

SECTION 13 SHORELAND ZONING

13.1 Purposes

The purposes of this Section 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 and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

13.2 Authority

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

13.3 Applicability

This Section applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river, or upland edge of a wetland, and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

This Section also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

13.4 Effective Date of Ordinance and Ordinance Amendments

This Section, which was adopted by the City Council on _____, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of this Section or Section amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Section or Section amendment, within 45 days of his/her receipt of the Section, or Section amendment, it shall be automatically approved.

Any application for a permit submitted to the municipality within the 45-day period shall be governed by the terms of this Section, or Section amendment, if the Section, or Section amendment, is approved by the Commissioner.

13.5 Amendments

Copies of amendments to this Section attested and signed by the Municipal Clerk shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the City Council 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 municipality within the 45-day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

13.6 Districts and Zoning Map

The area to which this Section is applicable is hereby divided into the following districts as shown on the Official Zoning Map.

1. Resource Protection
2. Shoreland District
3. Shoreland Overlay District
4. Shoreland Overlay Limited Residential District

13.7 Table of Land Uses

All land use activities in the Resource Protection District, Shoreland District, Shoreland Overlay District and Shoreland Overlay Limited Residential District shall be governed by the uses set in the Land Use Table and the dimensional requirements in the Dimensional Requirements Table and shall conform to all of the applicable performance standards in this Ordinance.

All land use activities in the Central Business Shoreland Overlay District and the Cobbossee Corridor Shoreland Overlay District shall be governed by the uses set forth for the Central Business District in the Land Use Table and the dimensional requirements in the Dimensional Requirements Table and conform to all of the applicable performance standards in this Ordinance.

13.8 Land Use Standards

All land use activities within the shoreland zone shall conform to the following provisions, if applicable.

13.8.1 Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than 2 lots shall not be included toward calculating minimum lot area.

13.8.2 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.

13.8.3 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.

13.8.4 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.

13.9 Principal and Accessory Structures

13.9.1. All new principal and accessory structures shall be set back at least 100 feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds 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. In the Resource Protection District, the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

13.9.2 The water body, tributary stream, or wetland setback provision shall not 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.

13.9.3 All principal structures along Significant River Segments as listed in 38 M.R.S.A. Section 437 shall be set back a minimum of 125 feet, horizontal distance, from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.

13.9.4 On a nonconforming lot of record on which only a residential structure exists, and where 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 or 8 feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

13.9.5 The lowest floor elevation or openings of all buildings and structures, including basements, shall be 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. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

13.9.6.The total footprint area of all structures, parking lots and other non-vegetated surfaces within the shoreland zone shall not exceed 20% of the lot or a portion thereof.

13.9.7 Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of 4 feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

13.10. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

13.10.1 Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

13.10.2 The location shall not interfere with existing developed or natural beach areas.

13.10.3 The facility shall be located so as to minimize adverse effects on fisheries.

13.10.4 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 in non-tidal waters shall not be wider than 6 feet for non-commercial uses.

13.10.5 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.

13.10.6 New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

13.10.7 No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

13.10.8 Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed 20 feet in height above the pier, wharf, dock or other structure.

13.11 Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

13.11.1 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.

13.11.2 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.

13.12 Individual Private Campsites

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

13.12.1 One campsite per lot existing on the effective date of this Ordinance, or 30,000 square feet of lot area within the shoreland zone, whichever is less, may be permitted.

13.12.2 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.

13.12.3 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 canopy shall be attached to the recreational vehicle.

13.12.4 The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to 1000 square feet.

13.12.5 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 land owner shall be required.

13.12.6 When a recreational vehicle, tent or similar shelter is placed on-site for more than 120 days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

13.13 Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

13.13.1 Auto washing facilities

13.13.2 Auto or other vehicle service and/or repair operations, including body shops

13.13.3 Chemical and bacteriological laboratories

13.13.4 Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

13.13.5 Commercial painting, wood preserving, and furniture stripping

13.13.6 Dry cleaning establishments

13.13.7 Electronic circuit assembly

13.13.8 Laundromats, unless connected to a sanitary sewer

13.13.9 Metal plating, finishing, or polishing

13.13.10 Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas

13.13.11 Photographic processing

13.13.12 Printing

13.14 Parking Areas

13.14.1 Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located.

13.14.2 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.

13.14.3 In determining the appropriate size of proposed parking facilities, the following shall apply:

14.14.3.1 A parking space shall be a minimum of 10 feet wide and 20 feet long, except that parking spaces for a vehicle and boat trailer shall be 40 feet long.

13.14.3.2 Internal travel aisles shall be 20 feet wide.

13.15 Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

13.15.1 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 a 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.

13.15.1.1 On slopes of greater than 20% the road and/or driveway setback shall be increased by 10 feet, horizontal distance, for each 5% increase in slope above 20%.

13.15.1.2 These provisions shall not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream 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 these requirements except for that portion of the road or driveway necessary for direct access to the structure.

13.15.2 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.

13.15.3 New permanent roads are not allowed within the shoreland zone along Significant River Segments except:

13.15.3.1 To provide access to structures or facilities within the zone; or

13.15.3.2 When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

13.15.4 New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant approval to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District 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.

13.15.5 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 control contained in this section.

13.15.6 Road and driveway grades shall be no greater than 10% except for segments of less than 200 feet.

13.15.7 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.

13.15.8 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:

13.15.8.1 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)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

13.15.8.2 Drainage dips may be used in place of ditch relief culverts only where the grade is 10% or less.

13.15.8.3 On sections having slopes greater than 10%, ditch relief culverts shall be placed at approximately a 30-degree angle down slope from a line perpendicular to the centerline of the road or driveway.

13.15.8.4 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.

13.15.9 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.

13.16 Septic Waste Disposal

13.16.1 All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) 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 b) a holding tank shall not be allowed for a first-time residential use in the shoreland zone.

13.17 Agriculture

13.17.1 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. Sections 4201-4214).

13.17.2 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 shoreland zone shall be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

13.17.3 Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Nonconformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

13.17.4 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 nor within 25 feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

13.17.5 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 and coastal wetlands; nor 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.

13.18 Timber Harvesting

13.18.1 In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:

13.18.1.1 Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:

13.18.1.1.1 The ground is frozen;

13.18.1.1.2 There is no resultant soil disturbance;

13.18.1.1.3 The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;

13.18.1.1.4 There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and

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

13.18.1.2 Beyond the 75-foot strip, timber harvesting shall be permitted in accordance with Section 13.18.2 below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 ½ feet above ground level be reduced to less than 30 square feet per acre.

13.18.2. Except in areas as described in Section 13.18.1, timber harvesting shall conform to the following provisions:

13.18.2.1 Selective cutting of no more than 40% of the total volume of trees 4 inches or more in diameter measured at 4 ½ feet above ground level on any lot in any 10-year period shall be permitted. In addition:

13.18.2.1.1 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 clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

13.18.2.1.2 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 clearcut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5000 square feet they shall be at least 100 feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

13.18.2.2 Timber harvesting operations exceeding the 40% limitation above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within 14 days of the Planning Board's decision.

13.18.2.3 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 4 feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

13.18.2.4 Timber harvesting equipment shall not use stream channels as travel routes except when:

13.18.2.4.1 Surface waters are frozen; and

13.18.2.4.2 The activity will not result in any ground disturbance.

13.18.2.5 All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

13.18.2.6 Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

13.18.2.7 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% percent increase in slope, the unscarified strip shall be increased by 20 feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than 25 feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

13.19 Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

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

13.19.2 Except in areas as described 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:

13.19.2.1 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 6 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.

13.19.2.2 Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section

13.19.2.2. 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 area (1250 square feet) as determined by the following rating system.

Diameter of Tree at 4 ½ Feet Above Ground Level (inches)	Points
2 - < 4 in.	1
4 – <8 in.	2
8-< 12 in.	4
12 in. or greater	8

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.

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

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

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

The following shall govern in applying this point system:

13.19.2.2.1 The 25-foot by 50-foot rectangular plots shall be established where the landowner or lessee proposes clearing within the required buffer;

13.19.2.2.2 Each successive plot shall be adjacent to, but not overlap a previous plot;

13.19.2.2.3 Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by this Section;

13.19.2.2.4 Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance.

13.19.2.2.5 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.

For the purposes of Section 13.19.2.2, "other natural vegetation" is defined as retaining existing vegetation under 3 feet in height and other ground cover, and retaining at least 5 saplings less than 2 inches in diameter at 4 ½ feet above ground level for each 25-foot by 50-foot rectangle

area. If 5 saplings do not exist, no woody stems less than 2 inches in diameter shall be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees 4 inches or more in diameter, measured at 4 ½ feet above ground level, shall be removed in any 10-year period.

13.19.2.3 In order to protect water quality and wildlife habitat, existing vegetation under 3 feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses.

13.19.2.4 Pruning of tree branches on the bottom 1/3 of the tree shall be allowed.

13.19.2.5 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.

Section 13.19.2 shall 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.

13.19.3 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 greater than 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 10-year period, selective cutting of not more than 40% of the volume of trees 4 inches or more in diameter, measured 4 ½ 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.

13.19.4 Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

13.19.5 Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 13.19.

13.20 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.

13.21 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.

13.22 Archaeological Site

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.

13.23 Shoreland Overlay, Limited Residential Building Envelope, Access and Slope Standards

13.23.1. Building envelope areas in the Shoreland Overlay Limited Residential District (not lot size) shall be a minimum of (100' x 100') square feet with sustained slopes of 20% or less. Building envelope area does not refer to building footprint or lot size. Access roads and drives to building envelopes shall not traverse terrain with sustained slopes of 20% or more. The Shoreland Overlay Limited Residential District includes areas other than those in the Resource Protection, Shoreland, or Shoreland Overlay Districts. Development within this district shall consider a combination of Shoreland Zoning Performance Standards in this Section of the Ordinance and the land use table and dimensional requirements of this Ordinance.

13.24 Special Exceptions

In addition to the criteria specified in this Section, excepting structure setback requirements, the Planning Board may approve a permit for a single-family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

13.24.1 There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

13.24.2 The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

13.24.3 All proposed buildings, sewage disposal systems and other improvements are:

13.24.3.1 Located on natural ground slopes of less than 20%; and

13.24.3.2 Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps.

13.24.3.2.1 All buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with the Floodplain Management Section.

13.24.3.2.2 If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year floodplain.

13.24.4 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.

13.24.5 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 floodplain, and its proximity to moderate-value and high-value wetlands.

13.25 Installation of Public Utility Service

A public utility, water district, sanitary district or any utility company of any kind shall not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this 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.