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Shoreland Zoning Ordinance, July 1, 2009

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Chapter 270: SHORELAND ZONING

[HISTORY: Adopted by the Town of Sanford 11-16-1993, as amended through 8-4-2009. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 90.

Floodplain management — See Ch. 265.

Subdivision of land — See Ch. 275.

Zoning — See Ch. 280.

§ 270-1. Purposes.

The purposes of this chapter 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 historic resources; to protect commercial fishing; to protect freshwater 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 waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

§ 270-2. Authority.

This chapter has been prepared in accordance with the provisions of Title 38 of the Maine Revised Statutes Annotated (M.R.S.A.) §§ 435 through 449.

§ 270-3. Applicability.

This chapter applies to:

- A. All land areas within 250 feet, horizontal distance, of the normal high-water line of the following ponds and rivers: the Mousam River from Estes Lake to the Shapleigh town line, Bauneg Beg Pond, the Middle Branch River from the confluence of Hay Brook to the confluence of the Mousam River, Curtis Lake, El Pond, Deering Pond, Number One Pond, Estes Lake, Littlefield Pond, Old Falls Pond, Old Fishing Pond, Picture Pond, Sand Pond and Stump Pond;
- B. All land areas within 250 feet, horizontal distance, of the upland edge of a freshwater wetland as herein defined;
- C. All land areas within 75 feet, horizontal distance, of the normal high-water line of a stream;
- D. All other land areas included within significant natural resources designated on the Shoreland Zoning Map, such as 100-year floodplains and freshwater wetlands to the extent of that resource area; and
- E. Any structure or use located on, over, or abutting a dock, wharf, pier, or other structure extending over or below the normal high-water line of a water body or within a wetland.

§ 270-4. Effective Date.

A. Effective Date of Chapter and Chapter Amendments.

- (1) This Chapter (Ordinance), which was adopted by the Town on April 22, 1975, shall not be effective unless approved by the Commissioner of the Department of Environmental

Protection. A certified copy of the Chapter, or Chapter Amendment, attested and signed by the Town Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Chapter or Chapter Amendment, within 45 days of his/her receipt of the Chapter, or Chapter Amendment, it shall be automatically approved.

- (2) Any application for a permit submitted to the Town within the 45-day period shall be governed by the terms of this Chapter, or Chapter Amendment, if the Chapter, or Chapter Amendment, is approved by the Commissioner.

B. Repeal of Municipal Timber Harvesting Regulation.

- (1) The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. § 438-B(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A. § 438-B(5), the following provisions of this Chapter are repealed:
 - (a) Table 1. Table of Land Uses, Row 3 (Forest management activities except for timber harvesting) and Row 4 (Timber harvesting) *Editor's Note: Table 1 is included at the end of this chapter;*
 - (b) § 270-14.N in its entirety; and
 - (c) § 270-16. Definitions, the definitions of "forest management activities" and "residual basal area".

§ 270-5. Availability.

A certified copy of this chapter shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this chapter shall be posted within the Town Hall.

§ 270-6. Conflicts.

Whenever a provision of this chapter conflicts with or is inconsistent with another provision of this chapter or of any other ordinance, regulation or statute administered by the Town, the more restrictive provision shall control.

§ 270-7. Amendments.

This chapter may be amended by majority vote of the Town Council. Copies of amendments, attested and signed by the Town Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within 45 days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the Town within the 45-day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner. *Editor's Note: See 38 M.R.S.A. § 435 et seq.*

§ 270-8. Zones and Official Shoreland Zoning Map.

- A. Zones. The area of the Town subject to the provisions of this chapter shall be divided into two shoreland zones, the boundaries of which intentionally embrace and overlay parts of other

official zones of the Town of Sanford.

- (1) Resource Protection Zone. The standards of the Resource Protection Zone apply to all areas designated as "Resource Protection" on the Official Shoreland Zoning Map.
 - (2) Shoreland Overlay Zone. The standards of the Shoreland Overlay Zone apply to all other shoreland areas not included within the Resource Protection Zone.
 - (3) The Shoreland Overlay Zone includes two development zones. Except as otherwise provided in this chapter, development in the General Development Shoreland Zone 1 and General Development Shoreland Zone 2, shall conform to the standards of the Shoreland Overlay Zone.
 - (a) General Development Shoreland Zone 1
 - (b) General Development Shoreland Zone 2
- B. Official Shoreland Zoning Map. The areas to which this chapter is applicable are shown on the Official Shoreland Zoning Map which is made a part of this chapter.
- C. Certification of Official Shoreland Zoning Map. The Official Shoreland Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the Code Enforcement Office.
- D. Changes to the Official Shoreland Zoning Map. If amendments, in accordance with § 270-7, are made in the zone boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within 30 days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

§ 270-9. Interpretation of zone boundaries.

- A. Unless otherwise set forth on the Official Shoreland Zoning Map, zone boundary lines are property lines, the center lines of streets, roads and rights-of-way, and the boundaries of the shoreland areas as defined herein. Where uncertainty exists as to the exact location of zone boundary lines, the Zoning Board of Appeals shall be the final authority as to location.
- B. When there is any question as to the location of the boundary of the Resource Protection Zone or Shoreland Overlay Zone, including the accuracy of mapped wetlands or mapped floodplains, the location shall be established by field determination. When a field determination of the boundary has been made by the Town, this determination shall supersede any mapped or written description of the boundary. Any property owner may submit evidence to assist the Town in determining the appropriate location for the boundary.

§ 270-10. Land use requirements.

- A. Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the zone in which it is located, unless a variance is granted.
- B. Any use permitted in an underlying zone, as specified in Chapter 280, Zoning, of the Town Code, shall be permitted in the Shoreland Overlay Zone unless specifically excluded by this chapter.
- C. All such uses shall be subject to the requirements of this chapter, including the performance standards of § 270-14.

- D. All use of land within the Resource Protection Zone shall be in conformance with the requirements of this chapter.
- E. Where any conflict exists between the requirements of this chapter and Chapter 280, Zoning, the more restrictive provision shall apply.

§ 270-11. Nonconformance.

- A. Purpose. It is the intent of this chapter to promote land use conformities, except that nonconforming conditions that existed before the effective date of this chapter or amendments thereto shall be allowed to continue, subject to the requirements set forth in this section. Except as otherwise provided in this chapter, a non-conforming condition shall not be permitted to become more non-conforming. The nonconformance provisions of this section shall apply to structures, uses, and lots within the Resource Protection and Shoreland Overlay Zones notwithstanding the nonconformance provisions of Article VII of Chapter 280, Zoning.
- B. General.
 - (1) Transfer of ownership. Nonconforming structures, lots, and uses may be transferred and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this chapter.
 - (2) Repair and maintenance. This chapter allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations that do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.
- C. Nonconforming structures.
 - (1) Expansions.
 - (a) A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with subsections (b) and (c) below.
 - (b) Legally existing non-conforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this chapter are met.
 - [1] Expansion of any portion of a structure within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.
 - [2] Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement.
 - [3] For structures located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total floor area for all portions of those structures within that 75-foot distance is 1,000 square feet, and the maximum height of any portion of a structure that is within 75 feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is 20 feet or the height of

the existing structure, whichever is greater.

[4] For structures located less than 100 feet, horizontal distance, from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total floor area for all portions of those structures within that 100-foot distance is 1,500 square feet, and the maximum height of any portion of a structure that is within 100 feet, horizontal distance, of a great pond is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland must meet the floor area and height limits of § 270-11.C(1)(b)[3]. For the purposes of § 270-11.C(1)(b), a basement is not counted toward floor area.

(c) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in § 270-11.C(2). Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure and the foundation does not cause the structure to be elevated by more than three additional feet, as measured from the uphill side of the structure, it shall not be considered to be an expansion of the structure.

(2) Relocation.

(a) A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and, provided that if the use is not connected to the public sewerage system, the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

(b) In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system (if any) and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

(c) When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

[1] Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five

trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

[2] Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

(3) Reconstruction or replacement.

- (a) Any nonconforming structure other than a dock or float which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within 18 months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this chapter. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to § 270-11.C(1)(a) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with § 270-11.C(2) above.
- (b) When the nonconforming structure in above § 270-11.C(3)(a) is less than 500 square feet in area, the request for reconstruction or replacement shall be reviewed by the Code Enforcement Officer instead of the Planning Board. The reconstruction or replacement shall comply with all other provisions of § 270-11.C(3)(a) above.
- (c) Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.
- (d) In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the Planning Board or its designee shall consider, in addition to the criteria in § 270-11.C(2) above, the physical condition and type of foundation present, if any.

(4) Replacement of docks and floats. A dock or float which is nonconforming because of its size or location may be replaced provided the replacement is no more nonconforming

than the original.

(5) Change of use of a nonconforming structure.

- (a) The use of a nonconforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland or on the subject or adjacent properties and resources than the existing use.
- (b) In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing activities and other functionally water-dependent uses.

D. Nonconforming uses.

- (1) Expansions. Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in § 270-11.C(1)(b) above.
- (2) Resumption prohibited. A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five year period.

E. Nonconforming lots.

- (1) Nonconforming lots. A nonconforming lot of record as of the effective date of this chapter or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership and that all provisions of this chapter except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Zoning Board of Appeals.
- (2) Contiguous built lots.
 - (a) If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this chapter, and if all or part of the lots does not meet the dimensional requirements of this chapter, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. §§ 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.
 - (b) If two or more principal uses or structures existed on a single lot of record on the effective date of this chapter, each may be sold on a separate lot provided that the above-referenced law and rules are complied with. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this chapter as determined by the Planning Board.
- (3) Contiguous lots, vacant or partially built.
 - (a) When two or more contiguous lots or parcels are in single or joint ownership of

record at the time of or since adoption or amendment of this chapter or any time thereafter, if any of these lots do not individually meet the dimensional requirements of this chapter or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements of this chapter.

- (b) This provision shall not apply to two or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of this chapter or any time thereafter, and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules and:

[1] Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

[2] Any lots that do not meet the frontage and lot size requirements of § 270-11.E(3)(b)[1] are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

§ 270-12. Allowed uses.

- A. Land uses allowed within the Resource Protection Zone are shown in Table 1, Land Uses in the Shoreland Zone. *Editor's Note: Table 1 is included at the end of this chapter.* Table 1 also shows those uses allowed within the Shoreland Overlay Zone. Such uses are allowed only if they are allowed in both the Shoreland Overlay Zone and the underlying zones.
- B. All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in § 270-13 and shoreland performance standards in § 270-14. *Editor's Note: Table 1 is included at the end of this chapter.* The zone designation for a particular site shall be determined from the Official Shoreland Zoning Map.

§ 270-13. Land use standards.

- A. All land use activities within the Shoreland Overlay Zone shall conform to the development controls of Chapter 280, Zoning, Article XI for the zone in which such activity is located.
- B. Lots located in the Shoreland Overlay Zone and the Resource Protection Zone shall have the following minimum shore frontage requirements:
- (1) Residential: 200 feet per dwelling unit
 - (2) Public and Private Recreational uses: 200 feet per use
 - (3) Commercial, Industrial, Governmental, or Industrial per principal structure: 300 feet
- C. 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 lots shall not be included toward calculating minimum lot area.
- D. 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.
- E. The minimum width of any portion of any lot within 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.

- F. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

§ 270-14. Shoreland performance standards.

All use of land within the Resource Protection and Shoreland Overlay Zones shall conform to the following standards:

A. Principal and accessory structures.

- (1) All new principal and accessory buildings and structures in the Resource Protection zone shall be set back at least 250 feet, horizontal distance, from rivers with undeveloped shoreline and from freshwater wetlands and great ponds which are rated medium to high value except for structures, roads, parking spaces or other regulated objects specifically allowed in that zone in which case the setback requirements specified in § 270-14.A(2) below shall apply.
- (2) All new principal and accessory buildings and structures in the Shoreland Overlay Zone shall be set back at least 75 feet, horizontal distance, from the normal high-water line of great ponds, great ponds classified GPA, other water bodies, tributary streams, or the upland edge of a wetland, with the following exceptions:
 - (a) Those areas with municipal sewage shall have a minimum setback of 50 feet.
 - (b) Littlefield Pond and Deering Pond shall have a setback of 200 feet.
 - (c) The Mousam River, from the southerly side of the Springvale Recreational Area to the northerly side of the School Street Bridge in Sanford, including the General Development Shoreland zones 1 and 2, shall have a minimum setback of 25 feet.
 - (d) In addition, the water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
 - (e) 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 80 square feet in area nor eight 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.
 - (f) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, and Shoreland zone, shall not exceed 35 feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
- (3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot 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. Accessory structures may be placed in accordance with the standards of Chapter 265, Floodplain Management, and need not meet the elevation requirements of this paragraph.

- (4) The total footprint area of all structures, parking lots and other non-vegetated surfaces within the Resource Protection Zone shall not exceed 20% of the lot or a portion thereof located within the shoreland zone, including land area previously developed. Within the Shoreland Overlay Zone, the total footprint area of all structures, parking lots and other non-vegetated surfaces shall not exceed 20% of the lot or a portion thereof, including land area previously developed, with the following exceptions:
 - (a) Within the General Development Shoreland Zone 1 (GDSZ1), the total footprint area of all structures, parking lots and other non-vegetated surfaces shall not exceed 100% of the lot or a portion thereof, including land area previously developed.
 - (b) Within the General Development Shoreland Zone 2 (GDSZ2), the total footprint area of all structures, parking lots and other non-vegetated surfaces shall not exceed 70% of the lot or a portion thereof, including land area previously developed.
- (5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) 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;
 - (c) 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;
 - (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - (e) Retaining walls are 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.
 - (f) 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
 - (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - [1] 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;
 - [2] Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

- [3] Only native species may be used to establish the buffer area;
 - [4] A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - [5] A footpath not to exceed the standards in § 270-14.O(2)(a), may traverse the buffer;
- (6) Notwithstanding the requirements stated above, stairways or similar structures to provide shoreline access in areas of steep slopes or unstable soils may be allowed with a permit from the Code Enforcement Officer, provided that the structure is limited to a maximum of four 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, 38 M.R.S.A. § 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.
- B. Piers, docks, wharfs, bridges, and other structures and uses extending over or below the normal high-water line of a water body or within a wetland.
- (1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
 - (2) The location shall not interfere with existing developed or natural beach areas.
 - (3) The facility shall be located so as to minimize adverse effects on fisheries.
 - (4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.
 - (5) Docks shall be not larger than 100 square feet in surface area and shall not extend more than 20 feet from the shoreline. Docks shall be so located as not to interfere with boating or navigation.
 - (6) Floats shall be not larger than 150 square feet in surface area and shall be so located so as not to interfere with boating.
 - (7) 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 body or wetland as an operational necessity.
 - (8) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending below the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any zone.
 - (9) New permanent piers and docks 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 Resource Protection Act, 38 M.R.S.A. § 480-C.
- C. Campgrounds. Campgrounds shall conform to the minimum requirements imposed under state licensing procedures and the following:
- (1) Campgrounds shall contain a minimum of 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.

- (2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of 100 feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA and 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- D. Individual, private campsites. Individual, private campsites not associated with campgrounds and intended for short-term recreational use are allowed provided the following conditions are met:
- (1) One campsite per vacant, undeveloped lot existing on the effective date of this chapter, or 30,000 square feet of lot area within the shoreland zone, whichever is less, may be permitted.
 - (2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100 feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA and 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
 - (3) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a temporary awning shall be attached to the recreational vehicle.
 - (4) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection Zone shall be limited to 1,000 square feet.
 - (5) 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 landowner is required.
 - (6) When a recreational vehicle, tent or similar shelter is placed on-site for more than 120 days per year, all requirements for a single-family residential structure shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless connected to public sewerage facilities.
- E. Commercial and industrial uses. The following new commercial and industrial uses are prohibited within the Shoreland Overlay Zone adjacent to great ponds classified GPA and rivers and streams which flow to great ponds classified GPA.
- (1) Auto washing facilities.
 - (2) Auto or other vehicle service and/or repair operations, including body shops.
 - (3) Chemical and bacteriological laboratories.
 - (4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms.
 - (5) Commercial painting, wood preserving, and furniture stripping.
 - (6) Dry cleaning establishments.
 - (7) Electronic circuit assembly.
 - (8) Laundromats, unless connected to a sanitary sewer.
 - (9) Metal plating, finishing, or polishing.
 - (10) Petroleum or petroleum product storage and/or sale, except storage on the same property as the use occurs and except for storage and sales associated with marinas.

- (11) Photographic processing.
- (12) Printing.
- (13) Other commercial and industrial uses involving the storage or handling of materials or chemicals similar to those involved in Subsection E(1) through (12).

F. Parking areas.

- (1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the zone in which such areas are located. The setback requirement for parking areas serving public boat launching facilities shall be no less than 50 feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- (3) The amount of parking and design of parking facilities shall comply with Chapter 280, Zoning.

G. Roads and driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features within Resource Protection and Shoreland Overlay Zones in addition to the requirements set forth in Chapter 275, Subdivision of Land:

- (1) Roads and driveways shall be set back at least 100 feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river that flows to a great pond classified GPA, and 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 road and/or driveway setback requirement shall be no less than 50 feet, horizontal distance, 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.
 - (a) On slopes of greater than 20%, the road and/or driveway setback shall be increased by 10 feet, horizontal distance, for each five percent increase in slope above 20%.
 - (b) § 270-14.G(1) does not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline 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 § 270-14.G(1) except for that portion of the road or driveway necessary for direct access to the structure.
- (2) Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.
- (3) New roads and driveways are prohibited in a Resource Protection Zone except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the zone. A road or driveway in a Resource Protection Zone may also be approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the zone. When a road or driveway is permitted in

a Resource Protection Zone, 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.

- (4) Road and driveway banks shall be no steeper than a slope of two horizontal to one vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in § 270-14.P.
- (5) Road and driveway grades shall be no greater than 10% except for segments of less than 200 feet.
- (6) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least 50 feet plus two times the average slope 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. 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.
- (7) 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 gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
 - (a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

Grade (percent)	Spacing (feet)
0 to 2	250
3 to 5	200 to 135
6 to 10	100 to 80
11 to 15	80 to 60
16 to 20	60 to 45
21 plus	40
 - (b) Drainage dips may be used in place of ditch relief culverts only where the grade is 10% or less.
 - (c) On sections having slopes greater than 10%, ditch relief culverts shall be placed at approximately a 30 degree angle downslope from a line perpendicular to the center line of the road or driveway.
 - (d) 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.
- (8) 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.

H. Signs. Signs shall conform to the standards of Chapter 280, Zoning.

I. Storm water runoff.

- (1) All new construction and development shall be designed to minimize storm water runoff

from the site in excess of the natural predevelopment 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.

- (2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.
- J. Septic waste disposal. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following:
- (1) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions shall not extend closer than 75 feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland, and
 - (2) a holding tank is not allowed for a first-time residential use in the shoreland zone.
- K. Essential services.
- (1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
 - (2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection Zone, except to provide services to a permitted use within said zone, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- L. Mineral exploration and extraction. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than 100 square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety. Mineral extraction may be allowed subject to the provisions of § 280-91 of Chapter 280, Zoning, and the following additional standards:
- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of § 270-14.L(4) below.
 - (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within 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 75 feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within 50 feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
 - (3) Within 12 months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive twelve-month period, ground levels and grades shall be established in accordance with the following:
 - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 - (b) The final graded slope shall be a slope of 2 1/2:1 or flatter.

- (c) Topsoil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (4) In keeping with the purposes of this chapter, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

M. Agriculture.

- (1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. §§ 4201-4209).
- (2) Manure shall not be stored or stockpiled within 100 feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within 75 feet, horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the Resource Protection or Shoreland Overlay Zones must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- (3) Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area within the Resource Protection or Shoreland Overlay Zones shall require a Conservation Plan to be filed with the Code Enforcement Officer. Nonconformance with the provisions of said plan shall be considered to be a violation of this chapter.
- (4) There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within 75 feet, horizontal distance, from other water bodies; or within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this chapter and not in conformance with this provision may be maintained. *Editor's Note: See 38 M.R.S.A. § 480-A et seq.*
- (5) Newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within 75 feet, horizontal distance, of other water bodies; or within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities and which is not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

N. Timber harvesting.

- (1) In a Resource Protection Zone abutting a great pond, timber harvesting shall be limited to the following:
 - (a) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line there shall be no timber harvesting, except to remove safety hazards.
 - (b) Beyond the 75-foot strip referred to in § 270-14.N(1)(a) above, timber harvesting is permitted in accordance with § 270-14.N(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.
- (2) Except in areas as described in § 270-14.N(1) above, timber harvesting shall conform to the following provisions:
 - (a) Selective cutting of no more than 40% of the total volume of trees four inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any

ten year period is permitted. In addition:

- [1] Within 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 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 clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - [2] At distances greater than 100 feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA and greater than 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 clear-cut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet they shall be at least 100 feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards, volume may be considered to be equivalent to basal area.
- (b) Timber harvesting operations exceeding the 40% limitation in § 270-14.N(2)(a) 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 chapter. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed within 14 days of the Planning Board's decision.
 - (c) No accumulation of slash shall be left within 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 feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
 - (d) Timber harvesting equipment shall not use stream channels as travel routes except when:
 - [1] Surface waters are frozen; and
 - [2] The activity will not result in any ground disturbance.
 - (e) 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.
 - (f) 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.
 - (g) 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 75 feet, horizontal distance, in width for slopes up to 10% 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 10% increase in slope, the unscarified strip shall be increased by 20 feet, horizontal distance. The provisions of this subsection 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 25 feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

O. Clearing or removal of vegetation for activities other than timber harvesting.

(1) In a Resource Protection Zone abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards. Elsewhere, in any Resource Protection Zone the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that zone.

(2) Except in areas as described in § 270-14.O(1) above, and except to allow for the development of permitted uses, within a strip of land extending 100 feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA and 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:

(a) 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 footpath not to exceed six feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

(b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation are maintained.

[1] For the purposes of § 270-14.O(2)(b), a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1,250 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 less than 4	1
4 to less than 8	2
8 to less than 12	4
12 or greater	8

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

[3] As an example, adjacent to a great pond, if a 25-foot by 50-foot plot contains four trees between two and four inches in diameter, two trees between four and eight inches in diameter, three trees between eight and twelve inches in diameter, and two trees over twelve inches in diameter, the rating score is: $(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36$ 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.

- [4] The following shall govern in applying this point system:
 - [a] The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
 - [b] Each successive plot must be adjacent to, but not overlap a previous plot;
 - [c] Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this chapter;
 - [d] Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this chapter;
 - [e] Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.
 - [5] For the purposes of § 270-14.O(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two inches in diameter at 4 1/2 feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two inches in diameter can be removed until five saplings have been recruited into the plot.
 - [6] Notwithstanding the above provisions, no more than 40% of the total volume of trees four inches or more in diameter measured at 4 1/2 feet above ground level may be removed in any ten-year period.
- (c) In order to protect water quality and wildlife habitat, existing vegetation under three 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 § 270-14.O(2) and § 270-14.O(2)(a) above.
 - (d) Pruning of tree branches on the bottom 1/3 of the tree is allowed.
 - (e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.
- (3) § 270-14.O(2) 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.
 - (4) At distances greater than 100 feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA and 75 feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten year period, selective cutting of not more than 40% of the volume of trees four inches or more in diameter measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40% calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area. In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns, and sewage disposal areas, exceed in the aggregate 25% of the lot area within the shoreland zone or 10,000 square feet, whichever is greater, including land previously cleared.
 - (5) Legally existing nonconforming cleared openings may be maintained, but shall not be

enlarged, except as allowed by this chapter.

- (6) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of § 270-14.O.

P. Erosion and sedimentation control.

- (1) All activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions and which require a permit shall also 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:
 - (a) Mulching and revegetation of disturbed soil.
 - (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - (c) Permanent stabilization structures such as retaining walls or rip-rap.
- (2) 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.
- (3) 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.
- (4) Any exposed ground area shall be temporarily or permanently stabilized within one 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 months of the initial date of exposure. In addition:
 - (a) Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established.
 - (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - (c) 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.
- (5) Natural and man-made drainageways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a 25-year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

- Q. 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 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 ground water 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.

- R. 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.
- S. 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, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least 20 days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

§ 270-15. Administration.

- A. Administering bodies and agents.
 - (1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
 - (2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. § 2691.
 - (3) Planning Board. A Planning Board shall be created in accordance with the provisions of State law.
- B. Permits required. After the effective date of this chapter, no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the zone in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this chapter shall have a copy of the permit on site while the work authorized by the permit is performed.
 - (1) A permit is not required for the replacement of an existing road culvert as long as:
 - (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
 - (b) The replacement culvert is not longer than 75 feet; and
 - (c) Adequate erosion control measures are taken to prevent sedimentation of the water and the crossing does not block fish passage in the watercourse.
 - (2) 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.
 - (3) Any permit required by this chapter shall be in addition to any other permit required by other law or chapter.
- C. Permit application.
 - (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in § 270-12.
 - (2) All applications shall be signed by an 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.

- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

D. Procedures for administering permits. The Code Enforcement Officer shall refer any permit application requiring Planning Board approval to the Planning Board for consideration. Within 35 days of the date of receiving a written application, the Planning Board shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified 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 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this chapter.

- (1) The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this chapter.
- (2) After receipt of a complete application, the Planning 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) Will maintain safe and healthful conditions;
 - (b) Will not result in water pollution, erosion, or sedimentation to surface waters;
 - (c) Will adequately provide for the disposal of all wastewater;
 - (d) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - (e) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 - (f) Will protect archaeological and historic resources as designated in the Comprehensive Plan;
 - (g) Will not adversely affect existing commercial fishing activities;
 - (h) Will avoid problems associated with floodplain development and use; and
 - (i) Is in conformance with the provisions of § 270-13, Land Use Standards.
- (3) 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 any other local ordinance, or regulation or statute administered by the municipality.

E. Special Exceptions. In addition to the criteria specified in § 270-15.D above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection zone provided that the applicant demonstrates

that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the Resource Protection zone, where the structure can be built.
 - (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the York County Registry of Deeds before the adoption of the Resource Protection zone.
 - (3) All proposed buildings, sewage disposal systems and other improvements are:
 - (a) Located on natural ground slopes of less than 20%; and
 - (b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers, 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 one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.
 - (4) The total ground-floor area, 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.
 - (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, 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 flood-plain, and its proximity to moderate-value and high-value wetlands.
- F. Expiration of permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.
- G. 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 Resource Protection or Shoreland Overlay Zones unless written authorization attesting to the validity and currency of all local permits required under this chapter or any previous ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.
- H. Appeals.
- (1) The Zoning Board of Appeals, as established by the Town Charter and organized in accordance with Chapter 280, Zoning, is authorized to hear appeals relating to the administration of this chapter in accordance with the procedures and standards of Chapter 280, Zoning.
 - (2) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least 20 days prior to action by the Board of Appeals. Any comments received from the Commissioner prior

to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

- (3) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

I. Enforcement.

- (1) Nuisances. Any violation of this Chapter shall be deemed to be a nuisance.
- (2) Code Enforcement Officer.
 - (a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this chapter. If the Code Enforcement Officer shall find that any provision of this chapter is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be filed in the Code Enforcement Office and be maintained as a permanent record.
 - (b) The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this chapter.
 - (c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.
- (3) Legal actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Town Council, or its authorized agent, upon notice from the Code Enforcement Officer, is hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this chapter in the name of the municipality. The Town Council, or its authorized agent, is hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this chapter and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
- (3) Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this chapter shall be penalized in accordance with 30-A M.R.S.A. § 4452.

§ 270-16. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

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

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

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

AQUACULTURE — The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

BASAL AREA — The area of cross section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

BASEMENT — Any portion of a structure with a floor-to-ceiling height of six feet or more and having more than 50% of its volume below the existing ground level.

BOAT LAUNCHING FACILITY — A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

BUREAU — State of Maine Department of Conservation's Bureau of Forestry.

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

CANOPY — The more or less continuous cover formed by tree crowns in a wooded area.

COMMERCIAL USE — The use of lands, buildings, or structures, other than a "home occupation", defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

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

DBH — The diameter of a standing tree measured 4 1/2 feet from ground level.

DEVELOPMENT — A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

DIMENSIONAL REQUIREMENTS — Numerical standards relating to spatial relationships, including but not limited to setback, lot area, shore frontage and height.

DISABILITY — Any disability, infirmity, malformation, disfigurement, congenital defect or mental

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

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

DRIVEWAY — A vehicular access-way less than 500 feet in length serving two single-family dwellings or one two-family dwelling, or less.

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

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

EXPANSION OF A STRUCTURE — An increase in the floor area or volume of a structure, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses.

EXPANSION OF USE — The addition of one or more months to a use's operating season or the use of more floor area or ground area devoted to a particular use.

FAMILY – One or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit housekeeping unit. A community living facility, defined as a state-licensed housing facility for eight or fewer persons in need of and receiving social services, such as but not limited to mentally handicapped or developmentally disabled persons, living as a housekeeping unit shall also be considered to house a single family.

FLOODWAY — The area defined on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps or, if not shown, the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot in height.

FLOOR AREA — The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure, such as porches and decks.

FORESTED WETLAND — A freshwater wetland dominated by woody vegetation that is six meters (approximately 20 feet) tall or taller.

FOREST MANAGEMENT ACTIVITIES — Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

FOREST STAND — A contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

FOUNDATION — The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

FRESHWATER WETLAND

- A. Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:
 - (1) Of 10 or more contiguous acres, or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
 - (2) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.
- B. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

FUNCTIONALLY WATER-DEPENDENT USES — Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that cannot be located away from these waters. The uses include but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

GREAT POND — Any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres except, for the purposes of this chapter, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

GREAT POND CLASSIFIED GPA — Any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A § 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

GROUND COVER — Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

HARVEST AREA — The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

HEIGHT OF A STRUCTURE — The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

HOME OCCUPATION — An occupation conducted in a dwelling unit, provided that:

- A. No person other than a member of the family residing on the premises shall be engaged in such occupation; and
- B. The use of the premises for the home occupation shall be clearly incidental and

subordinate to its use for residential purposes by its occupants; and

- C. There shall be no change in the outside appearance of the building or premises or any visible evidence of the conduct of such home occupation other than one sign, not exceeding six square feet in area, non-illuminated and mounted flat against the wall of the residence; and
- D. No traffic shall be generated by such home occupation in greater volumes than would primarily be expected in the neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard; and
- E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the home occupation is conducted in a detached one-family dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage of the premises; and
- F. There shall be no stock-in-trade regularly maintained or any new commodity sold on the premises; and
- G. The following are specifically excluded as home occupations: convalescent or nursing home, tourist home, animal hospital, restaurant, doctors' and dentists' offices, small engine repair, and automotive tune-up.

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

INDIVIDUAL, PRIVATE CAMPSITE — An area of land which is not associated with a campground but which is developed for repeated camping by only one group not to exceed 10 individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fireplace, or tent platform.

INDUSTRIAL — The assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals.

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

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

LICENSED FORESTER — A forester licensed under 32 M.R.S.A. Chapter 76.

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

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

MARKET VALUE — The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

MINERAL EXPLORATION — Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

MINERAL EXTRACTION — Any operation within any 12 month period which removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and transports the product removed away from the extraction site.

MINIMUM LOT WIDTH — The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

MULTI-UNIT RESIDENTIAL — A residential structure containing three or more residential dwelling units.

NATIVE — Indigenous to the local forests.

NONCONFORMING BUILDING OR STRUCTURE — A structure that does not meet one or more of the following dimensional requirements: the minimum setback, maximum lot coverage, or maximum height standards of the zone in which it is located. It is allowed solely because it was in lawful existence at the time this chapter or subsequent amendment took effect.

NONCONFORMING CONDITION — Nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this chapter or subsequent amendment took effect.

NONCONFORMING LOT — A single lot of record which, at the effective date of adoption or amendment of this chapter, does not meet the lot area, frontage, or width requirements of the zone in which it is located.

NONCONFORMING USE — Use of buildings, structures, premises, land or parts thereof which is not allowed in the zone in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this chapter or subsequent amendments took effect and, if established after 1953, which has been issued a valid certificate of occupancy.

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

PERSON — An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

PIERS, DOCKS, WHARFS, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING

OVER OR BEYOND THE NORMAL HIGH-WATER LINE OR WITHIN A WETLAND

- A. Temporary: structures which remain in or over the water for less than seven months in any period of 12 consecutive months.
- B. Permanent: structures which remain in or over the water for seven months or more in any period of 12 consecutive months.

PRINCIPAL STRUCTURE — A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

PRINCIPAL USE — A use other than one which is wholly incidental or accessory to another use on the same premises.

PUBLIC FACILITY — Any facility, including but not limited to buildings, property, recreation areas, and roads, which is owned, leased, or otherwise operated or funded by a governmental body or public entity.

RECENT FLOODPLAIN SOILS — The following soil series as described and identified by the National Cooperative Soil Survey:

- A. Fryeburg.
- B. Lovewell.
- C. Alluvial.
- D. Podunk.
- E. Suncook.
- F. Hadley.
- G. Medomak.
- H. Cornish.
- I. Rumney.
- J. Sunday.
- K. Limerick.
- L. Ondawa.
- M. Charles.
- N. Saco.
- O. Winooski.

RECREATIONAL FACILITY — A place destined and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

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

REPAIRS — Activities intended to restore an existing building or structure to a sound condition without changing the size or use of the building or structure. Repairs do not include:

- A. An enlargement of the building or structure.
- B. The enclosing of decks, porches, and similar areas.
- C. The reconstruction of a building or structure which has been damaged, destroyed, or removed.
- D. The modification of structural elements of the building or structure unless required to comply with Code requirements.

REPLACEMENT SYSTEM — A system intended to replace:

- A. An existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure; or
- B. Any existing overboard wastewater discharge.

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

RESIDUAL BASAL AREA — The average of the basal area of trees remaining on a harvested site.

RESIDUAL STAND — A stand of trees remaining in the forest following timber harvesting and related activities.

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

RIVER — A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

ROAD — A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles excluding a driveway as defined.

SERVICE DROP — Any utility line extension which does not cross or run beneath any portion of a water body, provided that:

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

SETBACK — The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

SHORE FRONTAGE — The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

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

SHORELINE — The normal high-water line, or upland edge of a freshwater wetland.

SKID ROAD OR SKID TRAIL — A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

SLASH — The residue, e.g., treetops and branches, left on the ground after a timber harvest.

STREAM — A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5-minute series topographic map or, if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

STRUCTURE - Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, 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.

SUBSTANTIAL START — Completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

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

SUSTAINED SLOPE — A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

TIMBER HARVESTING — The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to § 270-14.O, *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

TRIBUTARY STREAM — A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" as defined elsewhere in this chapter, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

UPLAND EDGE OF A WETLAND — The boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six meters (approximately 20 foot) tall or taller.

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

VOLUME OF A STRUCTURE — The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

WATER BODY — Any great pond, river or stream.

WATER CROSSING — Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

WETLAND — See "freshwater wetland."

WOODY VEGETATION — Live trees or woody, non-herbaceous shrubs.

SHORELAND ZONING
270 Attachment 1

Table 1
Land Uses in the Shoreland Zone

Land Uses	Zones		
	Resource Protection	Shoreland Overlay	General Development Shoreland Zones 1 & 2
Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	Yes	Yes	Yes
Motorized vehicular traffic on existing roads and trails	Yes 9	Yes	Yes
Forest management activities except for timber harvesting	Yes	Yes	PB
Timber harvesting	CEO	Yes	CEO
Clearing or removal of vegetation for activities other than timber harvesting	CEO 1	Yes	PB
Fire prevention activities	Yes	Yes	Yes
Wildlife management practices	Yes	Yes	Yes
Soil and water conservation practices	Yes	Yes	Yes
Mineral exploration	Yes 2	Yes 2	PB
Mineral extraction including sand and gravel extraction	PB 3	PB	PB
Surveying and resource analysis	Yes	Yes	Yes
Emergency operations	Yes	Yes	Yes
Agriculture	PB	PB	PB
Aquaculture	PB	PB	PB
Principal structures and uses			
A. One and two-family residential, including driveways	No 8	See Note 7	No
B. Multi-family residential	No	See Note 7	PB
C. Commercial	No 10	See Note 7	PB
D. Industrial	No	See Note 7	PB
E. Governmental and institutional	No	See Note 7	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB	See Note 7	PB
Structures accessory to allowed uses	CEO	CEO	CEO
Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland			
A. Temporary	CEO 11	CEO 11	CEO 11
B. Permanent	PB	PB	PB

Conversions of seasonal residences to year-round residences	No	CEO	No
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Land Uses	Zones		
	Resource Protection	Shoreland Overlay	General Development Shoreland Zones 1 & 2
Home occupations	PB	CEO	PB
Private sewage disposal systems for allowed uses	No 8	LPI	No
Essential services	PB 4	PB	PB
A. Roadside distribution lines (34.5kV and lower)	PB 4	Yes 12	PB
B. Non-roadside or cross-country distribution lines involving 10 poles or less in the shoreland zone	PB 4	PB	PB
C. Non-roadside or cross-country distribution lines involving 11 or more poles in the shoreland zone	PB 4	PB	PB
D. Other essential services	PB 4	PB	PB
Service drops, as defined, to allowed uses	Yes	Yes	Yes
Public and private recreational areas involving minimal structural development	PB	CEO	PB
Individual, private campsites	CEO	CEO	No
Campgrounds	No 5	PB	No
Road construction	No 6	PB	PB
Parking facilities	No 5	PB	PB
Marinas	No	PB	PB
Filling and earth moving of less than 10 cubic yards	CEO	Yes	CEO
Filling and earth moving of greater than 10 cubic yards	PB	CEO	PB
Signs	Yes	Yes	Yes
Uses similar to allowed uses	PB	PB	PB
Uses similar to uses requiring a CEO permit	CEO	CEO	CEO
Uses similar to uses requiring a PB permit	PB	PB	PB

Notes:

1	In RP not allowed within 75 feet, horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
2	Requires permit from the Codes Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3	In RP not permitted in areas so designated because of wildlife value.
4	See further restrictions in § 270-14K(2).
5	Except when area is zoned for Resource Protection due to floodplain criteria, in which case a permit is required from the PB.
6	Except as provided in § 270-14G(3)
7	As permitted in the underlying zone.
8	The Planning Board may issue a permit for the construction of a single-family home in accordance with the provisions of § 270-16E, Special Exceptions. Two-family residential structure are prohibited.
9	Unless motorized vehicle use is restricted or prohibited by local ordinance.
10	Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
11	Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
12	Permit not required but must file a written "notice of intent to construct" with CEO.
KEY	Yes - Allowed (no permit required but must comply with applicable standards)
	No - Prohibited
	PB - Requires Planning Board permit
	CEO - Requires permit from Codes Enforcement Officer
	LPI - Requires permit from Local Plumbing Inspector