

**§952. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings. [PL 1979, c. 459, §1 (NEW).]

**1. Accepted road.** "Accepted road" means a state, county or town road which is under the control of state, county or municipal authorities and maintained at public expense.

[PL 1979, c. 459, §1 (NEW).]

**2. Accessory use or structure.** "Accessory use or structure" means a use or structure of a nature customarily incidental and subordinate to a principal use or structure.

[PL 1979, c. 459, §1 (NEW).]

**3. Automobile graveyard.** "Automobile graveyard" means a yard, field or parcel of land used as a place of storage for 3 or more unserviceable, discarded, worn out or junked motor vehicles.

[PL 1979, c. 459, §1 (NEW).]

**4. Billboard.** "Billboard" means a sign, structure or surface, or combination thereof, used for advertising purposes exceeding 15 square feet in area.

[PL 1979, c. 459, §1 (NEW).]

**5. Bog.** "Bog" means a periodically or continually wet, spongy area exceeding 1,000 square feet in area with soil composed mainly of decayed vegetable matter.

[PL 1979, c. 459, §1 (NEW).]

**6. Building.** "Building" means any structure, regardless of the materials of which it is constructed, which has a roof or partial roof supported by columns or walls, used or intended to be used for the habitation, enclosure or shelter of persons or animals or to provide uses which include, but are not limited to, working, office, display, sales, storage or parking space.

[PL 1979, c. 459, §1 (NEW).]

**7. Development.** "Development" means the carrying out of any significant earthmoving, grading, dredging, filling, building, construction or mining operation; the deposit of refuse or solid or liquid wastes on a parcel of land other than agricultural utilization of animal wastes; the making of any material change in noise levels, thermal conditions or emissions of waste material; the commencement or change in the location of advertising; or the alteration of a shore, bank or floodplain of an estuary, river or pond.

[PL 1979, c. 459, §1 (NEW).]

**8. District.** "District" means a specified area of land or water within the corridor, delineated on the district boundary map, within which certain regulations and requirements apply under this chapter.

[PL 1979, c. 459, §1 (NEW).]

**9. 100-year floodplain.** "100-year floodplain" means any land adjacent to the Saco River, Ossipee River or the Little Ossipee River which is of lower elevation than the profiles of the 100-year flood established for that location by the United States Army Corps of Engineers, or by other state or federal agency, or which was actually covered by flood waters in the flood of March, 1936. Where the location of the boundary of the 100-year floodplain is at issue under this chapter, the district boundary map adopted by the commission shall be prima facie evidence of the location of the boundary.

[PL 1979, c. 459, §1 (NEW).]

**10. Home occupation or enterprise.** "Home occupation or enterprise" means an occupation, enterprise or profession which is carried on in a dwelling unit or accessory structure by a person residing in the dwelling unit, incidental and secondary to the use of the dwelling unit for residential purposes, which conforms to the following performance standards:

A. Not more than 2 full-time employees or the equivalent thereof not living on the premises shall be employed in the home occupation or enterprise; [PL 1979, c. 459, §1 (NEW).]

B. All exterior signs and displays shall comply with the performance standards enacted by or established pursuant to this chapter; and [PL 1979, c. 459, §1 (NEW).]

C. There shall be no nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare or radiation generated which is incompatible with the character of the area in which the home occupation or enterprise is located. [PL 1979, c. 459, §1 (NEW).]

[PL 1979, c. 459, §1 (NEW).]

**11. Junkyard.** "Junkyard" means a yard, field or other parcel of land used as a place for storage for:

A. Discarded, worn-out or junked plumbing and heating supplies or household appliances and furniture; [PL 1979, c. 459, §1 (NEW).]

B. Discarded scrap and junked lumber; [PL 1979, c. 459, §1 (NEW).]

C. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubbish, debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and [PL 1979, c. 459, §1 (NEW).]

D. Garbage dumps, waste dumps and sanitary fill. [PL 1979, c. 459, §1 (NEW).]

[PL 1979, c. 459, §1 (NEW).]

**12. Marsh.** "Marsh" means a periodically wet or continually flooded land area exceeding 1,000 square feet with the surface not deeply submerged, covered dominantly with sedges, cattails, rushes or other hydrophytic plants.

[PL 1979, c. 459, §1 (NEW).]

**13. Mean high waterline.** "Mean high waterline" means the average high tide level.

[PL 1979, c. 459, §1 (NEW).]

**14. Normal high water line.** "Normal high water line" means the line on the shore or bank of the fresh-water portion of a river at the point or elevation where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. Where the location of the normal high water line is at issue under this chapter, the district boundary map adopted by the commission shall be prima facie evidence of its location.

[PL 1979, c. 459, §1 (NEW).]

**15. Public right-of-way.** "Public right-of-way" is an improved roadway maintained for passage by motor vehicles in which the owner of fee does not control the right of passage.

[PL 1995, c. 171, §1 (AMD).]

**15-A. Service drop.** "Service drop" means any utility line extension that does not cross or run beneath any portion of a water body as long as:

A. In the case of electric service:

(1) The placement of wires or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

(2) The total length of the extension is less than 1,000 feet; or [PL 1995, c. 171, §2 (NEW).]

B. In the case of telephone service:

(1) The extension, regardless of length, is made by the installation of telephone wires to existing utility poles; or

(2) The extension requiring the installation of new utility poles or placement underground is less than 1,000 feet in length. [PL 1995, c. 171, §2 (NEW).]

[PL 1995, c. 171, §2 (NEW).]

**16. Structure.** "Structure" means any object of a significant nature constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location or in the ground,

which may include, but is not limited to, buildings, mobile homes, walls, fences, billboards, signs, piers and floats.

[PL 1979, c. 459, §1 (NEW).]

**17. Swamp.** "Swamp" means a periodically or continually wet area exceeding 1,000 square feet in area which supports tree growth.

[PL 1979, c. 459, §1 (NEW).]

**17-A. Tributary stream.** "Tributary stream" means a channel between defined banks and associated flood plain wetlands. A channel is created by the action of surface water and has 2 or more of the following characteristics.

A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5 series topographic map or, if not available, a 15-minute series topographic map. [PL 1995, c. 171, §2 (NEW).]

B. It contains or is known to contain water flowing continuously for a period of at least 3 months of the year in most years. [PL 1995, c. 171, §2 (NEW).]

C. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water. [PL 1995, c. 171, §2 (NEW).]

D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed. [PL 1995, c. 171, §2 (NEW).]

E. The channel contains aquatic vegetation and is essentially devoid of upland vegetation. [PL 1995, c. 171, §2 (NEW).]

"Tributary stream" does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water, nor does it mean a grassy swale.

[PL 1995, c. 171, §2 (NEW).]

**18. Wetlands.** "Wetlands" means marshes, bogs, swamps and other areas exceeding 1,000 square feet, periodically covered by water which exhibit predominantly aquatic vegetation.

[PL 1979, c. 459, §1 (NEW).]

## SECTION HISTORY

PL 1979, c. 459, §1 (NEW). PL 1995, c. 171, §§1,2 (AMD).

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