
TOWN OF ELIOT, MAINE

PLANNING BOARD AGENDA (REVISED)

TYPE OF MEETING: REGULAR

DATE:

Tuesday, September 4, 2018

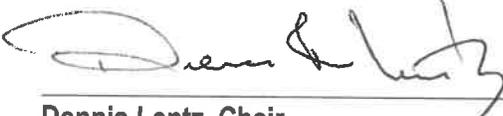
PLACE: ELIOT TOWN HALL - 1333 STATE RD.

TIME:

7:00 P.M.

PLEASE NOTE: IT IS THE POLICY OF THE PLANNING BOARD THAT THE APPLICANT OR AN AGENT OF THE APPLICANT MUST BE PRESENT IN ORDER FOR REVIEW OF THE APPLICATION TO TAKE PLACE.

- 1) ROLL CALL
- 2) PLEDGE OF ALLEGIANCE
- 3) MOMENT OF SILENCE
- 4) 10-MINUTE PUBLIC INPUT SESSION
- 5) OLD BUSINESS
 - a) Bylaws: Follow up on Revisions from Select Board
 - b) Ordinance Revisions: Priority List
 - c) Review Notice of Decision:
 1. 495 Harold L Dow Highway (Map 53/lot 6): PB18-9
- 6) NEW BUSINESS
 - a) Calendar & Submission Deadlines for 2019 Calendar Year
- 7) REVIEW AND APPROVE MINUTES
- 8) CORRESPONDENCE
- 9) UPDATES
 - a) Electronic Tracking Update
 - b) Process Update: Information
 - c) Subdivision Checklist: Revision
 - d) Response to Planning Board for Research Request: Temporary/Permanent Structures
- 10) SET AGENDA AND DATE FOR NEXT MEETING
- 11) ADJOURN



Dennis Lentz, Chair

1) GENERAL PROVISIONS

- a) Business of the Board shall be conducted in accordance with Maine State Statues, the most recent edition of The Town of Eliot Charter, Town Ordinances, as well as such Planning Board Standards or Policies as may be adopted by the Board.
- b) The Planning Board pledges to maintain professional conduct in the review of all proposals before it, and all other business deliberations.
 - i) All proposals shall be examined equally and equitably.
- c) Any question of whether a Member shall be disqualified from voting on a particular matter due to bias or conflict of interest must be decided by a majority vote of the Members present except the Member who is being challenged.
 - i) Any Member of the Planning Board who has a conflict of interest or bias with an application may voluntarily step down.
 - ii) If there is a question of a conflict of interest or bias brought by another Member of the Board, the applicant, or the public, that Member may be asked to step down after discussion and a majority vote by all Members, except the Member whose potential conflict or bias is under consideration.
- d) Those Board Members in attendance at meetings shall be expected to be knowledgeable of laws, ordinances, regulations, and Board policies and to abide by them.
- e) The most current edition of Robert's Rules of Order shall be the authority for making parliamentary decisions.
- f) The Minutes of Meetings and all writings required to be made by the Board may be kept by a professional secretary who is not a Member of the Board.
 - i) Originals of all Minutes of Meetings shall be filed with the Town Clerk.
- g) All records shall be deemed public and may be inspected at reasonable times.

2) MEMBERSHIP

- a) Appointments
 - i) Appointments to the Board shall be made by the Select Board of the Town of Eliot.
 - ii) Appointees to the Board shall be at least eighteen (18) years of age and legal residents of Eliot.
 - iii) The Board shall consist of five (5) Regular Members and two (2) Alternative Members.
 - iv) When there is permanent vacancy, the Select Board shall appoint a person to serve for the remainder of the term pursuant to the Eliot Charter.
 - v) The full term is five (5) years. The terms are staggered, but each full-term slot expires at Town Meeting.
- b) A quorum of the Board, as defined by Ordinance Governing Boards, Commission, and Committees shall be a majority of the full voting board, or three (3) Members.

- c) Attendance and Participation
 - i) All Members are expected to attend all meetings and participate fully in the general conduct of the Board.
 - ii) A Member who expects to be absent from any meetings must notify the Chair of the absence in advance for it to be considered an excused absence.
 - (1) Any Member who was absent during any meeting that the Member is being asked to vote on must state publicly for the record that the Member has read the minutes and reviewed any documents received and discussed at the missed meeting(s).

3) OFFICER MEMBERS AND THEIR DUTIES

- a) Officers of the Planning Board shall consist of The Chair, Vice Chair, and Secretary.
 - i) All officers shall be Regular Members of the Board.
 - ii) In the extraordinary circumstances of absence of all officers at a meeting, a quorum of the Board may elect a Chair pro tempore for that meeting.
- b) The Chair shall:
 - i) Preside at all meetings and hearings of the Board.
 - ii) Has the authority to appoint all committees, call special meetings, and call work sessions.
 - iii) Responsible for any communication or requests to or from another Town Board.
 - iv) Must be informed of and will coordinate all requests for information from the Board to any source inside or outside the Town of Eliot.
 - v) Will prepare the agenda for meetings.
- c) The Vice Chair shall:
 - i) Act for the Chair in the Chair's absence.
- d) The Secretary shall:
 - i) Act for the Chair and the Vice Chair in their absence.
 - ii) Attendance, alternate member voting rotation shall be kept.
 - iii) Review of draft minutes.
 - iv) **The Board reviews and approves minutes before submitted to the Town Clerk's Office.**
- e) Alternate Board Members
 - i) Shall attend all meetings and participate in the proceedings.
 - ii) May propose motions and vote only when designated by the Chair to sit for a Regular Member.
 - iii) Shall be designated to vote on a rotating basis.
 - iv) Shall not hold office.

4) ADMINISTRATION DUTIES

- a) Duties and jobs may be assigned or performed by any Board member or staff as the Board sees fit.
 - (1) Keep a record of: resolutions, transactions, correspondence, findings and determinations, and minutes for meetings of all kinds.
 - (2) Provide notice of meetings to Board Members, arrange proper and legal notice of hearings, prepare correspondences, and any other duties the Board may find necessary.
- b) Election of Officers
 - i) Nominations for office shall be made from regular voting members of the Board at the annual organizational meeting which shall be held on the first regular scheduled meeting after the annual Town meeting and the election shall follow immediately after.

- ii) A candidate receiving a majority vote of the regular voting membership of the Planning Board shall be declared elected and shall serve for one year or until their successor shall take office.
- iii) Vacancies of officers shall be immediately filled by Board election process.

5) MEETINGS

a) Organization

- i) All meetings in which official action is taken shall be open to the public.
- ii) Video streaming of all meetings shall be in accordance with the Eliot Charter.
- iii) The Chair may set time limits on public comment that will be applicable for the entire meeting
 - (1) Can be limited to a specific time overall, per individual, or both.
 - (2) The Chair will use discretion on time limits in order to promote good relations between The Board and the public.
- iv) Those providing input at public meetings and hearings are advised to observe general rules of decorum and address only the issues before the Board. Persons disrupting the proceedings may be asked to leave the room by the Chair.

b) Regular Meeting

- i) Meetings will be held on the first and third Tuesday of the month at Eliot Town Hall at the time specified on the Town calendar.
 - (1) Meetings may be rotated to various locations to enable better citizen rapport.
 - 1. There must be special attention paid to the responsibility of the notification to the Public if the meeting is to be held at other than the normal time and place.
- ii) Materials received from applicants and other interested parties will be handled in the following manner:
 - (1) The Chair will read written public comment after the application presentation but before the attending public speaks.
- iii) Public comment will be handled in the following manner at Regular Meetings:
 - (1) The Chair will recognize public comment as a specific agenda item that is open to particular concerns regarding general Board functions.
 - (2) The Chair will recognize public comment during applications before the Board that are open to particular concerns regarding the functions germane to the Board on the applications.
 - 1. Public comment on applications will be opened by the Chair after the initial presentation from the applicant but before the Chair closes public comment so the Board can deliberate directly with the applicant. Public's comment must be made to the Chair, and all questions and discussions between citizens and Board Members must be through the Chair.

c) Special Meeting

- i) The Chair or other presiding officer, upon majority of approval of the Board, may call a Special Meeting at any appropriate time, to conduct necessary Board business.

d) Emergency Meeting

- i) Shall be run in accordance with the Eliot Charter upon majority approval of the Board, and public notice shall be given as soon as possible using all means of available communication to the public and local media.

- e) Site Walks
 - i) The purpose of the site walk is for collecting information related to physical factors of a site under consideration of the Board.
 - ii) Shall be conducted like a regular meeting and decisions shall not be made during the site walk.
 - iii) The public may attend site walks but there will be no public comment or input allowed regarding the application during the site walk to any Board Member unless allowed by the Chair.
 - iv) Chair shall give verbal summary of the site walk for the record at the following meeting.
- f) Executive Sessions
 - i) Upon a concurring vote of at least three (3) members present and voting, the Board may call for an Executive Session, from which the public shall be barred. Such sessions shall be held in accordance with: MRS-Title 1, Section 405.
 - ii) Within Executive Session it shall be the Chair's responsibility to ensure that only business for which the Session was called will be discussed. The Chair shall conduct the Executive Session to ensure that compliance with the rules for Executive Session occurs.

6) PUBLIC HEARINGS

- a) When an application requires a Public Hearing, the Board shall specifically schedule a Public Hearing before a final decision is made.
- b) Notice of hearings will be provided to applicants and the public in order for them to review and prepare.
- c) Notices of hearings will be provided according to applicable ordinance requirements.
- d) The Planning Board will strive to conduct public hearings in a fair and efficient manner that permits a thorough exploration of the issues to be considered.
- e) The Chair will read written public comment that has been submitted before the attending public speaks.
- f) The Chair shall recognize individuals wanting to speak, generally beginning with the abutters and ending with any other attending member of the public. The Chair shall close the Public Hearing after all have spoken, and the Board may then resume deliberations.
- g) During the Public Hearing, all statements must be made through the Chair, and all questions and discussion between citizens and Board Members must be through the Chair.

7) WORK SESSIONS

- a) The Chair, or any presiding officer, may, with the approval of the majority of the Board, call a work session for the purpose of:
 - i) Implementing the Comprehensive Plan, addressing or amending Subdivision Regulations, addressing or amending Zoning Ordinances, addressing or amending Planning Board Bylaws, and any other work items as necessary.
- b) These sessions are open to the public.
 - i) Since the work sessions are for Board discussion, input from the public is generally limited although input from staff, Boards, the public, and groups is permitted at the discretion of the Chair, or consensus of the Board.

8) BYLAW AMENDMENTS

- a) These By-laws may be amended by a four (4) Member vote of the entire voting Membership of the Planning Board.

9) SEVERABILITY

- a) The invalidity of any section or provision of these By-laws shall not be help to invalidate any other section or provision of these By-laws.

Adopted by the vote of the Planning Board
June 10, 1980; May 1, 2018

Dennis Lentz, Planning Board Chair

Date

John Murphy, Select Board Chair

Date

Agenda Item 5.b.

Planner's List: Potential Ordinance Revisions		
Topic	Revision for Consideration/Rationale	Section(s)
Accessory & Principal Structures	Clarification of accessory and principal structures, uses and definitions	Sections 1-2; 45
Application Review Timelines	Specify process for continuing review of application past the initial time period specified in ordinances	Sections 33; 44; 45
Back Lots	Clarification on some of the standards	Section 45
Code References	Clarify and update code references and state law references throughout ordinances	Throughout ordinances
Definitions	Review use tables; update definitions where needed to meet state definitions	Sections 1-2; 45
Dimensional Standards	Correct notes and other sections of dimensional standards table for clarity purposes	Section 45
Dimensional Standards	Clarification of setback to normal high waterline or coastal bluff requirements – per Chapter 44 requirements	Section 45
Fire Protection	Fire requirements for review with PB design specifications, etc.	May be a new section: Fire Chief
Growth Permit Process	Change "application fee" to "permit fee"	Section 29
Home-Based Businesses	Streamline home-based business information to two approval paths - 1 for PB review and 1 for CEO review	Sections 1-2; 33; 45
Job Title: Planner	Change Planning Assistant role to Planner	Throughout ordinances
NOD/Date of Decision	Make more clear within each section the date of decision v. NOD date	Sections 33; 44; 45
Shoreland Zoning	Update Town ordinances to be consistent with 2015 DEP Chapter 1000 Guidelines	Sections 1-2; 44
Site Plan Review Process	Revise Section 33 for better clarity throughout process	Section 33
Uses in Use table	Personal care, such as hair dressing and nail salons, as defined in home occupation section of ordinances	Section 45
Waivers and Variances	Clarification on waiver and variance standards and processes throughout ordinances	Sections 33; 41; 45

Compiled by E. Cole Prescott, revised through 08/28/18



TOWN OF ELIOT MAINE

PLANNING OFFICE
1333 State Road
Eliot ME, 03903

To: Planning Board
From: Emily Cole Prescott, Town Planner
Date: August 28, 2018
Re: 2019 Calendar Year: Meeting Schedule & Submission Deadlines

The purpose of this memo is to review the 2019 calendar year schedule and submission deadlines, so this information may be posted and available on the Town's website for residents and business owners.

Meeting Date	Last Day to Submit Materials (by close of business: 4 PM)	Agenda/Packet Date	Type of Meeting
January 15, 2019*	December 28, 2018**	January 8, 2019	New Applications
February 5, 2019	January 22, 2019**	January 29, 2019	Administrative
February 19, 2019	February 5, 2019	February 12, 2019	New Applications
March 5, 2019	February 19, 2019	February 26, 2019	Administrative
March 19, 2019	March 5, 2019	March 12, 2019	New Applications
April 2, 2019	March 19, 2019	March 26, 2019	Administrative
April 16, 2019	April 2, 2019	April 9, 2019	New Applications
May 7, 2019	April 16, 2019	April 30, 2019	Administrative
May 21, 2019	May 7, 2019	May 14, 2019	New Applications
June 4, 2019	May 21, 2019	May 28, 2019	Administrative
June 18, 2019	June 4, 2019	June 11, 2019	New Applications
July 9, 2019*	June 18, 2019	July 2, 2019	Administrative
July 16, 2019	July 2, 2019	July 9, 2019	New Applications
August 6, 2019	July 16, 2019	July 30, 2019	Administrative
August 20, 2019	August 6, 2019	August 13, 2019	New Applications
September 3, 2019	August 20, 2019	August 27, 2019	Administrative
September 17, 2019	September 3, 2019	September 10, 2019	New Applications
October 1, 2019	September 17, 2019	September 24, 2019	Administrative
October 15, 2019	October 1, 2019	October 8, 2019	New Applications
November 5, 2019	October 15, 2019	October 29, 2019	Administrative
November 19, 2019	November 5, 2019	November 12, 2019	New Applications
December 3, 2019	November 19, 2019	November 26, 2019	Administrative
December 17, 2019	December 3, 2019	December 10, 2019	New Applications

*One meeting proposed in January 2019 because the first Tuesday of the month is New Years Day. July 9th is proposed instead of July 2nd because of the Fourth of July holiday.

**Meeting dates moved to accommodate holidays.

Snow/Unexpected Town Hall Closure: If the Town Hall is closed on the date of the "Last Day to Submit Materials" or on the "Agenda/Packet Date" the deadline date will be one day after the date listed.

Calendar for Year 2019 (United States)

January							February							March						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23	17	18	19	20	21	22	23
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April							May							June						
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14	15	16	17	18	19	20	12	13	14	15	16	17	18	9	10	11	12	13	14	15
21	22	23	24	25	26	27	19	20	21	22	23	24	25	16	17	18	19	20	21	22
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July							August							September						
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October							November							December						
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Holidays and Observances:

Holidays and Observances:

Jan 1 New Year's Day	May 5 Cinco de Mayo	Oct 31 Halloween
Jan 21 Martin Luther King Jr. Day	May 12 Mother's Day	Nov 11 Veterans Day
Feb 14 Valentine's Day	May 27 Memorial Day	Nov 28 Thanksgiving Day
Feb 18 Presidents' Day (Most regions)	Jun 16 Father's Day	Nov 29 Black Friday
Mar 17 St. Patrick's Day	Jul 4 Independence Day	Dec 24 Christmas Eve
Apr 15 Tax Day	Sep 2 Labor Day	Dec 25 Christmas Day
Apr 21 Easter Sunday	Oct 14 Columbus Day (Most regions)	Dec 31 New Year's Eve

Calendar generated on www.timeanddate.com/calendar

Planning Office Process Updates

Emily Cole Prescott

Initial Concerns

- Process Development
 - New Role of Planner working with the Planning Board
 - New Roles of Planner and Land Use Assistant working with residents and the Board
 - Agenda & Meeting Packet Processes
- Organization
 - Office Reorganization
 - Files Update and Tracking
- Follow Up
 - Contacting applicants who had previously started working with the Planning Office
- Ordinance Revisions
 - Recording ordinances that need revision
 - Reviewing where ordinances conflict or need updates to match State standards
- Public Information
 - Providing consistent updates and resources on the website

Response to Initial Concerns: Process Development

- Process Development
 - Worked with the Board to outline Planner's responsibilities through review memos, etc.
 - Collaborated with Land Use Assistant to outline responsibilities of each role, for efficiency within the office
 - Updated and maintained consistent Submission Deadlines for applicants, Board and Office to follow
 - Created new timeline to ensure meeting agenda and Board's meeting packet are electronically available one week before the Planning Board's meeting.
 - Updated the meeting packet to be disseminated in one document, with item numbers on each agenda item, for purposes of clarity.
 - Created several process documents to enhance clarity and establish a set of procedures for the office to better work with the public and the Planning Board

Response to Initial Concerns: Organization

- Organization - Planning Office
 - Reviewed remaining files and information in the Planning Office
 - Organized and filed remaining files as appropriate, in the shared documents for easy access to public records
 - Created a system of pending files for Board's review, shared with Land Use Assistant
 - On a weekly basis: clean and organize office to ensure all records are publicly available when the office is not open
- Organization - Tracking & Updating Records
 - Electronic Tracking Sheet
 - Conditions of Approval Tracking Sheet shared with Code Enforcement Officer
 - Internal Tracking Sheet for each file
 - File Closure Process

Response to Initial Concerns: Follow Up

- Follow up has been done with many applicants and residents about a number of various concerns that have come through my desk:
 - Follow up with residents on pending application matters from 2017
 - Discuss application procedures and requirements with applicants
 - Discuss ordinance requirements with residents
 - Review previous files for larger-scale projects throughout the Town (ongoing matter)
 - Host joint meetings with Planning and Code Enforcement to ensure applicants are provided with as much information as possible
 - Send agenda materials and review memos to applicants before Planning Board meetings, to provide them the opportunity to respond
 - Goal: To ensure that residents and applicants are provided with as much information upfront, before the Planning Board meeting

Response to Initial Concerns: Ordinance Revisions

- Consistently review ordinances for compliance with various standards and best practices
- Maintain list of ordinance revisions mentioned to me by others both in the offices and from the public
- Provide list of ordinance revisions and updates for consideration to Planning Board, along with timelines for ordinance revisions review
- Draft ordinance revisions for the Planning Board's and public's consideration
- Offer public comment options on what ordinances members of the public would like to have revised
- Recommend staff input level for all ordinance revision review

Response to Initial Concerns: Public Information

- A number of improvements have been made within the Planning Office to enhance access to information.
- The Planning Office maintains a record of every item received for review by the Board, both on the agenda and on the after-the-fact agenda document. Hard copies of these records are maintained in the conference room area and are available for public inspection.
- The Planning Office maintains the Planning Board and Planning Department webpages. The Office posts the agendas and minutes as well as other relevant public information pieces.
- The Planning Office posts the meeting packets the Planning Board sees to these webpages the Tuesday before every Planning Board meeting. This way, the public can view the packet while watching the live stream. This documentation is also available to view as hard copy versions in the office.
- The Planning Office also has added detailed information on the website about how to obtain relevant applications, checklists and ordinance standards.
- The Planning Office has also started a list of FAQs on the website for residents, to help explain how to use some of the resources available on the website, relative to land use matters.

Goals & Objectives

Every couple of months, I discuss progress on self-assigned goals and objectives for the role of Planner and the Planning Office. The overall vision is to ensure that the Planning Office is an asset to the Town and its residents. The primary focus has always been:

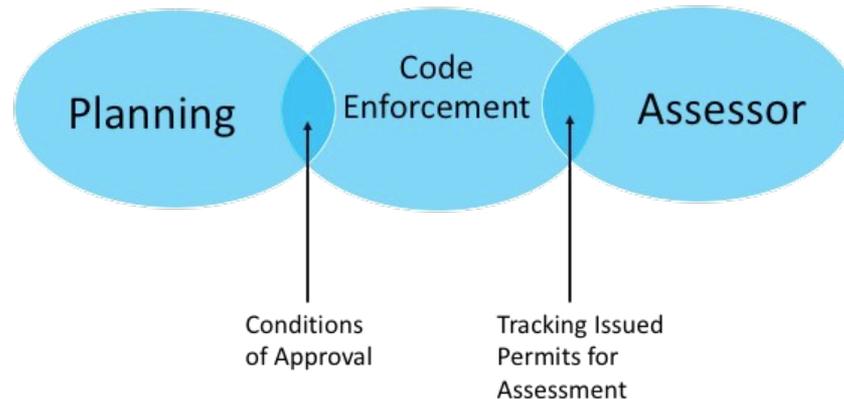
- Process
- Communication
- Collaboration
- Transparency

These goals and objectives are categorized by the above focus areas, to ensure that the Planning Office is maintaining commitment to this vision.

Next Steps

The Office continues work on enhancements that can be made to processes, working collaboratively with other departments throughout the Town. Many process enhancements will occur with ordinance revisions and clarifications.

Progress continues on building electronic, shared records between the three departments listed below, to store previously-issued decisions and current records of ongoing matters.



Mission

The Planning Office's mission is to provide exemplary customer service through process, communication, collaboration and transparency. The Office wants to hear your comments, thoughts and opinions to envision Eliot's future.



“If you fail to plan (prepare), you plan (prepare) to fail.” -Ben Franklin



TOWN OF ELIOT MAINE
 PLANNING OFFICE
 1333 State Road
 Eliot ME, 03903

To: Planning Board
 From: Emily Cole Prescott, Town Planner
 Date: July 14, 2018; revised through August 28, 2018
 Re: Response: Research on Temporary and Permanent Structures in Town Ordinances

In response to the Planning Board's request, the purpose of this memo is to provide the Board with an overview of temporary and permanent structures and uses, as found throughout relevant ordinances.

For the purpose of Site Plan Review (Section 33), the Planning Board is the reviewing authority for uses listed as "SPR" in sections 45-290 and 44-34. The CEO is generally the reviewing authority for any use in section 45-290 and 44-34 listed as "CEO". In some cases, ordinances specifically list that the Planning Board is to review aspects of the project, such as an expansion of a non-conforming structure in a shoreland zone that does not meet the setback to the water body (Section 44).

Section 1-2 does not contain a specific definition of "permanent." Section 1-2 also does not contain a specific definition of "temporary", but only refers to "temporary" as the term applies to "piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland".

For the purposes of site plan review, the Board reviews the location of structures and uses on site. Per section 33-140, any revision to the original approval requires Planning Board review; this section of the ordinance does not delineate between temporary and permanent structures or temporary or permanent structure placement.¹

Additionally, the definitions of structure in Section 1-2 specifically include temporary and permanent:

- Structure (building): *"means 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"*
- Structure (building, and within any shoreland zone governed by chapter 44): *"means anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes."*

Section 1-2 does contain a definition of seasonal, which *"means six months out of any one year period."*

The following are temporary and permanent uses that are enumerated in the ordinances²:

- Temporary piers, docks, wharves, bridges and other structures extending over or below the normal high-water line or within a wetland: The CEO is the reviewing authority for temporary docks. In this case, the definition of temporary is listed as part of the definition of piers, wharves, docks as found in section 1-2. Here is the definition of temporary, as it specifically relates to piers, docks, wharves, bridges and other structures extending over or beyond the normal high water line or within a wetland:
 - Temporary: *"Structures that remain in or over the water body for less than seven months in any period of 12 consecutive months"*

¹ It is important to note that the CEO has authority to approve uses listed as "CEO" in the above-indicated use tables.

² This memo references temporary and permanent structure definitions found in the Town's ordinances, and makes no reference to building codes or State law.

- Permanent piers, docks, wharves, bridges and other structures extending over or below the normal high-water line or within a wetland: The Planning Board is generally the reviewing authority for these structures, as delineated in section 44-34. Here is the definition of permanent, as it relates to this section of the ordinances:
 - Permanent: *"Structures that remain in or over the water for seven months or more in any period of 12 consecutive months."*

Please let me know if there is any additional information I may provide about the above.

Thank you.