

**TOWN OF GOULDSBORO, MAINE**

**LAND USE ORDINANCE**

**ADOPTED: March 1, 1982**

Revisions: March  
1983

May 1987

January 1992

July 1993

June 1995

June 1999

June 2001

June 2005

January 2006

February 2006

June 2008

June 2010

June 2013

June 2015

June 2016

June 2017

**1. PURPOSE**

This Ordinance is designed to comply with Title 30-A M.R.S.A., Section 3001 providing for permits and Title 30-A M.R.S.A., Section 4452 providing penalties for violations.

**2. SCOPE**

The provisions of this Ordinance shall apply to all new construction or exterior alterations that would increase or change the outside dimensions of any building. This Ordinance also applies to lighting, signs, unsafe buildings and to the locating or re-locating of mobile homes and/or other structures. This does not apply to normal upkeep or maintenance of buildings. Any person or persons who, during the course of construction or other activity on his/her property, directly or indirectly causes damage to a public or private way shall be responsible for all repairs to said way.

**3. PERMIT**

Before new construction or exterior alterations that would increase the outside dimensions of any building or the addition or alteration of exterior lighting, or before location or re-location of signs, mobile homes and/or other structures, or before the location of any structure intended for occupancy or other use for periods, exceeding three months, including but not limited to the placement of recreational vehicles or storage sheds, the owner or duly appointed agent, shall obtain the appropriate permit. Prior to issuance of any permit regarding a mobile home, proof of tax payment from originating community must be provided.

In areas not specifically designated by ordinance and outside the 250-foot shoreland zone the Code Enforcement Officer (CEO) will be empowered to act as issuing agent for all permits. Issuance of the requested permit or notice of refusal shall be given within 30 days upon receipt of a complete application. Notice of refusal shall be in writing and shall state specifically the reasons for refusal.

No permit shall be issued prior to the applicant obtaining all other Local, State and Federal permits required, including an approved State HHE-200 form if plumbing is required. Any work commenced prior to the issuance of the permit shall be considered a violation of the provisions of this Ordinance. A copy of the permit shall be filed with the and the Planning Board.

Any person or entity under review or charged with an existing land use, shoreland or similar violation with respect to any property in the Town of Gouldsboro shall be ineligible for any land use or other permit relating to that or any other property, unless and until the land use violation is resolved by the CEO, Planning Board, or Court.

**4. APPLICATION**

The application for the permit shall be in writing on the standard town form for the district where the property is located and shall contain a description of the proposed new or altered dimensions of the building or the location or re-location of a mobile home and/or other structures, exterior lighting or signs. The application shall be filed with the necessary attachments and fee at the town office. A detailed map locating the property and a copy of the most recent certified survey, the road name and the number on the nearest power pole to the site shall be included with the application.

**5. FEE**

The application fee for building permits shall be established by the town's Board of Selectmen subsequent to public hearing. The building permit application fee plus B-I below as applicable shall be paid to the town by cash or check. The Code Enforcement Officer shall issue no building permit until the fee is paid. The fee shall not be refundable. Failure to obtain a permit before the start of construction will double the cost of all fees.

- \$25.00 non-refundable application fee.
- \$15.00 to renew and re-issue a permit.
- Shoreland Zone: \$50.00 surcharge for processing applications for residential and commercial structures and \$.10 per square foot.
- \$.10 per square foot for interior (finished) residential or commercial space.
- \$.05 per square foot for auxiliary (non-finished) space - usable attics, basements, garages, decks, storage buildings, sheds, carports, etc.
- Driveway Fee: \$10.00
- Driveways made without a house, seawall, docks, camp road and miscellaneous non-structure improvements excluding fences: \$50.00.
- Exterior lighting: \$25.00
- Sign: \$10.00

**6. RIGHT OF APPEAL**

Upon denial of a building permit the applicant may present the proposal to the Board of Appeals for review.

**7. LIFE OF PERMIT**

All building permits shall be void after one (1) year from the date of issuance unless a substantial amount of the proposal has been completed or if renewed for one (1) year (up to no more than three (3) times).

**8. DISPLAY OF PERMIT**

Every building permit shall be displayed at the worksite by the owner or duly authorized representative until all work covered by the permit is complete.

**9. STRUCTURES' LOCATION**

(With the exception of communications tower as discussed in Section 14 below.) The placement of principal and accessory structures on lots shall meet or exceed the following minimum requirements, except structures which require direct access to the water as an operational necessity, such as piers, docks, and retaining walls.

- A. 75-foot setback from the normal high-water line of coastal waters and other waters except as provided below.
- B. 100 feet from normal high-water line of great ponds and rivers classified GPA.
- C. 15-foot setback from all abutting properties.
- D. 5-foot setback from edge of right-of-way when right-of-way can readily be established, or 35 feet from the centerline of the road when the right-of-way cannot be readily established.
- E. For the purpose of fire safety no occupiable building shall have window tops
- F. exceeding thirty-six (36') feet in height as measured from the lowest final grade immediately proximate to the building with final roof height not to exceed forty (40') feet at the peak.

**10. LOT SIZE**

The minimum lot size is 20,000 square feet as established by the State of Maine waste disposal requirements, Title 12 M.R.S.A., Part 6, Chapter 423-A.

**11. ACCESSIBILITY VARIANCE**

Installation of temporary access for a disabled person at his or her residence which needs to be constructed on an emergency basis, or which otherwise would create an undue hardship, may be considered and approved by the CEO upon application. As necessary, and as determined by the CEO, the strict site and setback requirements of this Ordinance may be temporarily waived for the purpose of accommodating an access ramp which shall be removed when the need no longer exists.

**12. EXTERIOR LIGHTING**

To preserve enjoyment of the night sky and to reduce light pollution, glare, and offensive lighting, all new or replacement residential and commercial outdoor lighting shall be regulated by the following standards.

- A. Pole-mounted lights shall not be placed higher than 15 feet at private residences and not higher than 30 feet in commercial areas and shall be directed downward.
- B. Building-mounted lights shall not be placed higher than 30 feet and shall be directed downward.
- C. All lights other than residential and commercial motion detectors shall be full cut-offs, with lights pointed downward and substantially confined to the ground surface. Motion detector lights may be semi cut-offs.
- D. Lighting for residential or commercial signs shall be directed downward.
- E. Lighting for public statues, flags, memorials, or other monuments may have upward lighting so long as the light is directed onto the element and does not create a hazard or unintended negative effect.
- F. Exemptions to this Ordinance are extended to lighting required by the Federal Aviation Administration, season lighting between 15 November and 15 January, temporary even lighting (e.g., carnivals and circuses and other events three or less consecutive days), lights used by police, fire, and medical personnel during an emergency, and lights on residential buildings mounted below the eaves.
- G. Lighting existing prior to the passage of these standards is exempt; but replacement lighting must comply with the new standards.

**13. SIGNS**

- A. Identification signs mandated by government agencies such as 911 address, etc. are exempt from this ordinance. Also exempt are signs with names of streets, owner, occupant, property name, home occupation, temporary real estate, business, construction or political yard signs which do not exceed 4 square feet.
- B. All other signs require a permit from the CEO.
- C. Internally illuminated signs that blink, flash, change color or brightness and neon signs are not permissible.
- D. All signs must be maintained in good condition or removed per order of the CEO if not repaired after 30 days notice.
- E. The maximum square footage of any sign, or signs when more than 1 sign is permitted, shall not exceed a total of sixty four (64) square feet.
- F. Signs shall not be placed on a lot such that sight distance along a public way is obstructed.
- G. Signs existing before June 2017 are allowed without permit. Replacement signs must meet the standards of 13. A-F.

#### 14. COMMUNICATION TOWERS

- A. Definition: Any structure which primary use is intended for the reception or transmission of radio, television, internet or telephone signals.
- B. Height: Communication towers exceeding thirty-six (36') feet in height may be permitted subject to the following standards:
  - 1. Lot size: the minimum lot size shall be in conformance for lot sizes established in the Town of Gouldsboro for residential structures.
  - 2. The structure is not within a Shoreland Zone.
  - 3. The structure is placed on the lot so that its minimum setback from all lot lines, occupiable structures and rights-of-way is equal to its height.
  - 4. All State and Federal permits have been obtained prior to the issuance of the building permit, including but not limited to FAA and ECC approvals.
  - 5. Confirmation by a registered structural engineer that the structure's design meets the minimum wind and structural loads as established in the Uniform BOCA Code or more stringent Federal, State or local code which appropriately applies to the project.
  - 6. The permit application shall include the construction of lockable security fences around the structure which shall be designed to prohibit unauthorized access to the tower.
  - 7. An antenna may be added to an existing local tower, provided that a permit is issued by the Town, and the applicant presents documentation confirming that the proposed application is in compliance with all State and Federal FCC requirements.
- C. Approval: The Planning Board shall hold a public hearing, and shall inform the known abutting property owners in writing of such meeting, prior to the issuance of any building permit to allow the public an opportunity to comment on the proposals conformance to the standards enumerated above.

The Planning Board shall approve the permit when it determines that the applicant conforms to the standards enumerated above unless any person presents factual evidence that the proposal otherwise violates the public health, safety and welfare.

The petitioner shall be given an opportunity to modify the proposal prior to final action by the Planning Board if any such evidence is presented.

#### 15. DRIVEWAY PERMIT

Any property owner wishing to construct an entrance to his/her property from a town road must obtain a building permit designated "driveway permit" before commencing construction. A minimum five (5) foot setback from the sideline is required. No permit will be issued until all fees have been paid and the premises have been inspected and approved by the Road Commissioner. Driveways on State roads require a State permit prior to obtaining a town permit.

**16. REQUIRED MAINTENANCE**

All buildings, grounds, or parts thereof shall be maintained to prevent unsafe, unsanitary and/or nuisance conditions (according to the nuisance definition found in State law Title\_17 M.R.S.A., Section 2802) and to avoid adverse affects on adjoining properties.

**17. VIOLATIONS**

Any building constructed or altered or any mobile home and/or structure located or relocated which violates the provisions of this Ordinance shall be considered a nuisance. Any person found guilty of violating any provision of this Ordinance shall be subject to civil penalties and costs, which shall be no less than \$100 nor more than \$2,500, as provided under Title 30-A M.R.S.A., Section 4452.

**18. VALIDITY AND SEPARABILITY**

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.

**19. CONFLICTING ORDINANCES**

In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance, regulation, or code of the Town of Gouldsboro existing on the effective date of this Ordinance, the provision which established the higher standard shall prevail.

**20. PRIOR ORDINANCES**

Upon approval of this Ordinance by a majority vote of the registered voters of the Town of Gouldsboro at a regular or special Town Meeting, the previous building permit ordinance of the Town of Gouldsboro shall be deemed repealed effective as of that date.

**21. DEFINITIONS**

**NOTE:** Terms not defined shall have the customary dictionary meaning.

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

**Agriculture** - the production, keeping or maintenance for sale or lease of plants or animals including but not limited to: forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables, and ornamental greenhouse products. Agriculture does not include forest management and timber harvesting activities.

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

**Basal Area** - the area of cross-section of a tree stem at 4½ feet above ground level and inclusive of bark.

**Basement** - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

**Boat Launching Facility** - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

**Bureau of Forestry** - State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.

**Campground** - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

**Canopy** - the more or less continuous cover formed by tree crowns in a wooded area.

**Coastal wetland** - all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

**NOTE:** All areas below the highest annual tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

**Commercial use** - the use of lands, buildings, or structures, other than a “home occupation,” defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.



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

**DBH** - the diameter of a standing tree measured 4½ feet from ground level.

**Development** - a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

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

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

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

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

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

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

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

**Expansion of use** - the addition of one or more months to a use's operating season; or the use of more of the footprint of a structure or ground area devoted to a particular use.

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

**Floodway** - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

**Floor area** - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

**Footprint** - the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

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

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

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

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

**Freshwater wetland** - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, 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.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

**Functionally water-dependent uses** - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

**Great pond** - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner,

**Great pond classified GPA** - any great pond classified GPA, pursuant to Title 38 M.R.S.A., Article 4- A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

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

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

**Hazard tree** - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree falls. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

**Height of a structure** - the vertical distance between the lowest final grade immediately proximate to the building and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

**Home occupation** - An occupation or profession which is carried out on or in a residential structure, accessory structure or property by the occupants of the dwelling and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses and 2) employs no more than two (2) persons other than family members residing in the home. By way of illustration and not limitation, the term home occupation shall include making foods, such as breads, cookies, or preserves, rugs, birdhouses, fishing flies and quilts. The term “home occupation” shall also include both professional and personal services offered for remuneration.

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

**Individual private campsite** - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

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

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

**Land Management Road** - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

**Licensed Forester** - a forester licensed under Title 32 M.R.S.A., Chapter 76.

**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.

**Marina** - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

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

**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 (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

**Minimum lot width** - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

**Multi-unit residential** - a residential structure containing three (3) or more residential dwelling units.

**Native** - indigenous to the local forests.

**Non-conforming condition** - non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

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

**Non-conforming structure** - a structure which does not meet any one or more of the following dimensional requirements; setback, height, lot coverage or footprint, 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 buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Non-native invasive species of vegetation** - species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

**Normal high-water line (non-tidal waters)** - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

**NOTE:** Adjacent to tidal waters, setbacks are measured from the upland edge of the “coastal wetland.”

**Outlet stream** - any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

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

**Piers, docks, wharves, 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.

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

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

**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.

**Recent floodplain soils** - the following soil series as described and identified by the National Cooperative Soil Survey:

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

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

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

**Residential dwelling unit** - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

**Residual basal area** - the sum of the basal area of trees remaining on a harvested site.

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

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

**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.

**NOTE:** The portion of a river that is subject to tidal action is a coastal wetland.

**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, excluding a driveway as defined.

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

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

**Sapling** - a tree species that is less than two (2) inches in diameter at four and one half (4½) feet above ground level.

**Seedling** - a young tree species that is less than four and one half (4½) feet in height above ground level.

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

- (1) in the case of electric service
  - (a) the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
  - (b) the total length of the extension is less than one thousand (1,000) feet.
- (2) in the case of telephone service
  - (a) the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
  - (b) the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.



**Setback** - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, 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 or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

**Shoreland zone** - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

**Shoreline** - the normal high-water line, or upland edge of a freshwater or coastal wetland.

**Sign** - a name identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises.

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

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

**Storm-damaged tree** - a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

**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 highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or area and a channel forms downstream of the water body or wetland as an outlet that channel is also a stream.

**Structure** - anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A M.R.S.A., section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32 M.R.S.A., section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32 M.R.S.A., section 4700-E, subsection 8.

**Substantial start** - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

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

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

**Tidal waters** - all waters affected by tidal action during the highest annual tide.

**Timber harvesting** - the cutting and removal of timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting* of the Shoreland Zoning Ordinance.

**Timber harvesting and related activities** - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

**Tree** - a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4½) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

**Tributary stream** - means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**NOTE:** Water setback requirements apply to tributary streams within the shoreland zone.

**Upland edge of a wetland** - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

**Vegetation** - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4½ feet above ground level.

**Velocity zone** - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

**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, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

**Wetland** - a freshwater or coastal wetland.

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

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

**22. AMENDMENT**

This Ordinance may be amended in part or in whole by a majority vote of the registered voters of the Town of Gouldsboro at a regular or special Town Meeting.

Attest



Bryan Kaenrath  
Town Clerk of Gouldsboro

Date: 6/14/17