

ARTICLE 7. SHORELAND ZONING

A. Purposes

The purposes of this Article are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historical resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual, as well as actual, points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

B. Authority

This Article has been prepared in accordance with the provisions of 38 M.R.S.A § 435-449.

C. Applicability

This Article applies to all land areas within two hundred and fifty (250) feet, horizontal distance, of the normal high-water lines of Duckpuddle, Gross, Havener, Kalers, Little Medomak, Medomak, ~~Mosemeadow~~ Moose Meadow, Sidensparker, and Tobias Ponds, the Medomak River, or a saltwater body; within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a coastal or freshwater non-forested wetland; and within seventy five (75) feet, horizontal distance, of the normal high-water line of a stream as defined. This Article also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland. Article 3 Section F.11.e.1 (Land Use Districts, Purpose of Districts) lists the wetlands identified by the State. On-site studies may show a need to revise this list.

D. Districts and Shoreland Zoning Map

Land Use Map and Shoreland Zoning Map of the Town of Waldoboro (see Article 3 (Land Use Districts)). The Land Use Map and Shoreland Zoning Map for the Town of Waldoboro are merely illustrative of the general location. The exact boundaries of the Shoreland Zone shall be determined by on-site inspection and measurement from the normal high-water line or upland edge of a wetland.

1. Certification of Official Shoreland Zoning Map. The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

2. Changes to the Official Shoreland Zoning Map. If amendments, in accordance with ~~Section 8~~ Article 1 Section H, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

E. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone below, shall conform to all of the applicable land use standards in Section F. The district designation for a particular site shall be determined from the Official Land Use Map of the Town of Waldoboro.

TABLE 1. LAND USES IN THE SHORELAND ZONE*, **
Please see Article 3 for definitions of land use districts

KEY TO TABLE 1:

Yes - Allowed without a permit (must comply with land use standards)

Blank - Prohibited

PB - Requires approval by the Planning Board, permit to be issued by the Code Enforcement Officer

CEO - Requires permit issued by the Code Enforcement Officer

LPI - Requires permit issued by the Local Plumbing Inspector

* Subject to specific land use standards.

** Land use #3 in the Table relates to the intertidal zone.

Abbreviations:

~~RP - Resource Protection~~

~~SP - Stream Protection~~

RP - Resource Protection

LR - Limited Residential

LC - Limited Commercial

GD - General Development

~~SP - Stream Protection~~

Commercial Fisheries / Maritimes Activities

CF/ MA - Commercial Fisheries / Maritime Activities

LAND USES	DISTRICTS					
	SP	RP	LR	LC	GD	CF/MA
1. Non-intensive recreational uses not requiring structures, such as hunting, fishing and hiking	YES	YES	YES	YES	YES	YES
2. Motorized vehicular traffic on existing roads and trails	YES	YES	YES	YES	YES	YES
3. Motorized vehicular traffic on inter-tidal <u>intertidal</u> land						
4. Forest management activities except for timber harvesting	YES	YES	YES	YES	YES	YES
5. Timber harvesting (see Article 7 F. Section 16)	YES	CEO ¹³	YES	YES	YES	YES
6. Clearing or removal of vegetation for approved construction and other allowed uses (see Article 7 F. Section 17)	CEO	CEO ¹	YES	YES	YES	YES
7. Fire prevention activities	YES	YES	YES	YES	YES	YES
8. Wildlife management practices	YES	YES	YES	YES	YES	YES
9. Soil and water conservation practices	YES	YES	YES	YES	YES	YES
10. Mineral exploration						
11. Mineral extraction including sand and gravel extraction (see Article 7 F. Section 14)						
12. Surveying and resource analysis	YES	YES	YES	YES	YES	YES
13. Emergency operations	YES	YES	YES	YES	YES	YES
14. Agriculture (see Article 7 F. Section 15)	YES	PB	YES	YES	YES	YES

Land Uses	Districts					
	SP	RP	LR	LC	GD	CF/MA
15. Aquaculture	PB	PB	PB	YES	YES	YES
16. Principal structures and uses (see Article 7 F. Section 2)						
A. One- and two-family residential	PB ⁴	PB ⁹	CEO	CEO	CEO	
B. Multi-unit residential			PB	PB	PB	
C. Commercial		¹⁰	¹⁰	PB	PB	PB ⁵
D. Industrial					PB	PB ⁵
E. Governmental and Institutional			PB	PB	PB	PB ⁵
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ⁴	PB	CEO	CEO	CEO	PB ⁵
17. Structures accessory to allowed uses (see Article 7 F Section 2)	PB ⁴	PB	CEO	CEO	CEO	CEO
18. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland (see Article 7 F. Section 3)						
A. Temporary / seasonal	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹
B. Permanent	PB	PB	PB	PB	PB	PB ⁵
19. Conversions of seasonal residences to year-round residences. Example: provision of water and septic	LPI	LPI	LPI	LPI	LPI	
20. Home occupations	CEO	CEO	CEO	CEO	CEO	CEO
21. Private sewage disposal systems for allowed uses (see Article 7 F. Section 11)	LPI	LPI	LPI	LPI	LPI	LPI
22. Essential services (see Article 7 F. Section 13)	PB ⁶	PB ⁶	PB	PB	PB	PB
A. Roadside distribution lines (34.5 kV and lower)	CEO ⁶	CEO ⁶	YES ¹²	YES ¹²	YES ¹²	YES ¹²
B. Non-roadside or cross-country distribution lines involving 10 poles or less in the shoreland zone	PB ⁶	PB ⁶	CEO	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving 11 poles or more in the shoreland zone	PB ⁶	PB ⁶	PB	PB	PB	PB
D. Other essential services	PB ⁶	PB ⁶	PB	PB	PB	PB
23. Service drops, as defined, to allowed uses	YES	YES	YES	YES	YES	YES
24. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO ₅
25. Individual private campsites	CEO	CEO	CEO	CEO	CEO	CEO
26. Campgrounds (see Article 7 F. Section 4)		⁷	PB	PB	PB	
27. Road construction (see Article 7 F. Section 8)	PB	⁸	PB	PB	PB	PB ⁵
<u>28. Land Management Roads</u>	<u>YES</u>	<u>PB</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
29. Driveway construction (see Article 7 F. Section 8)	CEO	⁸	CEO	CEO	CEO	CEO ⁵
30. Parking facilities (see Article 7 F. Section 7)		⁷	PB	PB	PB	PB ⁵
31. Marinas ⁱ⁴⁺¹⁴						
32. Filling and earthmoving of 10 or less cubic yards	CEO ¹⁵	CEO ¹⁵	YES ¹⁵	YES ¹⁵	YES ¹⁵	YES ¹⁵
33. Filling and earthmoving of >10 cubic yards	PB ¹⁵	PB ¹⁵	CEO ¹⁵	CEO ¹⁵	CEO ¹⁵	CEO ¹⁵
34. Signs (see Article 7 F. Section 9 and Article 4 Section N)	CEO	CEO	CEO	CEO	CEO	CEO
35. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
36. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
37. Uses similar to uses requiring PB approval	PB	PB	PB	PB	PB	PB

- (1) In RP not permitted within 75 feet, horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

- (2) ~~Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.~~ Removed
- (3) ~~In RP not permitted in areas so designated because of wildlife value.~~ Removed
- (4) Provided that a variance from the setback requirement is obtained from the Board of Appeals.
- (5) Functionally water-dependent uses and uses accessory to such water-dependent uses only.
- (6) See further restrictions in Article 7 Section F. 13.
- (7) Except when area is zoned for resource protection due to floodplain criteria, in which case approval is required from the Planning Board.
- (8) Only to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case approval is required from the Planning Board.
- (9) Single-family residential structures may be allowed by special exception only according to the provisions of Article 7 Section G.8., Special exceptions. Two-family residential structures are prohibited.
- (10) Except for the commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective districts.
- (11) Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
- (12) Permit not required, but owner must file a written "notice of intent to construct" with the Code Enforcement Officer.
- (13) No permit required to cut wood for personal use in conformance with ~~Article 7 Section K.16.~~ Maine Bureau of Forestry Guidelines.
- (14) Marinas are prohibited on both fresh and salt water.
- (15) Soil disturbance is prohibited within 75 feet of the normal high water line of fresh or salt water bodies and the upland edge of wetlands and within 100 feet of great ponds and rivers that flow to great ponds, except as allowed under the State codes for wells and septic systems.

F. Land Use Standards

All land use activities within the Shoreland Zone shall conform to the following provisions, if applicable.

- 1. Minimum lot standards
 - a. Lots. All lots shall comply with Article 3, Section H (Land Use Districts, Schedule of Dimensional Requirements).
 - b. Exclusions. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

- c. Opposite sides of a road. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
 - d. Lot width. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
 - e. Multiple structures. If more than one (1) residential dwelling unit or more than one (1) principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.
 - f. Reduced lot size. The Planning Board may allow subdivided development on reduced lot sizes in return for open space where the Planning Board determines that the benefits of the cluster approach will prevent the loss of natural features without increasing the net density of the development. The overall dimensional requirements including frontage and lot area per dwelling unit must be met. When determining whether dimensional requirements are met, only land areas within the Shoreland Zone shall be considered.
 - g. Common area. Each shoreland common area shall have a minimum of two hundred (200) feet of shore frontage plus an additional twenty-five (25) feet in shore frontage for each family, lot or residential dwelling unit above five (5) which has access or right of use to the shoreland common area.
 - h. Governmental, institutional, commercial or industrial per principal structure. Within the Shoreland Zone adjacent to non-tidal areas the minimum shore frontage is 300 feet.
2. Principal and accessory structures. All structures shall comply with the setback requirements of Article 3, Section H (Land Use Districts, Schedule of Dimensional Requirements) and the following:
- a. Setbacks. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds, rivers that flow to great ponds, salt water bodies, or the upland edge of a coastal wetland. The setback from a freshwater wetland shall be at least seventy-five (75) feet, horizontal distance. Exceptions: In the General Development I District the setback from the normal high-water line shall be at least twenty-five (25) feet, horizontal distance. In the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district, in which case the setback requirements specified above shall apply. Abutting a salt water body or coastal

wetland, landscaping (not to include structures) is permitted starting seventy-five (75) feet back from the normal high-water line of the water body or the upland edge of the wetland. A naturally-vegetated shoreland buffer strip must be preserved as described in Section F.17 ~~b~~(b).

Where uncertainty exists as to the exact location of the normal high-water line the Code Enforcement Officer may choose to make such a determination, or may have the determination made by a qualified professional. If the CEO's decision is unacceptable to the applicant, another determination may be sought from a mutually acceptable professional. If that determination is rejected by either party, the case shall go to the Board of Appeals. The Board may employ expert assistance. All costs, by whomever incurred, shall be borne by the applicant.

In addition:

- 1) Exemptions. The water body, tributary stream, or wetland setback provision ~~does not~~ shall neither apply to structures which require direct access to the body of water or wetland as an operational necessity, such as piers, docks, and retaining walls, nor to other functionally water-dependent uses.
- 2) Coastal Bluffs. For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, the applicant may, at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals.
- 3) Accessory Structure. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

- 4) Authorization to increase. The Planning Board is authorized to increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this Article. Instances where a greater setback may be appropriate include, but are not limited to, areas of steep slope; shallow or erodible soils, or where an adequate vegetative buffer does not exist.
- b. Height. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
- 1) Flood elevation. The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least two (2) feet above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph. (See also Floodplain Management, Article 8 Section C.6. and 7 (Floodplain Management, Applicability)).
- c. ~~The total area of all structures, parking lots and other non-vegetated surfaces within the Shoreland Zone shall not exceed twenty (20) percent of the lot or a portion thereof located within the Shoreland Zone, including land area previously developed, except in the~~ General Development Districts located adjacent to coastal wetlands and rivers that do not flow to great ponds, and Water-Dependent Commercial Fisheries/ Maritime Activities Districts, where lot coverage shall not exceed seventy (70) percent. non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.
- d. In a General Development District located adjacent to coastal wetlands, or rivers that do not flow to great ponds, or in a Commercial Fisheries/ Maritime Activities District, non-vegetated surfaces shall not exceed a total of seventy (70) percent of the portion of the lot located within the shoreland zone. For the purposes of calculating lot coverage, nonvegetated surfaces include, but are not limited to, the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

- e. Retaining walls. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill that meet all of the following conditions:
- 1) The site has been previously altered and an effective vegetated buffer does not exist;
 - 2) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - 3) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - 4) The total height of the wall(s), in the aggregate, is no more than 24 inches;
 - 5) Retaining walls are to be located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
 - 6) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - 7) A vegetated buffer area must be established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland. The buffer area must meet the following characteristics:
 - a) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - b) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - c) Only native species may be used to establish the buffer area;
 - d) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal highwater line or upland edge of a wetland;

- e) A footpath not to exceed the standards in Section F.17 (b)(2) may traverse the buffer.
 - f. Stairways. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils, provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.
3. Piers, docks, wharves, bridges and other structures extending over or beyond the normal high-water line of a water body or within a wetland, and shoreline stabilization:
- a. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section F.1(a), a second structure may be allowed and may remain as long as the lot is not further divided.
 - b. Siting. Docks or other facilities located over mudflats are permitted for commercially licensed marine-related use. Structures for private or recreational uses are prohibited over mudflats that are active or potential shellfish harvesting areas. Applicants must demonstrate that proposed structures comply with the provisions of the Maine Natural Resources Protection Act (N.R.P.A. Title 38, Section 480). Individual lot owners are encouraged to consolidate the use of docks wherever possible to minimize waterfront congestion.

New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
 - c. Appropriate soils. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
 - d. Beach areas. The location shall not interfere with existing developed or natural beach areas.
 - e. Fisheries. The facility shall be located so as to minimize adverse effects on fisheries.
 - f. Size. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the

area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.

- g. Structure prohibition on docks, wharves. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
- h. Conversion prohibition on docks, wharves. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- i. Structure height on docks, wharves. Except in the General Development District and Water-Dependent Commercial Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure; 38 M.R.S.A. § 480-C.
- j. Vegetation may be removed in excess of the standards in Section F.17 of this ordinance in order to stabilize an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible, as determined by the Planning Board.
 - 1) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the stabilization project is complete the construction equipment accessway must be revegetated.
 - 2) Revegetation must occur in accordance with Section F.20.
- k. A deck over a river may be exempted from the shoreland setback requirements if it is part of a downtown revitalization project that is defined in a project plan approved by the legislative body of the municipality, and may include the revitalization of structures formerly used as mills that do not meet the structure setback requirements, if the deck meets the following requirements:
 - 1) The total deck area attached to the structure does not exceed 700 square feet;
 - 2) The deck is cantilevered over a segment of a river that is located within the boundaries of the downtown revitalization project;
 - 3) The deck is attached to or accessory to an allowed commercial use in a structure that was constructed prior to 1971 and is located within the downtown revitalization project;

- 4) The construction of the deck complies with all other applicable standards, except the shoreline setback requirements in Section F.2;
and
 - 5) The construction of the deck complies with all other State and federal laws.
4. Campgrounds. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures, Article 5, Section G (Specific Performance Standards, Campgrounds and Tenting Grounds), and the following:
- a. Minimum size. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation and land below the normal high-water line of a water body shall not be included in calculating land area per site.
 - b. Setbacks. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond or a river flowing to a great pond and the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
5. Individual Private Campsites. Individual, private campsites for use for no more than seven (7) months per year and not associated with campgrounds are permitted provided the following conditions are met:
- a. One per lot. One campsite per lot existing on the effective date of this Article, or thirty thousand (30,000) square feet of lot area within the Shoreland Zone, whichever is less, may be permitted.
 - b. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use and the individual private campsite, separately.
 - c. Setbacks. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a great pond or river flowing to a great pond and from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
 - d. Foundations prohibited. Only one recreational vehicle shall be allowed on a campsite. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.
 - e. Vegetative clearing. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

- f. Sewage disposal plan. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
 - g. Time restriction. When a recreational vehicle, tent or similar shelter is placed on-site for more than 120 days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules, unless served by public sewage facilities.
6. Commercial and industrial uses. Commercial and industrial uses shall comply with Article 5 (Specific Performance Requirements) of this Ordinance. The following new commercial and industrial uses are prohibited within the Shoreland Zone adjacent to water bodies, great ponds, and rivers and streams which flow to great ponds:
- a. Auto washing facilities.
 - b. Auto or other vehicle service and/or repair operations, including body shops.
 - c. Chemical and bacteriological laboratories.
 - d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms.
 - e. Commercial painting, wood preserving, and furniture stripping.
 - f. Dry cleaning establishments.
 - g. Electronic circuit assembly.
 - h. Laundromats, unless connected to a sanitary sewer.
 - i. Metal plating, finishing, or polishing.
 - j. Petroleum or petroleum product storage and/or sale, except storage on the property on which the use occurs, and except for storage and sales associated with marinas.
 - k. Photographic processing.
 - l. Printing.
7. Parking areas. Parking areas shall comply with the parking standards in Article 4, Section J (General Performance Standards, Parking and Loading), and the following:

- a. Setbacks. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located, except that in the ~~Water-dependent~~ Commercial Fisheries/ Maritime Activities District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the normal high-water line or the upland edge of a wetland. The setback requirement for parking areas serving public boat launching facilities in districts other than the General Development 1 and ~~Water-dependent~~ Commercial Fisheries/ Maritime Activities Districts may be reduced to no less than fifty (50) feet, horizontal distance, from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
 - b. Size. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.
 - c. Size determination. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - 1) Typical parking space:
 - Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - 2) Internal travel aisles:
 - Approximately twenty (20) feet wide.
8. Roads and driveways. Roads and driveways shall comply with the standards in Article 4, Section ~~7.3~~ 5 (General Performance Standards, Street Access, Driveways, Street/Road Construction Standards) of this Ordinance, and the following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.
- a. Setbacks. Roads and driveways shall be set back at least one hundred (100) feet from the normal high-water line of a great pond or a river that flows to a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent.

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline, or tributary stream, ~~or wetland~~ due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this Section except for that portion of the road or driveway necessary for direct access to the structure.

- b. Existing road expansion. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body, tributary stream or wetland.
- c. New permanent roads are not allowed within the shoreland zone along Significant River Segments except:
 - 1) To provide access to structures or facilities within the zone; or
 - 2) When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by vegetation.
- d. Resource ~~p~~Protection ~~d~~District prohibition. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
- e. Slope. Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection 48 21.
- f. Standards. Road and driveway grades shall be in conformance with the standards in Article 4, Section ~~T.3~~S.14 (General Performance Standards, Street Access, Driveways, Street/ Road Construction Standards) of this Ordinance.
- g. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than twenty (20) feet.

h. Buffer strip. In order to prevent road surface drainage from directly entering water bodies, tributary streams or wetlands, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip of at least fifty (50) feet in width plus two times the average slope ~~percentage converted to feet in width~~ between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. ~~Roads~~ Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

i. Drainage facilities. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips ~~before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch~~. To accomplish this, the following shall apply:

1) Spacing. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

2) Drainage dips. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.

3) Road or driveway grade 10% or more. On road or driveway sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle down slope from a line perpendicular to the center line of the road or driveway.

4) Culverts. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

h. Maintenance. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

9. Signs. Signs shall comply with the sign standards of Article 4, Section N (General Performance Standards, Signs) and the following provisions governing the use of

- signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:
- a. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed thirty-two (32) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
 - b. Name signs are allowed, provided they shall not exceed two (2) signs per premises, and shall not exceed two (2) square feet in the aggregate.
 - c. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
 - d. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
 - e. Signs relating to public safety shall be allowed without restriction.
 - f. No sign shall extend higher than sixteen (16) feet above the ground.
 - g. Signs may be illuminated only by shielded, non-flashing lights.
10. Storm water runoff. Storm water runoff shall comply with Article 4, Section R (General Performance Standards, Storm Water Management), and the following:
- a. Minimize runoff. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural pre-development conditions. Where possible, existing natural runoff control features such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.
 - b. Maintenance. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.
11. Septic waste disposal
- a. Installation. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules). The Rules, among other requirements, include:
 - 1) Setback. The minimum setback for new subsurface sewage disposal systems shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions shall not extend closer than seventy-five (75)

feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

- 2) Holding Tank. A holding tank is not allowed for a first-time residential use in the shoreland zone.
 - 3) Replacement systems. Replacement systems shall meet the standards for replacement systems as contained in the Rules. The Rules are available for review at the Town Office.
12. Wells. All wells shall be installed in accordance with all adopted State laws, codes and regulations.
13. Essential services
- a. Location. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
 - b. Prohibited location. The installation of essential services, other than roadside distribution lines, is not ~~permitted~~ allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where ~~permitted~~ allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
 - c. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.
14. Mineral exploration and extraction. Mineral exploration and extraction, including sand and gravel extraction, is prohibited in the Shoreland Zone.
15. Agriculture
- a. Manure guidelines. All spreading ~~or disposal~~ of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture, Conservation and Forestry (formerly known as the Maine Department of Agriculture) on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. § 4201-4209).
 - b. Manure storage. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond, or a river flowing to a great pond, or within one hundred (100) feet, horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

- c. Soil tillage in excess of 40,000 square feet. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Article. Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District office.
 - d. Tilling setback. There shall be no new tilling of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond ~~or other water bodies~~; nor within seventy-five (75) feet, horizontal distance, ~~of tributary streams and wetlands from other water bodies and coastal wetlands~~; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this Article ~~and not in compliance with this provision~~, may be maintained.
 - e. Setbacks - livestock grazing. ~~After the effective date of this Article, n~~Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond, nor within seventy-five (75) feet, horizontal distance, ~~of tributary streams and wetlands~~ of other water bodies and coastal wetlands, nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities and which ~~is~~ are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the Planning Board.
16. Timber Harvesting must follow the Bureau of Forestry Option 1 guidelines in MFS Rule - Chapter 21 Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas.
- a. ~~In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:~~
 - 1. ~~) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:~~
 - a) The ground is frozen;
 - b) There is no resultant soil disturbance;
 - c) ~~The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75400t strip of land;~~
 - d) ~~There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 1/2 feet~~

~~above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and~~

~~e) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.~~

- 2 ~~Beyond the 75-foot strip referred to in Section F.16.a.1 above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 1/2 inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.~~
- b. ~~Except in areas as described in Section F.16.a. above, timber harvesting shall conform with the following provisions:~~
- 1 ~~) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:~~
 - a) ~~Within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.~~
 - b) ~~At distances greater than one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.~~
 - 2 ~~Timber harvesting operations exceeding the 40% limitation in Section F.16.b.1) above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the Planning Board's decision.~~
 - 3 ~~No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.~~
 - 4 ~~Timber harvesting equipment shall not use stream channels as travel routes except when.~~

- a) ~~Surface waters are frozen; and~~
 - b) ~~The activity will not result in any ground disturbance.~~
- 5 ~~All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.~~
- 6 ~~Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.~~

~~Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.~~

17. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section F.17 (b) below.

- a. Resource Protection District prohibition. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards—hazard trees as described in Section F.18.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

- b. Other areas. Except in areas as described in Section ~~P~~-F.17(a) above, ~~and except to allow for the development of permitted uses~~ within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or a river flowing to a great pond ~~and~~ or within a strip extending seventy-five (75) feet, horizontal distance, from any other

water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

- 1) Abutting a salt water body or coastal wetland, landscaping (not to include structures) is permitted starting seventy-five (75) feet back from the normal high water line of the water body or the upland edge of a wetland.
- 2) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline, provided that a cleared line of sight to the water through the buffer strip is not created.
- 3) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. A "well-distributed stand of trees" adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 to < 4 inches	1
4 to < 8 inches	2
8 to < 12 inches	4
12 inches or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum score of 16 per 25-foot by 50-foot rectangular area.

As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36- 24=12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

- i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;
- v) Where conditions permit, no more than 50% of the points ~~on~~in any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this Section, “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangular area. If five (5) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until five (5) saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, or 12.5 inches in circumference, measured at 4½ feet above ground level may be removed in any ten (10) year period.

Vegetation less than four (4) inches in diameter at four and one half (4 1/2) feet above ground level may be pruned and thinned provided that sufficient numbers of trees and other vegetation are retained to ensure adequate regeneration of the overstory and to retard erosion.

- 4) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except

to provide for a footpath or other permitted uses as described in paragraph ~~b.~~ and b.2 above.

- 5) Pruning of tree branches on the bottom one-third (1/3) of the tree is allowed.
- 6) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section F.20, below, unless existing new tree growth is present.

~~Section 17.b does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.~~

- c. Forty percent (40%) limitation. At distances greater than one hundred (100) feet, horizontal distance, from a great pond or a river flowing to a great pond and from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, ~~except to allow for the development of permitted uses,~~ there shall be permitted-allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, or 12.5 inches in circumference, measured at 4½ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for ~~development~~ any purpose, including, but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, twenty five (25) percent of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously ~~developed-cleared~~. This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the General Development or ~~Water-Dependent~~ Commercial Fisheries/ Maritime Activities Districts.

- d. Lawns and fields. Lawns and fields within one hundred (100) feet of any water body or wetland shall not receive fertilizers and pesticides.
- e. Reverted fields. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

18. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

- a. Hazard Trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- 1) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.
 - 2) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level, in any ten (10) year period, and/ or results in cleared opening exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.
 - 3) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
 - 4) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
 - 5) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
- b. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

- 1) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
 - i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - ii) Stumps from the storm-damaged trees may not be removed;
 - iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
 - iv) If, after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
- 2) Outside the shoreline buffer, if the removal of storm-damaged trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

19. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section F.17, provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- a. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as, but not limited to, cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section F.17 apply;
- b. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Section F.2 are not applicable;

- c. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
 - d. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of Section F.15 are complied with;
 - e. The removal of vegetation associated with brownfields or Voluntary Response Action Program (VRAP) projects, provided that the removal of vegetation is necessary for remediation activities to clean up contamination on a site in a General Development District, Commercial Fisheries and Maritime Activities District or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant to 38 M.R.S.A section 343-E, and that is located along:
 - 1) A coastal wetland; or
 - 2) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
 - f. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
 - 1) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 - 2) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools: and
 - 3) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.
 - g. The removal of vegetation associated with emergency response activities conducted by the Maine Department of Environmental Protection, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.
20. Revegetation Requirements
- a. When revegetation is required in response to violations of the vegetation standards set forth in Section F.17, to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards,

including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

- 1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was removed, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
- 2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.
- 3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
- 4) Revegetation activities must meet the following requirements for trees and saplings.
 - i) All trees and saplings removed must be replaced with native non-invasive species;
 - ii) Replacement vegetation must at a minimum consist of saplings;
 - iii) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - iv) No one species shall make up fifty (50) percent or more of the number of trees and saplings planted;
 - v) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or saplings must be planted in a location that effectively re-establishes the screening between the shoreline and structures; and
 - vi) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum of five (5) years after planting.

- 5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
 - i) All woody vegetation and vegetation under three (3) feet in height must be replaced with native non-invasive species of woody vegetation and vegetation under three (3) feet in height, as applicable;
 - ii) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - iii) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - iv) No one species shall make up fifty (50) percent or more of the number of planted woody vegetation plants; and
 - v) Survival of planted woody vegetation and vegetation under three (3) feet in height must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five (5) years.

- 6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:
 - i) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - ii) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
 - iii) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five (5) years.

21. Erosion and Sedimentation Control

Erosion and sedimentation control shall comply with the standards in Article 4, Section P (General Performance Standards, Soil Erosion and Sedimentation Control), and the following:

- a. Soil erosion plan. All activities which involve filling, grading, excavation or other similar activities which result in un-stabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - 1) Mulching, revegetation. Mulching and revegetation of disturbed soil.
 - 2) Runoff controls. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - 3) Stabilization structures. Permanent stabilization structures such as retaining walls or rip-rap.
- b. Topography and soils. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- c. Erosion controls. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- d. Exposed ground area. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of rip-rap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - 1) Mulch. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - 2) Anchoring. Anchoring the mulch with netting, pegs and twine, or other suitable method may be required to maintain the mulch cover.
 - 3) Siltation measures. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- e. Protection of drainage ways. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater and shall be stabilized with vegetation or lined with rip-rap.

22. Soils. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by ~~a~~State-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum groundwater elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.
23. Water Quality. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.
24. Archaeological Sites. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, ~~shall comply with the provisions of Article 5, Section D determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comments at least twenty (20) days prior to action being taken by the permitting authority. Permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.~~

G. Shoreland Zoning Administration

1. General. The provisions of this section shall apply to the administration of Article 7 (Shoreland Zoning).
2. Permits Required. After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use; nor shall any principal or accessory structure be built, constructed, set, installed, established, expanded, substantially altered, improved or relocated without a permit. Repairs and maintenance do not require a permit. A shoreland zoning activity permit other than a building permit shall be valid for the period of one (1) year from date of issuance. The Planning Board may extend the duration of such a permit at its discretion, not to exceed five (5) years.

Road culvert exemption. A permit is not required for the replacement of an existing road culvert as long as the replacement culvert is:

- a. Size. Not more than one (1) standard culvert size wider in diameter than the culvert being replaced;
- b. Length. Not more than twenty-five percent (25%) longer than the culvert being replaced and not longer than seventy-five (75) feet; and
- c. Erosion control. Provided that adequate erosion control measures are taken to prevent sedimentation of the water, and that the crossing does not block fish passage in the watercourse.

Archaeological excavation. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

3. Application Fees. All applications shall be accompanied by an application fee paid in cash or by check made payable by check to the Town of Waldoboro.
4. Procedure for Administering Shoreland Zoning Permits. Projects requiring a Code Enforcement Officer permit shall be subject to the provisions of Article 2 Section C.5 (Administration and Enforcement, Code Enforcement Officer Permit Required). Projects requiring Planning Board approval shall be subject to the following provisions:
 - a. Application. Every applicant for approval shall submit to the Planning Board a written application, including a scaled site plan, on a form provided by the Code Enforcement Officer.
 - b. Signed. All applications shall be signed by the owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
 - c. Dated. All applications shall be dated, and the Planning ~~Board~~ and Development Director shall note upon each application the date and time of its receipt.
 - d. Septic system permit. If the property is not served by a public sewer, the applicant shall submit a valid septic system permit or a completed application for a septic system permit, including the site evaluation approved by the plumbing inspector, whenever the nature of the proposed structure would require the installation of a subsurface disposal system.

- e. Procedure for administering permits. Within thirty-five (35) days of the date of receiving a written application, the ~~Planning Board~~ and Development Director shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specific additional material is needed to make the application complete. The Planning Board shall approve, approve with conditions, or deny all permit applications in writing within thirty-five (35) days of receiving a completed application, or within thirty-five (35) days of the public hearing, if one is held.
 - f. Burden of proof. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.
5. Review Standards. After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding, based on the information presented, that the proposed use:
- a. Safe conditions. Will maintain safe and healthful conditions;
 - b. Water pollution. Will not result in water pollution, erosion, or sedimentation to surface waters;
 - c. Wastewater. Will adequately provide for the disposal of all wastewater;
 - d. Wildlife. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - e. Shore cover. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 - f. Archaeological and historic sites. Applicant shall check with the Maine Historic Preservation Commission to verify whether the site contains any identified prehistoric or archaeological site;
 - g. Archaeological and historical resources. Will protect archaeological and historical resources as designated in the Comprehensive Plan;
 - h. Fishing. Will not adversely affect existing commercial fishing or maritime activities in a ~~Water-Dependent~~ Commercial Fisheries/ Maritime Activities District;
 - i. Floodplains. Will avoid problems associated with floodplain development and use; and
 - j. Land use standards. Is in conformance with the provisions of Article 7 Section F (Shoreland Zoning, Land Use Standards).

6. Denial or approval. If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate this Ordinance or any regulation or any State law which the municipality is responsible for enforcing.
 7. Conditions. Permits granted under this section may be made subject to reasonable conditions to ensure conformity with the purpose and provisions of this Article.
 8. Special Exceptions. In addition to the criteria specified in this Section G.5. Review Standards, the Planning Board may approve a permit for a single-family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:
 - a. No other location. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
 - b. Undeveloped lot. The lot on which the structure is proposed is undeveloped and was established and recorded in the Lincoln County Registry of Deeds before the adoption of the Resource Protection District.
 - c. Location of improvements. The proposed locations of all buildings, sewage disposal systems and other improvements are:
 - 1) Slopes. Located on natural ground slopes of less than twenty percent (20%); and
 - 2) Floodplain. Located outside the floodway of the 100-year floodplain along rivers and artificially-formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least two (2) feet above the 100-year floodplain elevation; and the development is otherwise in compliance with this Ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be one-half the width of the 100-year floodplain.
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- d. Square footage. The ground floor area-total footprint, including cantilevered or similar overhanging extensions of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
 - e. Setback. All structures, except functionally water-dependent structures, are set back from the normal high-water line or upland edge of a wetland to the greatest practical extent, but not less than one hundred feet (100), horizontal

distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate and high-value wetlands.

9. **Proof of Compliance.** After completion of the permitted construction, or land use change, the Code Enforcement Officer of the Town shall inspect the premises and if the same conforms to the original permit, issue to the permit holder a certificate of compliance, upon receipt of which said holder may enter upon the intended use of the premises.
10. **Installation of Public Utility Service.** No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the Shoreland Zone unless written authorization attesting to the validity and currency of all local permits required under this Article or any previous Article has been issued by the Code Enforcement Officer, or other written arrangements have been made between the municipal officials and the utility.