSES

The purposes of this ordinance are to provide for the health, safety and general welfare of the Town of Stoneham, to conserve the value of real property, to encourage the appropriate use thereof throughout the town and to conform to the Zoning Ordinance of the Town of Stoneham.

### SECTION 2. BASIC REQUIREMENTS

All building or structures hereafter erected, reconstructed, altered, enlarged or moved in or into the Town of Stoneham shall require a permit to be in conformity with the provisions of this Ordinance.

### SECTION 3. EFFECTIVE DATE

The effective date of this ordinance is 7 July 64; amended 5 September 90; amended 10 August 92, amended 1 March 03; amended 3 March 07.

### SECTION 4. VALIDITY, SEVERABILITY AND CONFLICT WITH OTHER ORDINANCES

- A. Should any section or provision of this Ordinance be declared by the Courts to be invalid such decision shall not invalidate any other section or provision of this Ordinance.
- B. This Ordinance shall not repeal, annul or, in any way, impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of the law. Where this Ordinance imposes a greater restriction upon the use of land, buildings or structures, the provisions of this Ordinance shall control.

### SECTION 5. AMENDMENTS

#### A. Initiation of Amendments

An amendment of this Ordinance may be initiated by:

1. The Planning Board, provided a majority of the board has so voted.
2. Request of the Municipal Officers to the Planning Board
3. Written petition of a number of voters cast in the Municipality at the last gubernatorial election.

#### B. Adoption of Amendment

This Ordinance may be amended by a majority vote of those attending an official town meeting.

### SECTION 6. LAND USE STANDARDS

- A. Minimum lot size is one acre (43,264 sq. ft.).
- C. All principal and accessory structures shall be set back at least fifty (50) feet from the center of a town road and twenty (20) feet from all boundary lines.
- D. All principal and accessory structures shall be set back at least seventy-five (75) feet from the center of Maine Street (a.k.a. State Route 5) and twenty (20) feet from all boundary lines.
- E. All structures shall conform to the Town of Stoneham Shoreland Zoning Ordinance (SO-0002).
- F. Structures shall not cover more than twenty (20) percent of any lot. If more than one principal building is constructed on a single lot, all dimensional requirements shall be met separately for each principal structure.
- G. All new driveways shall conform with the Town of Stoneham Driveway Ordinance.

### SECTION 7. FOUNDATIONS

Structures shall be built upon stone or masonry foundations or masonry posts.

### SECTION 8. PLUMBING

- A. All plumbing shall be in strict conformance with the current State of Maine Plumbing Code and certified by the Town of Stoneham Plumbing Inspector.

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- B. All sewage disposal systems shall be in strict conformance with the current State of Maine Plumbing Code, as well as the Town of Stoneham Shoreland Zoning Ordinance Section 13, sub-section J (sanitary standards) and shall be certified by the Town of Stoneham Plumbing Inspector. A copy of the completed plumbing permit must accompany the application for a building permit.
- C. Additional bedrooms require an additional 20' length to the existing leach field. The additional length is not needed to be completed at the time of the addition, but proof shall be required that the additional space is there for the extra length. If the bedroom addition is in the Shoreland Zone, the excavation and additional length shall be added to the leach field before constructing the additional bedroom.

### SECTION 9. ELECTRICAL INSTALLATION

- A. The National Electrical Code, current edition, as published by the National Board of Fire Underwriters shall be considered the acceptable standard practice for electrical wiring.
- B. All electrical wiring for apparatus or appliances for furnishing light, heat or power shall be in strict conformity with the laws of the State of Maine.

### SECTION 10. FINISHES

- A. All exterior walls shall have a covering of clapboards, novelty siding, asbestos, wood or asphalt shingles, brick stone, or other approved material.
- B. All siding shall be completed within two (2) years of the valid permit. If not completed, a renewal permit shall be necessary at the original permit's cost.

### SECTION 11. ROOFING

Every roof which is hereafter placed on a building shall be covered with brick, concrete, tile, slate, metal, asbestos, prepared asphalt, wood, or saturated felt shingles which have been surfaced with granulated slate, built up roofing with asphalt, slag, or gravel, or other approved fire resistant material.

### SECTION 12. CHIMNEYS

- A. All chimneys constructed of masonry shall extend at least two (2) feet above the highest point where they pass through the roof.
- B. All masonry chimneys shall be built around a flue lining at least eight (8") inches by eight (8) inches.
- C. All chimneys shall have a clean-out at, or near their bases.
- D. All masonry chimneys built on the outside of a building shall rest on a foundation of masonry extending at least three (3) feet below ground level.
- E. Prefabricated chimneys bearing a National Board of Fire Underwriters certification of approval shall be acceptable.
- F. All other chimneys not meeting the above standards are expressly prohibited.

### SECTION 13. ATTACHED GARAGES AND STORAGE AREAS

Any building or structure used as a garage or storage for any gasoline propelled vehicles and attached to a dwelling house which contains sleeping quarters shall be subject to the following specifications:

- A. Unless separated by an open breezeway of at least twenty (20) feet in length, all such structures shall contain fire resistant doors of approved construction where they open into the main structure.
- B. All such structures shall include a fireproof wall or partition extending from sill to slope of roof erected between the structure and the dwelling house. This partition or wall shall be constructed of regular cement blocks laid in mortar, regular bricks laid in mortar, asbestos, hardboard at least one-half inch in thickness, fire wall sheet rock, cement, stucco applied to approved metal lath to a thickness of one and one-half inches.

SECTION 14. MOBILE HOMES

- A. Except hereinafter provided, no mobile home shall be occupied as a dwelling unit in the Town of Stoneham without obtaining the appropriate permit.
- B. All mobile homes shall be connected to a sanitary system approved by the Town of Stoneham Plumbing Inspector.
- C. Mobile homes in excess of 20 years old are not permitted.
- D. Wheels of any such mobile home shall be removed and it shall thereafter become a part of the realty and taxed as such. The only exception to this requirement shall apply to mobile homes which are placed within the Town of Stoneham less than thirty (30) days during any calendar year.
- E. Site inspections for mobile homes will be required.
- F. Mobile homes must be on a two-foot gravel base with 4" thick cement pad, 7" thick cement runners 18" wide for the entire length of trailer under each frame rail or on a full foundation. In each instance with wheels removed and the site must be inspected prior to pouring cement.
- G. Replacing an existing trailer with another shall require it to (be placed on a cement pad, cement runners or a full foundation with wheels removed.) conform to Section 14, paragraph F. The previous mobile home shall be completely removed from the property within 14 days of setting in the new one.

SECTION 15. DRIVEWAYS

- A. A driveway shall be a vehicular access-way less than one hundred feet in length serving two lots or less.
- B. Driveways over one hundred feet shall have a travel surface of 24' in width until the above definition (A.) is met leading to the furthest structure.
- C. There shall be a 32' entrance to all construction sites.

SECTION 16. ADMINISTRATION

- A. Enforcement
  - 1. This Ordinance shall be enforced by a Code Enforcement Officer (CEO) elected by the voters at a town meeting. If a CEO is not elected at the town meeting, the voters may direct the Selectmen to appoint a Code Enforcement Officer.
  - 2. The Alternate Code Enforcement Officer shall be appointed by the Selectmen at the first Selectmen's meeting in March.
  - 3. Additional Alternate Code Enforcement Officers shall be appointed by the Selectmen when a consensus of the Planning Board deems the action necessary
- B. Building or Use Permit
  - 1. All applications for Building or Use Permits shall be submitted in writing to the Town Office on associated forms (see Appendix A.) prior to any earthwork associated with a building, foundation, alteration or building of any kind is begun.
  - 2. The Planning Board (PB) and CEO will meet on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 7:00 P.M. local time each month at the Stoneham Town Office. If any of these dates falls on a holiday, the PB and CEO will meet within five (5) days of the original date. The CEO will review each request prior to the Planning Board meeting and shall provide the Board his/her recommendations.
  - 3. The CEO will have the authority to independently approve and issue building permits on any one structure under 1500 square feet in area not within the Shoreland Zone. The CEO will provide copies of any and all permits issued at the next regularly scheduled meeting of the Planning Board.

4. The Planning Board will act on any request within the Shoreland Zone or applications that involve non-conforming issues by granting or denying the permit.

5. No Building Permit for a building or structure on any lot shall be issued except to the owner of record thereof, or his authorized agent, until the proposed construction or alteration of a building or structure shall comply in all respects with the provisions of this Ordinance or with a decision rendered by the Board of Appeals or the Planning Board. Any application for such a permit shall be accompanied by a plan, showing the shape and dimensions of the lot to be built upon, an on-site survey in accordance with the USDA Soil Conservation Service National Cooperative Soil Survey, the location and size of all buildings to be constructed, together with the lines within which all buildings and structures are to be constructed, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this Ordinance.

6. Applications for permits with their accompanying plans and Building Permits shall be maintained as a permanent record in the Town Office.

7. A Building Permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one (1) year of the date on which the permit is granted, and if the work or change is not substantially completed within two (2) years of the date on which the permit is granted.

8. Substantially complete shall mean the building shell, siding and roof completed.

9. A "Certificate of Occupancy" will be required before moving into a new building. The Code Enforcement Officer shall make the necessary inspection prior to occupancy and shall issue the certificate. A certificate cannot be issued without a completed Plumbing Permit (installation and approval by the Local Plumbing Inspector).

C. Plumbing Permit

No Building Permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid Plumbing Permit has been secured by the applicant, or his authorized agent, in conformance with the sanitary provisions of this Ordinance and the Maine State Plumbing Code.

D. Change of Use

Whenever a building is going to be used for another purpose other than its current use (i.e. a summer camp to year-round home; a garage to additional living space; a larger home to a two- or three-family rental, residential use to business use [partial], etc.) a Change of Use Permit shall be required.

E. Fees

No Building Permit shall be issued without payment of a fee according to the schedule listed as Appendix B.

F. Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, structures, additions, or work being done, or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions and will notify the Municipal Officers of his actions.

G. Legal Action and Violations

When any violation of any provision of this Ordinance shall be found to exist, the Municipal Attorney, as designated by the Municipal Officers, upon notice from the Code Enforcement Officer, and with the Municipal Officers' approval, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of said Municipality.

H. Fines

Any person, firm or corporation being the owner or having control or use of any building or premises who violates any of the provisions of this Ordinance, shall be guilty of a misdemeanor and, on conviction, shall be fined not less than \$5.00 nor more than \$100.00. Each day such a violation is permitted to exist after notification shall constitute a separate offense. The convicted violator shall be responsible for the payment of courts costs.

I. Appeals

1. Procedure

- a. All appeals on applications for Building Permits shall be based upon a written decision of the Code Enforcement Officer.
- b. Administrative Appeals and variance appeals shall be heard and decided upon by the Board of Appeals in accordance with the provisions of this Ordinance.
- c. Appeals shall lie from the decision of the Planning Board to the Board of Appeals and from the Board of Appeals to the Municipal Officers and from the Municipal Officers to Superior Court according to State Law.

J. Board of Appeals

1. Establishment

A Board of Appeals is hereby established in accordance with State Law and the provisions of this Ordinance.

2. Appointment

- a. The Board of Appeals shall be elected by the Town and shall consist of three (3) members and one (1) associate member, all of whom shall be legal residents of the municipality, serving terms of at least three (3) years. The Board shall elect annually, a chairman and secretary from its membership. The secretary shall keep the minutes of the proceeding of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board shall be public record. A quorum shall consist of three (3) members.
- b. A Municipal Officer may not serve as a member.
- c. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.
- d. A member of the Board may be dismissed for cause by the Municipal Officers upon written charges after a public hearing.

3. Powers and Duties

- a. Administrative Appeals: to hear and decide where it is alleged there is an error in any order, requirement, decision, or determination by the Code Enforcement Officer in the enforcement of this Ordinance. The action of the Code Enforcement Officer may be modified or reversed by the Board of Appeals by concurring vote of at least two (2) members of the Board.
- b. Variance Appeals: to hear and decide, upon appeal, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

4. Appeal Procedure

- a. In all cases, a person aggrieved by a decision of the Code Enforcement Officer and the Planning Board shall commence his appeal within thirty (30) days after a decision is made by the Code Enforcement Officer and the Planning Board. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.
- b. Following the action of an appeal, and before taking any action on any appeal, the Board of Appeals shall hold a public hearing on the appeal within ten (10) days.

The Board of Appeals shall notify the Code Enforcement Officer and the Planning Board of such meeting.

- c. In appeals involving the use of buildings on premises, the Board of Appeals shall notify, by certified mail, the appellant and the owners of all abutting property at least five (5) days in advance of the hearing, of the nature of the appeal and of the time and place of the public hearing.
- d. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of a public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.
- e. At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause.
- f. The Code Enforcement Officer, or his designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.
- g. The appellant's case will be heard first. To maintain orderly procedure, each side will proceed without interruption. Questions may be asked through the chair. All persons at the hearing shall abide by the order of the Chairman.
- h. Within ten (10) days of the public hearing, the Board of Appeals shall reach a decision on an appeal and shall inform, in writing, the appellant, the Code Enforcement Officer, the Planning Board and the Municipal Officers of its decisions and their reasons therefore.
- i. Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately issue a Building Permit in accordance with the conditions of the approval.
- j. Variance under the provisions of this Ordinance secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within one (1) year of the date on which the appeal is granted, and if the work or change is not substantially completed within two (2) years.

## SECTION 17. DEFINITIONS

Terms not defined herein shall have the customary dictionary meaning. As used in this Ordinance, the following definitions shall apply:

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

Aggrieved Party - A person whose land is directly or indirectly affected by the grant or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or a group of 5 or more citizens of the municipality who represent an interest adverse to the grant or denial of such permit or variance.

Campground - any area or tract of land to accommodate two or more parties in temporary living quarters, including but not limited to tents, recreational vehicles or other shelters.

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.

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

Driveway - a vehicular access-way less than five hundred feet in length serving two lots or less.

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

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Essential Services - gas, electrical, communication facilities, steam, fuel electric power or water supply, transmission or distribution systems and related equipment; telephone cables or lines, poles and related equipment. Such systems may not include service drops or buildings which are necessary for the furnishing of such services.

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

Expansion of use - the addition of months to a uses's operating season; or the use of more floor area or ground area devoted to a particular use.

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

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.

Foundation - the supporting substructure of a building or other structure; including but not limited to basements, slabs, sills, posts or frostwalls.

Height of a structure - the vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances which have no floor area.

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is (1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and (2) which employs no more than two persons other than family members residing in the home.

Individual private campsite - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fireplaces or tent platforms.

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

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

Market value - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Minimum lot width - the closest distance between the side lot lines of a lot.

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

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

Multi-unit residential - a residential structure containing three or more residential dwelling units.

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

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Non-conforming structure - a structure which does not meet any one or more of the following dimensional requirements; setback, height or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

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

Normal High Water Mark - That line on the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is the line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes, but is not limited to, the following plants and plant groups - water-lily, pond lily, pickerel weed, cattail, wild rice, sedges, rushes and marsh grasses; and terrestrial vegetation includes, but is not limited to, the following plants and plant groups - upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms, and maples.) In places where the shore or bank is of such character that the high water mark cannot be easily determined, (rockslides, ledges, rapidly eroding or slumping banks) the normal high water mark shall be estimated from places where it can be determined by the above method. In the case of wetlands adjacent to rivers and great ponds, the normal high water line is the edge of the wetland and not the edge of open water.

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

Piers, docks, wharves, breakwaters, causeways, marinas, bridges over 20 ft. in length, and uses projecting into water bodies;

Temporary: Structures which remain in the water for less than 7 months in any period of 12 consecutive months.

Permanent: Structures which remain in the water for 7 months or more in any period of 12 consecutive months.

Pond - Any inland body of water which has a surface area in excess of 10 acres, except where such body of water is man-made and in addition is completely surrounded by land held by a single owner, and except those privately owned ponds which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.

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

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

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

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

Recreational facility - a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed and designed for temporary sleeping or living quarters for one or more person; and which may include a pick-up camper, travel trailer, tent trailer, camp trailer and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be registered with the State Division of Motor Vehicles.

Replacement system - a system intended to replace

1) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or

2) any existing overboard wastewater discharge.



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Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal or temporary living quarters for only one family. The term shall include mobile homes but not recreational vehicles.

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

River - any free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of 25 sq. miles to its mouth.

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

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

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

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

Shore frontage - the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high water elevation.

Shoreland zone - the land area located within 250 feet, horizontal distance, of the normal high water line of any great pond, river or upland edge of a freshwater wetland; or within 75 feet of the normal high water line of a stream.

Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two 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 waterbody or wetland within the shore-land area.

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

Substantial start - completion of thirty percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system - a collection of treatment tank (s), disposal area(s), holding tank(s) and 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. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA, Chapter 13, subchapter 1.

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting - the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Tributary stream - a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined in this Ordinance and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland edge - the boundary between upland and wetland.

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

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.

Water body - any great pond, river or stream.

Water crossing - any project extending from one bank to the opposite bank of a river or stream, whether under, through or over the watercourse. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines and cables as well as maintenance work on these crossings.

Wetland - a freshwater wetland.

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.